



Dr. Sergio F. Galeano, PE
133 Peachtree Street NE
P.O. Box 105605
Atlanta, Georgia 30348-5605
Telephone (404) 652-4654
Sergio.Galeano@gapac.com

August 14 , 2008

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex O)
600 Pennsylvania Avenue, NW
Washington DC, 20580

Re: Green Guides Regulatory Review
16 CFR Part 260- Comment
Project No. P 954501
Additional Comments to those
Submitted February 5, 2008

Dear Sir/Madame:

Thank you for the opportunity to submit additional comments.

1. **Use of Life Cycle Assessments and ISO Standards In Connection with Green Claims**

At the April 30, 2008 workshop, the panel touched on various issues regarding Life Cycle Assessment (“LCA”) claims. The appropriate standard for use to substantiate LCA claims is ISO 14044 in its entirety (ISO 14041, ISO 14042 and ISO 14043 have been consolidated into ISO 14044). This standard clearly specifies the manner in which to conduct a complete LCA study, including the scope, inventory and impact assessment phases, and a critical review thereof. Pursuant to the standard, both the completion of an impact assessment and a critical review are requirements for comparative assertions made to the public.

As indicated in our February 5, 2008 submission, it is our concern that the entire analysis required by ISO 14044 will not be conducted resulting in LCA claims that are inadequately and only partially substantiated. Parties may misuse phrases like “in accordance with ISO 14040 series” or “according to ISO 14040” or similar expressions in connection with comparative product claims to create the misimpression of conducting a full LCA conforming with the requirements of 14044.

To illustrate our concerns, we offer a set of examples like those set forth in the current Green Guides:

Example 1- A producer of a packaging article, branded X, claims environmental superiority or preference of article X over article Y based on the results of a LCA study conducted according to ISO 14040. Upon examination of the study, it is shown that it only comprises the Scope and Inventory phases of a complete LCA per the ISO 14044 but not the impact assessment element or the required critical review. The producer could not substantiate they had conducted an impact assessment or the critical review. The claim is deceptive because it is made without complying with the specific and substantial requirements of the invoked standard.

Example 2—A producer of a textile article advertises that her article X has shown lesser potential impact to the environment than two (2) other competing products based on the results of a LCA study conducted according to ISO 14044 in its entirety, and with a proper critical review panel confirmation of those results. The claim is valid because it is limited to the results of the study properly conducted and confirmed according to the ISO standard.

Example 3- An advertiser claims article A is “greener” or environmentally superior to others because the results of a LCA study conducted according to ISO 14044 indicates a lesser carbon foot print impact. The claim is deceptive because according to the invoked standard only one indicator or attribute cannot be sufficient to establish such advantage.

2. Harmonization of International Standards with the Green Guides

We propose that the FTC consider utilizing certain ISO standards as the substantiation tool or evidence in configuration, definitions, etc. of particular product claims. As stated above, for product environmental matters regarding a lesser impact profile, the substantiation is provided by proper adherence to ISO 14044. Likewise, for many definitions, logos, etc, ISO 14021 could be used to substantiate green claims in order to avoid global marketplace conflicts (see more detailed comments in our February 5, 2008 submission).

3. Compostability Claims

At the April 30, 2008 workshop, it was suggested by a panelist that any claim of compostability be governed by strict conformance with two standards: ASTM D6400-04 and 5338-98. These particular standards require that the product substrate be 100% compostable. It is our understanding, however, that commercial composting sites can accommodate products that are not 100% compostable because they sieve out non-degradable materials. Requiring compliance with these particular standards will have the unintended effect of reducing the legitimate opportunity for the composting of many products which are largely, though not 100%, compostable. Other ASTM standards which address biodegradation, such as D-6868-03, consider that the designation of “compostable” is applicable even if after 12 weeks, 10 percent of the product can be screened out of the compost using a 2.0 mm sieve.

For example, many paper products have coatings for food packaging or liquid containment functionality (*i.e.*, paper cups have laminated coating to prevent disintegration due to soaking into the paper). Many of these products could be largely

composted in a commercial facility with the non-compostable elements removed by a sieve. We propose guidance to the definition of compostable to include products if, at a commercial composting facility, they can be reduced to at least 80% compost, and no more than 20% non-compost (to be incinerated or land-filled). Of course, pursuant to current guidance, such a claim would include a qualification that it is compostable only in commercial composting facility or some similar language.

We hope these additional comments will be of help to the FTC in its timely review of the Guides. We appreciate the opportunity to provide additional comments on this matter.

Sincerely,

Senior Manager, Product Policy & Assurance
GEORGIA-PACIFIC LLC.

Cc: Janice Podoll Frankle Esq. (FTC)