

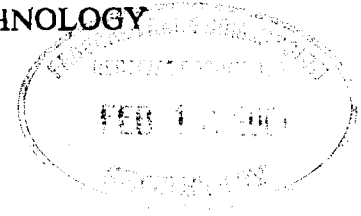


UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-

FACSIMILE COVER SHEET

CENTER FOR STANDARDS AND CERTIFICATION INFORMATION
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

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FOR:
*Neil
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FAX:
202.326.3259

DATE: February 9, 2001

PAGES 5

TO: JAMES G. MILLS, FEDERAL TRADE COMMISSION
FAX: 202/326-2190

FROM: A. DIANE LAY *edl*
NATIONAL CENTER FOR STANDARDS AND
CERTIFICATION INFORMATION

MESSAGE: RE: "16 CFR PART 303—TEXTILE RULE 8 COMMENT—
P948404."

ATTACHED FOR YOUR CONSIDERATION ARE COMMENTS RECEIVED FROM THE EUROPEAN COMMISSION ENQUIRY POINT CONCERNING THE PROPOSED RULE ON FIBER (VOL. 65, *FEDERAL REGISTER*, NOVEMBER 17, 2000).

THE PROPOSED RULE WAS NOTIFIED TO THE WORLD TRADE ORGANIZATION (WTO) SECRETARIAT AS PART OF U.S. RESPONSIBILITIES UNDER THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE (COPY OF THE NOTIFICATION IS ATTACHED). AS THE U.S. NATIONAL INQUIRY POINT UNDER THE AGREEMENT, WE ARE RESPONSIBLE FOR NOTIFYING THIS TYPE OF PROPOSED RULE TO THE SECRETARIAT.

WE WOULD APPRECIATE YOUR ACKNOWLEDGING RECEIPT OF THE COMMENTS DIRECTLY TO THE EUROPEAN COMMISSION (CONTACT INFORMATION ON FAX COVER). IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE CONTACT ME AT: 301/975-5634.

REGARDS

NIST



EUROPEAN COMMISSION
ENTERPRISE DIRECTORATE-GENERAL

Single market, regulatory environment, industries under vertical legislation
Notifications and infringements.

Brussels, **01422** 05.02.2001
ENTR/F/2/SL/nv D(01) 725105

FAX

To: USA TBT Enquiry Point **0013019261559**

Copies :

Ms Nicora, EC Delegation, Geneva **0041227342236**

Mr Claridge, DG TRADE **91651**

Mr Jenkinson, DG ENTR/G/1 **53877**

Mme Tachmintzis, DG ENTR/E/5 **69638**

From: Sabine Lecrenier **Telephone:** (+32-2)295.57.38
EC-TBT Enquiry Point

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E-mail : ec-tbt@cec.eu.int

Number of pages: 1 + 1

Subject: EC comments to G/TBT/notif. 00/580

Message:

Dear Sir or Madam,

Please find attached EC comments to the above mentioned notification.

I should be grateful to receive your position.

Yours faithfully,

Sabine Lecrenier
Sabine Lecrenier

FEB - 5 2001

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S:\F2\Commen\Secretariat\Procédure TBT\ibt\NOTIFIC\Comments\comments sent 2001\00-580 fibre name syterra page de couverture.doc

*Rec'd
2/8/01
all*

Subject: TBT notification 00/580 – Designation of a new generic fibre name in the US "synterra".

The European Community wishes to comment on the US proposal for amending Rule 7 of the Rules and Regulations under the Textile Fiber Products Identification Act ("Textile Rules," 16 CFR 303.7) to designate a new generic fibre name and establish a new generic fibre manufactured by Cargill Dow, LLC, of Minnetonka, Minnesota.

Cargill Dow suggested the name "synterra" for the fibre, which it described as polyactic acid or polyactide, and referred to as "PLA." As to the designation of a new generic fibre name, no negative impact on trade and commerce is expected. As the labelling of the fibre composition in textile products is already mandatory in the US, the amendment would impose no additional obligations. On the contrary, it would allow companies to use a new generic name for a new fibre that may not appropriately fit within the current names and definitions. Thus, there are no reservations as to the designation of a new generic name.

Nevertheless, the European Community would propose further reflection on the name « synterra » itself. European industry argues that the new generic name « synterra » lacks sufficient reference to the chemical composition of the fibre or to physical properties. Instead, it gives the impression of being a commercial trade name.

A qualitative and quantitative analysis method to determine the fibre in textile blends is very important and has not been supplied. This means that it might prove difficult in future checks on the market to control whether labelling with this fibre name is correctly carried out as the fibre might not be identifiable.

The European Community would kindly request a reply on the above points.

WORLD TRADE

ORGANIZATION

DEC 8 2000

G/TBT/Notif.00/580

7 December 2000

(00-5312)

Committee on Technical Barriers to Trade

Original : English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>UNITED STATES</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Federal Trade Commission (28) Agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Fibre
5.	Title, number of pages and language(s) of the notified document: Rules and Regulations Under the Textile Fibre Products Identification Act (7 pages, English)
6.	Description of content: The Federal Trade Commission solicits comments as to whether to amend Rule 7 of the Rules and Regulations under the Textile Fiber Products Identification Act ("Textile Rules," 16 CFR 303.7) to designate a new generic fiber name and establish a new generic fiber definition for a fiber manufactured by Cargill Dow, LLC, of Minnetonka, Minnesota. Cargill Dow suggested the name "synterra" for the fiber, which it described as polylactic acid or polylactide, and referred to as "PI.A."
7.	Objective and rationale, including the nature of urgent problems where applicable: To use the generic names of the fibers contained in their textile fiber products in making required fiber content on labels.
8.	Relevant documents: 65 FR 69486, 17 November 2000; 16 CFR Part 303. Will appear in the Federal Register when adopted.
9.	Proposed date of adoption: To be determined Proposed date of entry into force:
10.	Final date for comments: 29 January 2001
11.	Texts available from: National enquiry point [X] or address, e-mail and telefax number of the other body: http://www.access.gpo.gov/nara/index.html

