

2ND OPINION

Green Thoughts: Be Careful What You Wish For

When I was a newly minted brand assistant at **Procter & Gamble (P&G)** in 1976, we were taught first and foremost to respect the laws governing marketing and business practices. At the top of that list were the **Federal Trade Commission**

(FTC) guidelines regarding advertising and promotion, and the Sherman Anti-Trust Act. These rules created a level playing field that allowed P&G and its competitors to engage in fair trade.

Starting with the Reagan administration, many federal regulatory bodies were dismantled, gutted, or rendered of little consequence. At first, businesses thought this was great. After all, couldn't we all comply with existing laws and regulate ourselves?

Unlike recycling claims, which have been regulated by the FTC, there are as yet no equivalent regulations for compostable and biodegradable plastics. There is a standard – ASTM 6400 – but it is a technical standard that requires very specific biodegradation conditions, especially when it comes to heat. In fact, the heat needed generally requires an industrial composting facility, of which there are few available.

In their desire to be perceived as sustainable, many consumer marketers, both large and small, used compliance to ASTM 6400 standards as a way to promote their bottles, jars, and jugs as being compostable. They then trumpeted this fact to retailers and consumers, who thought this meant they could simply put the used containers in the backyard composters or their municipal composting systems.

This is exactly how recycling claims got started – marketers stated that anything that was technically recyclable was, in fact, recyclable. To fight this, the FTC established guidelines that required recycling to be available to 60% of the population before such a sweeping claim could be made. Otherwise, the claim would have to be qualified with statements such as “recyclable in your local area” or “not currently recyclable in your local area.”

No such rules or laws exist for compostability, and the FTC is not exactly at the forefront of either qualifying or enforcing environmental marketing claims.

Enter the states. By now, you must be aware that the California attorney general is suing an additives/bottle supplier and two water bottlers that are using biodegradable bottles for making false claims regarding compostability and for the fact that these bottles contaminate standard bottle recycling streams.

Regardless of the outcome of the suit, California will likely start imposing its own version of what should have been federal guidelines on so-called compostable and biodegradable plastic containers. Next will come Texas, Florida, Washington, Massachusetts, New York, and Vermont.

Wouldn't it have been more cost-effective to live within one set of federal standards rather than 50 different sets of state standards? Not only would this have made more economic sense, but it would have also reduced the likelihood of the inevitable consumer backlash against packaging and plastics in general. **PS**

Robert M. Lilienfeld is a Fox TV environmental commentator and editor of [The ULS \(Use Less Stuff\) Report](#), a newsletter dedicated to reducing waste.

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