

Plastics Environmental Council's Response To The Recently Revised FTC Green Guides

The Plastics Environmental Council is pleased with the contents of the FTC Green Guidelines. The new guidelines prohibit any deceptive claims and allow for properly qualified claims of biodegradability in landfills.

FOR IMMEDIATE RELEASE

PRLog (Press Release) - Oct 05, 2012 - Atlanta, GA -- On October 01, 2012, the FTC issued its long-awaited Green Guides. On balance, the Plastics Environmental Council (www.pec-us.org) is pleased with the contents of the new release as they pertain to degradable plastics (Section 260.8 of the new Guides). While the new guidelines still prohibit any deceptive, unqualified claims of biodegradability of materials, including plastics, in landfills, properly qualified claims of biodegradability are permitted. "Degradable claims should be qualified clearly and prominently to the extent necessary to avoid deception about: (1) the product's or package's ability to degrade in the environment where it is customarily disposed; and (2) the rate and extent of degradation," according to the new Guides.

"This is an important distinction," says Dr. Charles J. Lancelot, Executive Director of the Plastics Environmental Council and a veteran of over 40 years in plastics technology. "And the new Guides come at an auspicious time. We have worked long and hard over the past year with the ASTM to develop a new standard specification that determines exactly that: the rate and extent of degradation of materials in landfills using the published methodology of Prof. Morton Barlaz, a world-renowned authority on landfill technology." Dr. Lancelot says that the new standard will soon be available to document conformance to the Guides.

The FTC states that it is deceptive to make an unqualified degradable claim for items entering the solid waste stream if the items do not completely decompose within one year after customary disposal, which includes landfills. The FTC defines one year as a reasonably short period of time. "This is unfortunate," according to PEC Chairman Senator Robert W. McKnight, "because it appears to have caused confusion in some sectors." As an example, Sen. McKnight points to the review of the new Guides in Consumer Reports, which incorrectly interprets the FTC's definition of an unqualified claim as discouraging companies from calling a solid waste product "degradable" unless it's clearly proven that the product will biodegrade within one year after disposal. Obviously, Consumer Reports overlooks the FTC's allowance of qualified claims.

To the best of our knowledge, the definition of one year as a reasonably short period of time for biodegradation has its roots in a 2006 survey of 1000 consumers who expressed one year as the time they believed it took for any biodegradable material to degrade in a landfill. "However," says Dr. Lancelot, "this is a serious misconception. Several scientific publications have shown that most common wastes including garden and food wastes, newsprint, office paper, and others in fact take many years and in many cases several decades to biodegrade in landfills, quite contrary to some consumers' beliefs in 2006. What this means," he says, "is that the requirement to provide qualified claims clearly stating the rate and extent of biodegradation of plastic packaging or products in a landfill puts them on the same footing as any other common waste."