



Via Electronic Submission

December 10, 2010

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex J)
600 Pennsylvania Ave., NW
Washington, DC 20580

RE: Proposed, Revised Green Guides, 16 CFR Part 260, Project No. P954501

IPC appreciates the opportunity to comment on the above referenced Federal Trade Commission's (FTC's) Proposed Revised Green Guides (hereafter referred to as Proposed Green Guides). IPC generally supports the FTC's Proposed Green Guides. We believe that the Proposed Green Guides take important steps towards providing companies and their marketers with clearer information on how to minimize instances of misleading environmental benefit claims. However, we believe that the Proposed Green Guides could be improved upon by providing more clarity in certain areas which are described below. IPC appreciates the opportunity to comment on the Proposed Green Guides.

IPC, a U.S. headquartered global trade association, represents all facets of the electronic interconnection industry, including design, printed board manufacturing and electronics assembly. Printed boards and electronic assemblies are used in a variety of electronic devices that include computers, cell phones, pacemakers, and sophisticated missile defense systems. IPC has over 2,700 member companies, including over 1,700 member companies located in the U.S. As a member-driven organization and leading source for industry standards, training, market research and public policy advocacy, IPC supports programs to meet the needs of an estimated \$1.7 trillion global electronics industry.

Since the Proposed Green Guides are based largely on expected consumer perceptions, the FTC should provide a description of a "reasonable consumer." According to the scope, (Section 260.1(c)) the Proposed Green Guides apply to products sold to both consumers, such as those in a Wal-Mart or Best Buy, and to commercial consumers. The FTC should distinguish between an individual consumer and a commercial consumer because the level of understanding of an environmental benefit is likely to be different. The FTC should describe a "reasonable consumer" in order to ensure that marketers know exactly who their audience is.

The FTC's proposed guidance on substantiating general product environmental claims with specific environmental benefits is critical to minimizing misleading claims. Claims such as "environmentally friendly" and "eco-friendly" are too broad for the average consumer to understand. Defining these broad environmental benefit claims is extremely challenging for companies and therefore the FTC's efforts in providing clarity on using and substantiating such claims is beneficial. We encourage the FTC to retain its proposed guidance for substantiating general environmental benefit claims.

In Section VII of the Proposed Green Guides, the FTC asks whether they should advise companies that a substantiated general environmental claim is deceptive if a particular attribute represents an environmental improvement in one area, but causes a negative impact elsewhere, causing the product to be less environmentally beneficial than the product would otherwise be. IPC strongly believes that the FTC should advise companies on the potential for general environmental benefits claims to be misleading if that environmental improvement causes a negative impact elsewhere. For example, the European Union Restriction of Hazardous Substances (RoHS) in Electrical and Electronic Equipment Directive failed to consider the potential environmental impacts of replacing tin-lead electronics solder with other metal alloys. The U.S. EPA lead-free solder study¹ evaluation of the environmental impacts of tin-lead solder versus lead-free alternative solders found that the increased energy use associated with the higher operating temperatures required for manufacturing lead-free soldered electronics would cause higher air pollution, acid rain, stream eutrophication and global warming impacts. EPA's study serves as an important reminder that there are environmental tradeoffs when substituting one substance for another. By making a general environmental benefit claim, companies may inadvertently mislead the consumer to believe that their product contributes an environmental benefit. The FTC should advise companies on substantiating general claims in order for companies to avoid making a misleading environmental benefit claim.

While the FTC's initiative to revise its Green Guides is appreciated, the Proposed Green Guides would be more effective if the Agency provides further clarification on substantiating "free-of" claims. Specifically, the FTC should advise companies making "free-of" claims to substantiate those claims with scientific evidence that shows that the substitute or other substances contained within the product are not equally or more harmful than the substance the product is free-of. It is essential that the FTC provide companies with the necessary guidance to ensure that consumers do not wrongly assume that a product "free-of" a substance is safe to the public and the environment. By providing clear guidance on how to substantiate a "free-of" claim, the FTC will help companies avoid advertising that perpetuates a consumer's misunderstanding of an environmental benefit.

In conclusion, IPC appreciates the FTC's efforts to revise its Green Guides. We believe the proposed revisions make essential changes that will help companies and their marketers avoid misleading consumers about the environmental benefits of a product. IPC encourages the FTC to maintain its proposal to advise against general environmental benefit claims, such as "eco-friendly." We support the FTC's proposal to advise marketers on ensuring a product does not contain any hazardous substance prior to making a "free-of" claim. However, we encourage the Agency to require more detailed substantiation of "free-of" claims. We also suggest the FTC describe a "reasonable consumer" in order to be explicit in whom the marketer is targeting. We encourage the FTC to take our suggestions into consideration when finalizing the Green Guides. Thank you for the opportunity to comment.

Regards,

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¹U.S. Environmental Protection Agency. August 2007. Solder in Electronics: A life Cycle Assessment. Available at <http://epa.gov/dfe/pubs/solder/lca/index.htm>.