

area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in College Park, Georgia, on July 21, 2000.

Wade T. Carpenter,
Acting Manager, Air Traffic Division,
Southern Region.

[FR Doc. 00-19518 Filed 8-1-00; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00-ACE-7]

Amendment to Class E Airspace; Hampton, IA; Correction

AGENCY: Federal Aviation
Administration, DOT.

ACTION: Direct final rule; confirmation of
effective date and correction.

SUMMARY: This document confirms the effective date of a direct final rule which revises the Class E airspace at Hampton, IA, and corrects an error in the coordinates for the Hampton Municipal Airport, Airport Reference Point (ARP) and the Hampton Nondirectional Radio Beacon (NDB) as published in the **Federal Register** May 23, 2000 (65 FR 33250), Airspace Docket No. 00-ACE-7.

DATES: The direct final rule published at 65 FR 33250 is effective on 0901 UTC, October 5, 2000.

This correction is effective on October 5, 2000.

FOR FURTHER INFORMATION CONTACT:
Kathy Randolph, Air Traffic Division,
Airspace Branch, ACE-520C, DOT
Regional Headquarters Building, Federal
Aviation Administration, 901 Locust,
Kansas City, MO 64106; telephone:
(816) 329-2525.

SUPPLEMENTARY INFORMATION:

History

On May 23, 2000, the FAA published in the **Federal Register** a direct final rule; request for comments which revises the Class E airspace at Hampton, IA (FR document 00-12821, 65 FR 33250, Airspace Docket No. 00-ACE-7). An error was subsequently discovered in the coordinates for the Hampton Municipal Airport ARP and the Hampton NDB. This action corrects those errors. After careful review of all available information related to the subject presented above, the FAA has

determined that air safety and the public interest require adoption of the rule. The FAA has determined that these corrections will not change the meaning of the action nor add any additional burden on the public beyond that already published. This action corrects the errors in the coordinates of the Hampton Municipal Airport ARP and the Hampton NDB and confirms the effective date to the direct final rule.

The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on October 5, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Correction to the Direct Final Rule

Accordingly, pursuant to the authority delegated to me, coordinates for the Hampton Municipal Airport ARP and the Hampton NDB as published in the **Federal Register** on May 23, 2000 (65 FR 33250), (**Federal Register** Document 00-12821; page 33251, column two) are corrected as follows:

§ 71.1 [Corrected]

ACE IA E5 Hampton, IA [Corrected]

On page 33251, in the second column, after Hampton Municipal Airport, IA, correct the coordinates by removing (lat. 42°43'26"N., long. 93°13'35"W.) and substituting (lat. 42°43'25"N., long. 93°13'35"W.) and after Hampton NDB correct the coordinates by removing (lat. 42°43'32"N., long. 93°13'30"W.) and substituting (42°43'31"N., long. 93°13'30"W.)

Issued in Kansas City, MO on July 14, 2000.

Richard L. Day,

Acting Manager, Air Traffic Division, Central
Region.

[FR Doc. 00-19520 Filed 8-1-00; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 423

Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods

AGENCY: Federal Trade Commission.

ACTION: Final amended rule.

SUMMARY: The Federal Trade Commission, pursuant to section 18 of the Federal Trade Commission Act, issues final amendments to its Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods. The Commission is amending the Rule: To clarify what can constitute a reasonable basis for care instructions; and to change the definitions of "cold," "warm," and "hot" water in the Rule. The Commission has decided not to amend the Rule to require that an item that can be cleaned by home washing be labeled with instructions for home washing. In addition, it has decided not to amend the Rule at this time to include an instruction for professional wetcleaning. This document constitutes the Commission's Statement of Basis and Purpose for the amendments.

EFFECTIVE DATE: The amended Rule will become effective on September 1, 2000.

ADDRESSES: Requests for copies of the amended Rule and the Statement of Basis and Purpose should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT:
Constance M. Vecellio or James Mills,
Attorneys, Federal Trade Commission,
Division of Enforcement, Bureau of
Consumer Protection, 600 Pennsylvania
Ave., NW, S-4302, Washington, DC
20580, (202) 326-2966 or (202) 326-
3035.

SUPPLEMENTARY INFORMATION:

Trade Regulation Rule Concerning Care Labeling of Textile Wearing Apparel and Certain Piece Goods; Statement of Basis and Purpose and Regulatory Analysis

Introduction

This document is published pursuant to section 18 of the Federal Trade Commission ("FTC") Act, 15 U.S.C. 57a *et seq.*, the provisions of part 1, subpart B of the Commission's rules of practice, 16 CFR 1.14, and 5 U.S.C. 551 *et seq.* This authority permits the Commission to promulgate, modify, and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting commerce within the meaning of Section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1).

I. Background

A. The Care Labeling Rule

The Care Labeling Rule was promulgated by the Commission on December 16, 1971. 36 FR 23883. In

Mid-Atlantic Cleaners and Launderers Association ("MACLA") (2); Bonnie Peters (3); Aqua Clean Systems, Inc. ("Aqua Clean") (4); J. R. Viola Cleaners ("Viola") (5); David Nobil, Nature's Cleaners, Inc. ("Nature's Cleaners") (6); Bruce Barish, Meurice Garment Care (7); Industry Canada, Fair Business Practices Branch ("Industry Canada") (8); American Textile Manufacturers Institute ("ATMI") (9); Cleaner By Nature (10); American Apparel Manufacturers Association ("AAMA") (11); International Fabricare Institute ("IFI") (12); Elizabeth K. Scanlon ("Scanlon") (13); National Association of Hosiery Manufacturers ("NAHM") (14); Associazione Serica (15); Prestige. . . Exceptional Fabricare ("Prestige") (16); Neighborhood Cleaners Association International ("NCAI") (17); Association of Home Appliance Manufacturers ("AHAM") (18); Dr. Charles Riggs, Texas Woman's University ("Riggs") (19); Bruce W. Fifield ("Fifield") (20); Consumer Policy Institute of Consumers Union ("Consumers Union") (21); The Clorox Company ("Clorox") (22); Marilyn Fleming, Natural Cleaners (23); Pollution Prevention Education and Research Center ("PPEREC") (24); Pendleton Woolen Mills ("Pendleton") (25); Gap, Inc. ("Gap") (26); Greenpeace (27); National Coalition of Petroleum Dry Cleaners ("NCPDC") (28); Kathy Knapp (29); Center for Neighborhood Technology ("CNT") (30); The Professional Wetcleaning Network ("PWN") (31); Bowe Permac, Inc. (32); Alliance Laundry Systems UniMac ("Alliance") (33); The Procter & