

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Secretary  
Federal Trade Commission  
Room 159-H  
Sixth Street and Pennsylvania Avenue, Northwest  
Washington, DC 20580

RE: 16 CFR Part 260-Comment

Dear Secretary:

I am writing in response to the Federal Trade Commission's (FTC's) request for comments on recyclable and compostable claims and on whether reconditioned and/or reused parts should be called recycled.

**Recyclable and Compostable Claims**

We continue to believe that unqualified claims of "recyclability" and "compostability" are deceptive: We see no real benefit to the consumer in being informed that a product or package is technically "recyclable" or "compostable" if a program is not available to the consumer that enables s/he to recycle the material after use.

We strongly believe that the principles that form the basis of FTC's July 1992 "Guides for the Use of Environmental Marketing Claims" for "compostability" and "recyclability" must be maintained in future editions of the guides. Local government officials provided testimony on this issue at a public meeting on environmental labeling conducted in November 1991, in which FTC participated. These officials explained that participants in community recycling programs erroneously deposit into recycling bins certain products and/or packages that are labeled 'recyclable' which are not collected in the communities' recycling programs. This leads to extra costs for sorting and disposing of these unwanted materials. These officials supported some type of restriction on the use of the term "recyclable" because of their belief that unqualified use of the chasing arrows symbol or a recyclable claim contributed to the erroneous placement of extraneous materials in with the materials that the community truly intended to recycle. For this reason, the Environmental Protection Agency would strongly oppose allowing the unqualified use of the terms "recyclable" unless it can be definitively shown that such usage would not contribute to the placement of improper materials into recycling bins. Similar logic leads us to the conclusion that "compostable" claims should also be qualified.

We continue to have a concern about the use of messages such as "Glass recycles," and "Please recycle," that are now found on many beverage containers accompanied by the "chasing arrows" symbol. The current FTC guides do not specifically address such messages. We are concerned that this practice may simply be an effort by marketers to display the chasing arrows symbol without having to make a qualified claim of recyclability. EPA views these messages to be so similar to a claim of recyclability that when unqualified these messages may be deceiving the public

Additionally, as explained in our September 26, 1995 letter to the FTC, which is part of the record of this proceeding, EPA is becoming increasingly concerned that many manufacturers are placing the chasing arrows symbol and resin code in prominent locations on packages or products. EPA believes that such use is equivalent to making a claim of recyclability and should, therefore, be qualified.

EPA is also concerned that the code is not effective in facilitating the identification of all of the different types of plastic resins. It has been brought to our attention that not all products or packages labeled with the same code number are compatible. To the extent that this is true, the coding system becomes more of a hindrance than a help.

We would also like to call FTC's attention to the U.S. Environmental Recycling Hotline (E/RH). E/RH is a public/private partnership that now provides information on recycling drop-off centers in all 50 states. The Hotline operates as a toll-free number, 1-800-CLEANUP, and has an Internet Web Site, [www.1800cleanup.org](http://www.1800cleanup.org), that allows consumers to obtain information on recycling opportunities in their immediate area. It IS likely that at a later date additional recycling information on curbside recycling opportunities will be available as well.

This Hotline provides an opportunity for product and packaging manufacturers, by referencing the 1-800-CLEANUP toll free number, to direct consumers, free of charge, toward local information on where to recycle. Free access to use of the Hotline would be consistent with testimony provided by Mary Griffin, Attorneys General Task Force; Mark Murray, Californians Against Waste; Georjean Adams, 3M Company, Barry Meyer, Aluminum Association; and Chris Taylor, OSPIRG during the public workshops sponsored by FTC on January 7 and 8, 1995, related to the efficacy of a toll free Hotline in assisting marketers who wish to ensure that their products or packaging become truly "recyclable."

EPA is one of the partners in the Hotline. To the extent that FTC believes that it is appropriate and consistent with the Commission's goals in the area of environmental labeling, we would be willing to work with staff at FTC to incorporate the concept of the Environmental/Recycling Hotline into the examples for "recyclability" provided in the final Guides.

### **Reconditioned or Reused Parts**

Strictly speaking, "reused or reconditioned parts" would more likely meet the RCRA definition of "source reduction" rather than the definition of "recycling": We consider reuse to be a form of source reduction (sometimes called "waste prevention"), but there can be considerable overlap in the use of these terms. For this reason, we would like to discuss the matter more fully with FTC in order to better understand the issue. For informational purposes, reconditioned parts would meet the RCRA definition of a "recovered material." EPA is required under Section 6002 of RCRA to develop guidelines that designate items which are or can be produced with recovered materials for purchase by procuring agencies (typically, federal, state, and local governments and their contractors who purchase the designated items. using appropriated federal funds). The purpose of this section of the Act is to use the purchasing power of the federal government to develop markets for recovered materials. This program is typically referred to as the Federal government's "Buy Recycled" program

Thank you for the opportunity to comment on these issues which are of considerable importance to the U.S. Environmental Protection Agency. If you have any questions or would like to set up a meeting to discuss our comments, please do not hesitate to call me at (703)308-8252.

Sincerely,

Robert W. Dellinger, Acting Director  
Municipal and Industrial  
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cc: Kevin Bank  
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