

EPA's Role in Sustainable Products

Comments submitted by Peter S. Adler, PhD ¹
On Behalf of The Green Products Roundtable

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Pursuant to EPA-HQ-Oppt-2010-0768; FRL-8847-1 posted in the Federal Register, Environmental Protection Agency ("EPA") seeks comments regarding major policy issues, research challenges, opportunities, and trends impacting the development, manufacture, designation and use of sustainable products and EPA's overall role in addressing these challenges and opportunities.

In this submission, The Green Products Roundtable ("GPR") offers its perspectives on the current situation, the Roundtable's work, and on the important roles EPA can perform to advance progress.

I. The Current Green Market "Space"

The last decade has witnessed an explosion of environmental marketing claims. The current marketplace for green products is creative, noisy, competitive and confusing. While there is considerable dialogue and debate taking place, many experts characterize the challenges in this "space" as follows:

1. **Definitional Challenges** There is no single unitary definition of "green" that can be applied to all products and services in the marketplace. Green means different things to different actors working in different product industries. A single satisfactory definition, rubric, or model that can be used by all actors may or may not be possible.
2. **The Science Lags** The physical and social science of "green" is complex, improving rapidly, but still emergent. Because it cuts across and through so many product categories, considerable intellectual work is currently being done but much more lies ahead. At the moment, there is insufficient publically available data about the environmental and human health impacts of many green products.

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3. **The Green Factor for Customers and Businesses** “Green” is increasingly a factor for companies seeking to acquire, maintain or increase their competitive edge and probably a growing factor in consumer choice and demands imposed by business-to-business buyers, both in the private sector as well as by federal, state and local institutions.
4. **Not Yet Fully Evolved Standards** Attempts at creating robust and trustworthy standards are underway and some are in place for some products. Overall, the development of standards is incomplete. Many more are still needed to cover major product categories. However, even in advance of more uniform standards and/or the emergence of meta-standards, manufacturers are reformulating products to reduce negative outputs and simultaneously seeking to communicate their differentiation in the marketplace.
5. **Eco-Labels and Claims** Green products are a burgeoning business for eco-labelers and certifiers. Hundreds of labels now exist and more are in development, both in the U.S. and internationally. The sheer inflation of labels and claims is confusing to consumers and businesses alike and may ultimately undermine consumer confidence in the value of “green” claims. Many claims and labels are legitimate and well-substantiated. Others exhibit considerable exaggeration and there is some out-and-out deceit (“green-wash”). Some of this is unintended and done out of a lack of knowledge. Attendant to this is a lack of transparency, clarity and available substantiation as to the underlying basis for claims and labels along with a lax system defining and enforcing best practices in marketing environmental attributes/certifications. The new and strengthened FTC Guides offers greater hope, and perhaps grounds for better enforcement.
6. **Lack of a Central Repository of Action-Oriented Knowledge** In the United States, other than much (though not all) of the building arena through U.S. Green Building Council, there is currently no central, knowledgeable, respected and authoritative body that can shape guidance on what constitutes a green product across all market sectors as well as the many other issues that are now extant.
7. **Few Effective Forums for Inter-Sectoral Collaboration and Conflict Management** Conflict is inevitable in a period of rapid marketplace realignment and the “green” factor is a growing source of disagreement. The National Advertising Division of the Better Business Bureau provides a forum for inter-corporate advertising challenges but there is also a need for front-end forums that can identify, anticipate and potentially prevent

unnecessary frictions or the escalation of disputes over green policies, procedures, standards, claims, and labels.

8. **Insufficient Education of Purchasers** Due to marketplace noise and fragmentation, purchasers have few clear signals they can rely on to get rapid and effective education on green marketing claims. This education needs to have a multi-generational approach, one that is modified to keep current with the environment of green marketing claims.
9. **No Single Reliable Source** In keeping with the previous, there is no single “go-to” organization or information portal that can be relied on for information across the many different products now in commerce, or ones that are coming soon. This is not to say that there aren’t many credible sources of trusted information. Rather, it is a reflection of the diversity, complexity and fragmentation of product sectors and industries vying to display “green.”

II. The Green Products Roundtable

To help address these challenges in the Green market space, The Keystone Center sponsored the creation of the Green Products Roundtable which functions as a collaborative, action-oriented, multi-stakeholder forum comprised of 35 members representing different actors and experts in the emerging green products marketplace. Participants include representatives of manufacturers, retailers, purchasers, distributors, eco-labelers, academicians, and non-profit organizations. A list of members is attached at Annex-1. The group is a voluntary effort funded by membership dues and foundation and government grants. EPA has participated in and helped fund the GPR since its inception. The Keystone Center serves as convener, secretariat, and facilitator.

