

incidental components of the product or package.

(3) Environmental claims should not overstate the environmental attribute or benefit. Marketers should avoid implying a significant environmental benefit where the benefit is, in fact, negligible.

(4) A claim comparing the environmental attributes of one product with those of another product should make the basis for the comparison sufficiently clear and should be substantiated.

(Summary of FTC Environmental Marketing Guidelines)

The guides then discuss particular environmental marketing claims. In most cases, each discussion is followed in the guides by a series of examples to illustrate how the principles apply to specific claims.

General environmental benefit claims. In general, unqualified general environmental claims are difficult to interpret and may have a wide range of meanings to consumers. Every express and material implied claim conveyed to consumers about an objective quality should be substantiated. Unless they can be substantiated, broad environmental claims should be avoided or qualified.

Degradable, biodegradable, and photodegradable. In general, unqualified degradability claims should be substantiated by evidence that the product will completely break down and return to nature, that is, decompose into elements found in nature within a reasonably short period of time after consumers dispose of it in the customary way. Such claims should be qualified to the extent necessary to avoid consumer deception about: (a) The product or package's ability to degrade in the environment where it is customarily disposed; and (b) the extent and rate of degradation.

Compostable. In general, unqualified compostable claims should be substantiated by evidence that all the materials in the product or package will break down into, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner in an appropriate composting program or facility, or in a home compost pile or device. Compostable claims should be qualified to the extent necessary to avoid consumer deception. (1) If municipal composting facilities are not available to a substantial majority of consumer or communities where the product is sold; (2) if the claim misleads consumers about the environmental benefit provided when the product is disposed of in a landfill; or (3) if consumers misunderstand the claims to mean that the package can be safely composted in their home compost pile or device, when in fact it cannot.

Recyclable. In general, a product or package should not be marketed as recyclable unless it can be collected, separated, or otherwise recovered from the solid waste stream for use in the form of raw materials in the manufacturer or assembly of a new product or package. Unqualified recyclable claims may be made if the entire product or package, excluding incidental components, is recyclable.

Claims about products with both recyclable and non-recyclable components should be adequately qualified. If incidental

components significantly limit the ability to recycle a product, the claim would be deceptive. If, because of its size or shape, a product is not accepted in recycling programs, it should not be marketed as recyclable. Qualifications may be necessary to avoid consumer deception about the limited availability of recycling programs and collection sites if recycling collection sites are not available to a substantial majority of consumers or communities.

Recycled Content. In general, claims of recycled content should only be made for materials that have been recovered or diverted from the solid waste stream, either during the manufacturing process (pre-consumer) or after consumer waste (post-consumer). An advertiser should be able to substantiate that pre-consumer content would otherwise have entered the solid waste stream. Distinctions made between pre- and post-consumer content should be substantiated. Unqualified claims may be made if the entire product or package, excluding minor, incidental components, is made from recycled material. Products or packages only partially made of recycled material should be qualified to indicate the amount, by weight, in the finished product or package.

Source Reduction. In general, claims that a product or package has been reduced or is lower in weight, volume, or toxicity should be qualified to the extent necessary to avoid consumer deception about the amount of reduction and the basis for any comparison asserted.

Refillable. In general, an unqualified refillable claim should not be asserted unless a system is provided for: (1) the collection and return of the package for refill; or (2) the later refill of the package by consumers with product subsequently sold in another package. The claim should not be made if it is up to consumers to find ways to refill the package.

Ozone Safe and Ozone Friendly. In general, a product should not be advertised as "ozone safe," "ozone friendly," or as not containing CFCs if the product contains any ozone-depleting chemical. Claims about the reduction of a product's ozone-depletion potential may be made if adequately substantiated.

Appendix E—Establishing Core Environmental Values [Reserved]

Appendix F—Establishing Third Party Environmental Certification Programs [Reserved]

## V. Public Record

A record has been established for this document under docket number "OPPTS-00149" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in

the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at: [ncic@epamail.epa.gov](mailto:ncic@epamail.epa.gov)

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this document, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

## List of Subjects

Environmental protection.

Dated: September 25, 1995.