69486

FIRST/NOTICE 00.580

Proposed Rules

Federal Register

Vol. 66, No. 223

Friday, November 17, 2000

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 303

Rules and Regulations Under the Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission ("Commission") solicits comments as to whether to amend Rule 7 of the Rules and Regulations Under the Textile Fiber Products Identification Act ("Textile Rules," 16 CFR 303.7) to designate a new generic fiber name and establish a new generic fiber definition for a fiber manufactured by Cargill Dow, LLC ("Cargill Dow"), of Minnetonka, Minnesota. Cargill Dow suggested the name "synterra" for the fiber, which it described as polylactic acid or polylactide, and referred to as "PLA."

DATES: Comments will be accepted through January 29, 2001.

ADDRESSES: Comments should be submitted to: Office of the Secretary, Federal Trade Commission, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Comments should be identified as "16 CFR Part 303—Textile Rule 8 Comment—P948404."

FOR FURTHER INFORMATION CONTACT: James C. Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580; (202) 326-3035, FAX: (202) 326-2190, <<jmills@ftc.gov>>.

SUPPLEMENTARY INFORMATION:

I. Background

Rule 6 of the Textile Rules (16 CFR 303.6) requires manufacturers to use the generic names of the fibers contained in their textile fiber products in making required fiber content on labels. Rule 7 (16 CFR 303.7) sets forth the generic names and definitions that the Commission has established for synthetic fibers. Rule 8 (16 CFR 303.8)

describes the procedures for establishing new generic names.

Cargill Dow applied to the Commission on August 28, 2000 for a new fiber name and definition.¹ It stated that PLA fibers are synthetic but are derived from natural renewable resources (agricultural crops such as corn). It maintained that PLA can combine certain advantages of natural fibers with those of certain synthetic fibers. Cargill Dow said that, although it does not itself currently produce products made from Natureworks™ PLA fiber (the PLA fiber it currently manufactures), it does contract with others for the production of the fiber and sells the fiber to end users. Cargill Dow contended that its proprietary Natureworks™ PLA fiber, and PLA that may be made using alternative processes, have unique properties that, along with PLA's unique fundamental chemistry, differentiate PLA fibers from all other recognized and listed synthetic or natural fibers.

Cargill Dow explained that PLA's fundamental polymer chemistry allows control of certain fiber properties and makes the fiber suitable for a wide variety of technical textile fiber applications, especially apparel and performance apparel applications. Of most significance to consumers, Cargill Dow maintained, is that PLA fibers exhibit: (1) low moisture absorption and high wicking, offering benefits for sports and performance apparel and products; (2) low flammability and smoke generation; (3) high resistance to ultra violet (UV) light, a benefit for performance apparel as well as outdoor furniture and furnishings applications; (4) a low index of refraction, which provides excellent color characteristics; and, (5) lower specific gravity, making PLA lighter in weight than other fibers. In addition to coming from an annually

¹ This petition and additional information that Cargill Dow submitted are on the rulemaking record of this proceeding. This material, as well as any comments that are filed in this proceeding, will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and the Commission's Rules of Practice, 16 CFR 4.11, at the Consumer Response Center, Public Reference Section, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC. Any comments that are filed will be found under the Rules and Regulations Under the Textile Fiber Products Identification Act, 16 CFR Part 303, Matter No. P948404, "Cargill Dow Generic Fiber Petition Rulemaking." The comments also may be viewed in electronic form on the Commission's website at <<www.ftc.gov>>.

renewable resource base, it stated, PLA fibers are readily melt-spun, offering manufacturing advantages that will result in greater consumer choice.

Contending that the unique chemistry of fibers made from PLA is inadequately described under existing generic names listed in 16 CFR Part 303.7, Cargill Dow petitioned the Commission to establish the generic name "synterra." After an initial analysis, the Commission announced, on October 30, 2000, that it had issued Cargill Dow the designation "CD 0001" for temporary use in identifying PLA fiber pending a final determination as to the merits of the application for a new generic name and definition. A final determination will be based on whether the record in this proceeding indicates that Cargill Dow meets the Commission's criteria for issuing new fiber names and definitions, as described in Part II, below.

II. Invitation To Comment

The Commission is soliciting comment on Cargill Dow's application generally, and on whether the application meets the Commission's criteria for granting applications for new generic names.²

First Criterion: The fiber for which a generic name is requested must have a chemical composition radically different from other fibers, and that distinctive chemical composition must result in distinctive physical properties of significance to the general public.

Second Criterion: The fiber must be in active commercial use or such use must be immediately foreseen.

Third Criterion: The granting of the generic name must be of importance to the consuming public at large, rather than to a small group of knowledgeable professionals such as purchasing officers for large Government agencies.

The Commission notes that the repeat units of PLA are linked by ester groups, which means that PLA fiber is a polyester. The Commission agrees with the petitioner, however, that PLA fiber does not fit into the current definition for polyester in Rule 7. The Commission is considering three approaches to resolve this situation, and requests comment from the public on the relative merits of each:

² The Commission first announced these criteria on Dec. 11, 1973, at 38 FR 34112, and later clarified and reaffirmed on Dec. 6, 1985, 60 FR 62353, on May 23, 1997, 62 FR 28343, and on Jan. 6, 1998, 63 FR 442 and 63 FR 449.