GPR’s mission is to provide collaborative leadership that improves the decision-making capabilities of product manufacturers, institutional buyers and businesses, and consumers by bringing clarity to the green products marketplace. The initial scope of the GPR is primarily on the United States with the goal of keeping open international lines of communication. The focal point is on environment and human health with consideration of social factors as appropriate. The GPR’s current focus is on the business-to-business and business-to-government markets, retailers, and institutional purchasers, with the intent to expand the scope to consumers at a later date.

III. GPR's Current Accomplishments

One work product has been fully accomplished and five others will be reported out by December, 2010.

1. **Guidance to the FTC on the Green Guides** The GPR formally submitted a consensus-based letter of recommendation to the FTC in May 2010.²
2. **Green Pledge** GPR is preparing to launch a pledge that will enlist corporate and organizational signatories stating that they will support the manufacture and sales of "Environmentally Preferable Products" with citation to any of a number of specific reference documents.
3. **Glossary of Commonly Used Terms** The GPR will shortly complete a lexicon of commonly used terms and agreed upon definitions in the green marketplace.
4. **Framework for Differentiating Green Products** The GPR is finalizing a more unified framework for understanding product impacts. This "framework" maps the relationship between impacts on the environment and buying criteria, and by linking lifecycle and risk-based product impacts to product attributes. It can be used by all industries as well as institutions to establish a uniform, science based approach to green product procurement.
5. **Organizational Credibility Map** The GPR has identified different major types of actor-organizations currently populating the green marketplace and has refined a table of 'best management practices' that can be used to determine and drive the credibility of organizations involved in making environmental marketing claims.
6. **An Authoritative Independent Entity** A business plan leading to the creation of a respected, knowledgeable, independent, and authoritative body is in development. The aim is to help bring clarity, diffusion and scale to green commerce solutions, encourage interoperable "rules of the road," and increase the long term uptake of credible green products into the marketplace. We assume this body will be a public-private collaboration.

² The letter is available at: <http://www.keystone.org/spp/environment/sustainability>.

IV. The GPR's 2011 Agenda

1. The GPR will present its recommended life-cycle based framework for institutional buyers to source greener products based on the most critical environmental impacts. During 2011, GPR will complete its full draft of the framework, seek comments from a broad audience across multiple sectors, and develop plans to test the framework with institutional buyers.
2. The GPR is committed to incubating the successful organization, start-up, and launch of the authoritative entity. Further work lies ahead to bring it to startup including determining its scope, function, reach, structure, governance and business strategy.
3. The GPR is undertaking a campaign to enlist corporate signatories to the pledge it is drafting. Three companies have already signaled their willingness to sign it once it is formally in place.
4. The GPR plans to undertake a new round of plenary and work group discussions focused on the prospective roles federal, state and local governments could play under different marketplace conditions. The aim is to produce a strong guidance to governments as well as a more specific response to Senator Feinstein's 2008 draft legislation.
5. The GPR seeks to join with others, including EPA, in organizing and cosponsoring a major cross-sector conference of green products actors from the private, public and civic sectors. The goal is to both take stock of the state of scientific and policy development and to sharpen the conversation on the roles federal, state and local government should play.
6. The GPR will implement a communications strategy to external stakeholders to help ensure diffusion of its work products and to further reach out to various actors in the green commerce space.
7. At the encouragement of a specific foundation, the GPR will attempt to organize and sponsor an international gathering of similar green space efforts in Japan, China, the European Union, Australia, Canada and others to begin shaping a roadmap aimed at international interoperability and harmonization of rules of the road.

V. Prospective Roles for EPA

In their personal capacities, a number of GPR members offered comments at the listening session convened by EPA on September 24, 2010. There was also discussion of EPA's invitation to submit comments at the GPR's plenary meetings in Pocantico, New York September 29 to October 1, 2010.

GPR members congratulate and applaud EPA for seeking to better define its roles and functions in the emerging green economy. The current market situation has many entities, private and public, vying for influence if not outright control of the green commerce space, or stumbling around within it. Some are large and striving for broad macro-leadership. Others take narrower views which may lead to dozens of competing "micro-authorities." Either of these outcomes may lead to a suboptimal environment for the efficient and scientifically sound development of a greener U.S. and global economy.