Carol M. Browner,  
Administrator.

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[OPPTS-62150A; FRL-4980-3]

## Guidance on Acquisition of Environmentally Preferable Products and Services; Notice of Meeting

**AGENCY:** Environmental protection Agency (EPA).

**ACTION:** Notice of meeting.

**SUMMARY:** This Notice describes a process that EPA has established to solicit input from all interested parties on the proposed guidance that Executive agencies can use in determining the preference and purchase of environmentally preferable products and services. As a part of this process, EPA is announcing a public meeting to be held in October. This proposed guidance is being developed to implement section 503 of Executive Order on Federal Acquisition, Recycling and Waste Prevention. The proposed guidance in its entirety is published elsewhere in this issue of the Federal Register.

**DATES:** The meeting will take place on October 26 and 27, 1995, starting at 9:30 a.m. and ending each day at 5 p.m. unless concluded earlier. Registration will occur one hour before the meeting is scheduled to begin on both days. The second day will only proceed if there are more confirmed presenters than can be accommodated on the first day.

Requests to present oral testimony must be received on or before October 18, 1995, and will be scheduled on a first-come, first-served basis.

**ADDRESSES:** The meeting will be held at: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA, Telephone number: 703-418-1234. A small number of rooms have been set aside for those participants staying overnight. Reservations must be made by October 4, 1995, under "EPA's Public Meeting on Environmentally Preferable Products," in order to get the special meeting rate.

**FOR FURTHER INFORMATION CONTACT:** Danielle Fuligni (7409), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260-4172, Fax: (202) 260-0178, e-mail:fuligni,danielle@pamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

I. Background

On October 20, 1993, President Clinton signed Executive Order 12873, entitled "Federal Acquisition, Recycling and Waste Prevention," (58 FR 5411, October 22, 1993). Section 503 of Executive Order 12873 requires EPA to "issue guidance that recommends principles that Executive agencies should use in making determinations for the preference and purchase of environmentally preferable products." The proposed guidance for implementing this provision is published elsewhere in this issue of the Federal Register.

II. Process

This public meeting represents another stop in EPA's effort to make the development of section 503 guidance a public process. As a part of this process, EPA also developed a "concept paper" that outlined preliminary thoughts on how the guidance might be structured and some guiding principles for implementation of section 503. The public was given an opportunity to comment on the concept paper, both in writing and at a public meeting held in February 1994.

EPA also held meetings with "stakeholders" to give interested parties an additional opportunity to present their views on how EPA should proceed in developing principles for Executive agencies to use when making determinations for the preference and purchase of environmentally preferable products. EPA will continue to solicit input from all interested persons and organizations as EPA finalizes the guidance and conducts pilot projects.

To schedule oral testimony at the public meeting and to obtain a copy of the proposed guidance, contact EPA's Public Hearing Hotline, 110 Hartwell Avenue, Lexington, MA 02173-3198; telephone (617) 674-7374. Callers will receive mail confirmation of their scheduled testimony and logistical information. Persons who wish to make oral presentations must restrict testimony to 7 minutes and are also expected to provide three written copies of their completed comments for inclusion in the official record. If interested parties are unable to attend

the public meetings, they are invited to submit written comments to the Agency.

III. Approach

The Agency has been directed by Executive Order 12873 to develop an approach for Federal acquisition of environmentally preferable products that not only minimizes environmental burden, but also provides incentives to industry to continuously improve the environmental performance of products and services to the Federal government. Ideally, the approach would guide Federal agencies in comparing environmental performance among competing products and services, so that the environmental impact becomes a criterion like cost or performance against which Federal agencies may select products or services.

In implementing section 503 of the Executive Order, EPA proposes an approach that has two components. The first is issuance of a broad, umbrella guidance. Following this, additional guidances focussing on specific product categories will be issued based on pilot projects. These pilots will help EPA and other Executive agencies identify and develop the necessary tools, education, and training materials to facilitate the application of the general guidance to actual purchases of environmental preferable products.

Dated: September 20, 1995.

William H. Sanders III,  
*Director, Office of Pollution Prevention and Toxics.*

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