April 7, 2011

RE: Professional Wet Clean Instruction, Care Labeling Rule

Dear Mr. Clark;

I was pleased to see that the Commission included the Care Labeling Rule in its March 2, 2010 Regulatory Review Schedule and encourage the FTC to include the Care Labeling Rule in the 2011 Regulatory Review Schedule.

In 2000, the last time the Federal Trade Commission amended the Care Labeling Rule, the FTC considered developing a ‘Professional Wet Cleaning’ care label. Support for this new label came from the United States Environmental Protection Agency because professional wet cleaning represented a viable pollution prevention alternative to traditional dry cleaning. The vast majority of dry cleaners in the United States operate machines with perchloroethylene (PCE), a chemical listed in the Clean Air Act as a hazardous air pollutant.

While the FTC favored creating the professional wet cleaning instruction, the Commission deferred moving forward until both a standardized definition of professional wet cleaning had been developed and until a standardized methodology for testing was established. At the time, the American Society for Testing and Materials (ASTM) and the American Association of Textile Chemists and Colorists (AATCC) had agreed to work together to develop a definition and test procedure. While there were several initial meetings, little work was done.

Fortunately, the International Standardization Organization (ISO) has proceeded in finalizing a professional wet clean care label instruction. To do this, ISO needed to develop standardized test procedures for professional wet cleaning¹ as well as finalized a definition of professional wet cleaning along with a symbol system corresponding to the test procedures.² The ISO development allows the FTC to quickly take up now where it left off in 2000. Given the lack of movement by ASTM and AATCC on

this issue, I would recommend the FTC simply adopt the ISO standard.

In moving forward with developing the professional wet clean instruction, the Commission must also decide whether to allow or require this instruction where appropriate; an issue discussed during the last round of rulemaking. Here again the experience with ISO serves as a good guide. While the ISO professional wet clean instruction has been adopted by many countries, no country has required testing and use for items that require professional cleaning. As a voluntary care label, adoption has been very slow.

In addition, the experience in California may also assist the Commission on this question. In California alone, over two-hundred PCE dry cleaners that have switched to professional wet cleaning and have been able to successfully process the full range of garments they previously dry cleaned. This suggests that the vast majority of garments currently labeled ‘dry clean’ or ‘dry clean only’ could be labeled with a wet cleaning instruction. If the Commission moves forward with an optional approach and most manufacturers choose not to use it, this would both be deceptive to customers as well as unfair to cleaners exclusively using professional wet cleaning. Since one of the core aims of the FTC is to guard against unfair and deceptive practices, requiring the label would appear to be the best option.

Finally, during the last round of deliberation, the Commission raised the issue of the prevalence of professional wet cleaning in evaluating how widely the label would be used. Commenting on this issue, American Drycleaner, a leading trade journal, wrote:

“If the Federal Trade Commission (FTC) offers a ‘Professionally Wetclean’ care label as an option for garment manufacturers, the pace of adoption will accelerate somewhat. If the FTC makes the instruction mandatory, then wetcleaning may indeed be the wave of the future.”

Certainly the future in moving forward with developing the professional wet clean instruction is now.

I look forward to working with the FTC on developing the new instruction.

Sincerely,

[signature]

Peter Sinsheimer, Ph.D., MPH
Executive Director

Cc: Stephen Ecklund, Investigator
Division of Enforcement
Federal Trade Commission

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4 American Drycleaner (1999). Care Label Rule, 9, 70.