EPA can play a variety of leadership roles. We endorse the careful and supportive role EPA has already played in fostering collaborative, multi-stakeholder efforts such as The Green Products Roundtable, The Sustainability Consortium, and the work of the Mars-Packard research initiative. All of these efforts are bringing multiple actors from multiple sectors and industries together to do the hard work associated with assembling information and databases, identifying sustainability "hotspots," setting product sustainability priorities, defining criteria for more sustainable products, and grappling with issues on the scientific and policy landscapes.

The agency can do more. It can, for example, organize and fund research to determine answers to key toxicity related questions which arise in standards development efforts. It might help create agreed-upon methodologies and tools for doing chemical alternative assessments. It could examine key health considerations as they relate to vulnerable populations as well as populations at large. It might assist standard developers as they try to craft good environmental performance standards. EPA could develop a set of base criteria for environmentally sensitive materials and could help shape which standards should strive to include the requirement for ingredient disclosure.

We believe all or any of these efforts must be done with the highest quality cross-sector engagement, communication and consultation. There is increasing urgency for carefully crafted and well coordinated public- private efforts.

VI. What GPR Needs from EPA to Drive Progress

GPR is a “think and do” enterprise, big and diverse enough to have a broad overview of the emerging green marketplace, and nimble enough to incubate specific work products that rapidly move to action. As we complete and launch our current work products to national and international audiences and simultaneously take up additional directions, GPR would greatly benefit from the coherence, involvement, and funding that a partnership with EPA can bring.

We urge EPA to further strengthen its partnership with GPR as follows:

1. **Participation** EPA brings important views and ideas to the GPR table. At least five different staff members have participated in one or more meetings. EPA should continue to enable the excellent and productive intellectual participation of EPA staff in the GPR’s plenary and work group sessions.
2. **Other Federal Agencies** Because of its participation, EPA is in a strong position to help connect the work of the GPR to the interests and mandates of other federal agencies. EPA can help sharpen those broader connections and help bring other agencies to the table to benefit from and lend expertise to the GPR.
3. **Foster Linkages between Collaborative Efforts** EPA is in a good position to coordinate and strengthen logical linkages of the GPR to The Sustainability Consortium, The Packard-Mars initiative, C2CGPII, and other relevant efforts. This will help catalyze logical synergies and reduce unnecessary redundancies.
4. **Operational Support** The best projects in the green market space have tri-lateral financial support: grants from foundations, industry and government. EPA can assist GPR in identifying possible sources of government funds that will help support 2011 GPR operations and the diffusion of the completed products described earlier in this submission.
5. **Independent Authority** Most, if not all members of the GPR have some reluctance to see EPA itself become the single authoritative entity. However, EPA is viewed as an agency with great credibility. It needs to be “in the game.” GPR requests EPA’s participation in the formation of a new, knowledgeable, respected and independent body that can serve as a navigating compass and gyroscope. While detailed discussions on the formation of this body are just getting underway, we assume that in some way yet to be determined this body will be a public-private collaboration.

We would urge EPA to participate in the planning and business development of this new entity.

6. **Green Pledge** The GPR has crafted a pledge through which responsible corporations and organization can make public their commitments to follow the recommended green marketing practices of both the Federal Trade Commission and/or counterparts in other parts of the world. When the pledge rolls out late in 2010, we ask that EPA help publicize it and encourage companies to sign it.
7. **Role of EPA** While we understand EPA's need and desire to define its own role in the green commerce space, we urge the agency not to do this prematurely and to utilize advice from GPR and other multi-stakeholder efforts. It is part of GPR's 2011 plan to undertake discussions on the different roles and functions of government through different jurisdictions and at different levels and to offer some suggestions and guidance and to also formulate a response to Senator Feinstein who raised similar issues in her draft bill.
8. **Taking Stock Conference** In keeping with the recommendation above, we would like to ask EPA and other federal agencies for sufficient funding to help convene and facilitate a major cross-sector "taking stock" conference of green products actors from the private, public and civic sectors early next year. GPR, along with The Sustainability Consortium, is prepared to help undertake an effort that would convene hundreds of thought leaders to help (a) disseminate insights; (b) shape future field-building activities with regard to both the science and policy of "green"; and (c) to deepen and broaden the topic of the different roles federal, state and local governments can play in the green economy.
9. **International Meeting** We have an expressed interest from a trans-Pacific grant-making foundation to support a small international gathering of experts aimed at developing a framework and roadmap for interoperability and/or harmonization of green market rules of the road. We hope EPA would encourage and support this effort which is also an extension of the GPR.

Thank you for considering these comments and please let us know if we can answer questions or provide you with additional information or comments.

Annex-1

Green Products Roundtable – Member List

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