



**Pack Green Coalition Public Comment – Green Guides Review (16 CFR part 260) (Matter No. P954501)**

**Submitted by: James Asali**

[Pack Green Coalition \(Pack Green\)](#) appreciates the opportunity to submit comments to the Federal Trade Commission (FTC) in response to its request for public comments regarding its review of the Green Guides. Pack Green is an organization driven to replace unnecessary plastic within the global packaging and food service supply chains with sustainably-sourced paper and other renewable and recyclable alternatives. Through advocacy, outreach, and education, we aim to advance meaningful change today that is critical for protecting our tomorrow.

One of Pack Green’s key policy priorities is to improve truth-in-labeling of packaging products, including plastic and paper. Doing so will help consumers make accurately informed decisions about materials they use. Despite widespread usage of the “chasing arrows” symbol on plastic packaging products, such as food and beverage containers, [only 5% of the material value of the plastic packaging is recovered](#) for future use. Given such low recycling rates for plastic, it is clear that many marketers are misleading their consumers by wrongfully claiming this attribute for their products. We need more meaningful guidance on labeling products, specifically when displaying symbols or words that imply “recyclable.”

**A. General Issues**

Pack Green sees a continuing need for the Green Guides and encourages the FTC to revise the Guides to provide more concrete guidance to marketers to accurately represent the circularity of the materials they use and avoid disrupting the recycling system. Since 1992, the Green Guides have provided a framework to help instill confidence in ecolabels as environmental awareness of consumerism has grown. Industry has changed significantly since the Guides were last revised in 2012, however, and research has revealed the true environmental costs associated with the products we use. The FTC should update the Guides accordingly to maintain the integrity of sustainability claims.

Generally, Pack Green recommends the FTC revises the Green Guides in the following ways:

- Set stricter criteria for products to display texts or symbol indicating a product is “recyclable.”
- Establish independently enforceable requirements related to unfair and deceptive environmental claims.

These revisions would help consumers choose products that align with their growing preference for more sustainable packaging. According to [Trivium Packaging’s 2022 Global Buying Green Report](#), 13% of consumers surveyed would be willing to pay 10% more for products in sustainable packaging. Higher consumer confidence in recyclability claims would further encourage them to choose more sustainable packaging. Establishing this confidence in consumers is critical to the U.S. becoming a leader in addressing the global plastics crisis.



## B. Specific Claims

### 6. Recyclable, 16 CFR 260.12.

Pack Green strongly encourages the FTC to revise the Guides to include updated guidance on “recyclable” claims. First and foremost, the Green Guides have not been updated since 2012. Industry in the U.S. has changed significantly since 2012. We currently use more plastic packaging than ever, and our plastic dependence is only expected to continue to grow this decade. Population growth in the U.S., the proliferation of smart phones that make online shopping easy, and the COVID-19 pandemic that also increased online shopping are all factors that contributed to increased plastic packaging. Considering this, we need stronger federal guidelines to help manage the rapid expansion of plastic use in the U.S.

Furthermore, we’ve seen over the past 11 years that the Guides do not prevent misleading recyclability claims in many cases, so revising the criteria for products to carry recyclability claims is imperative. For example, under the current requirements in the Guides, marketers can use *unqualified* recyclable claims if the material is accepted by a “substantial majority” (60%) of recycling facilities where the product is sold. Polypropylene packaging had a [recycling rate of only 2.7%](#) in the U.S. in 2018, but more than 60% of consumers’ recycling facilities accept polypropylene tubs, bottles, jugs, and jars. There is a stark disconnect between materials that qualify to be labeled as “recyclable” and materials that are recycled. Mere “availability” of recycling facilities for a particular material is an inadequate indicator for whether that material can be credibly claimed to be recyclable.

“Recyclable” presently does not mean a product is actually getting recycled. The recycling rate for a given material should be based not on collection or access to collection but, rather, on the material’s (1) actual reclamation at appropriate facilities that meet the requirements of the Basel Convention and (2) re-entry into the commerce stream. In addition, any plastic items should meet the [Association of Plastic Recyclers' APR Design®](#) Guide for recyclability (for plastic items only) In order to make these determinations, we recommend that the FTC commission a study of large volume transfer or processing facilities and issue a report that outlines what material types and forms are routinely collected, sorted, and become feedstock used to produce new products or packaging. The report should be updated periodically—i.e. every few years—as additional data is gathered. We urge the FTC to revise the Guides to require that a product may only be labelled as “recyclable” (whether through text or symbol) if it meets the recyclability thresholds mentioned above and if the material type and form routinely becomes feedstock used in the production of new products or packaging, as California mandated through [SB 343](#). These requirements will increase circularity of the U.S. economy and instill greater confidence and trust in the U.S. recycling system.