

December 15, 2010

Ms. Terese Colling
Secretary/Treasurer
RPA-100%
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Dear Ms. Colling:

In the context of the FTC's putting out for public comment a draft set of amendments to its Green Marketing Guides, 16 CFR Part 308, you have requested an updated report from me to assure that RPA-100's Logo and variations comply with the proposal. While all signs are encouraging at this time, we will do another review when the final amended Guides are published.

The original Guides, first published in 1992, are not actual "Rules" that trigger penalties when violated. Rather they are a set of informal guidelines for businesses that set out the interpretation the FTC will assert if they think a party is engaged in misleading advertising of "green" claims. They are, of course, the basis on which we review and judge application of the RPA's "recycled" claims and logo.

For the most part, the recent proposed changes are designed to bring the Guides up-to-date on key terms that have become popular since the last revision. Terms like "sustainable," "Made with Renewal Energy," and claims for "Carbon Offsets" are good examples, although the FTC will give some attention to the old staple claims, such as "recycled" and "recyclable."

When the Commission discussed the comments it received about "Recycled" claims, it found that they dealt with three main issues:

- (1) pre-consumer recycled content claims for textile products;
- (2) the distinction between pre- and post-consumer recycled content; and
- (3) the methods for calculating recycled content.

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At this time, none of the recycled issues appear to be headed for revision. In short, I see no barrier to the continued use of the RPA-100% logo, with or without qualifications where needed. We will follow the process closely and will confirm the treatment of "recycled" claims when the final Guides are issued. We can also discuss in the interim whether there is good reason to file a comment during the proposal period that ends in December.

If you or members want to look at the complete FTC proposal and explanation, they can be found at www.ftc.gov by using the FTC's browser to search for "Green." The proposal papers will be near the top of responses.

Sincerely,



Barry J. Cutler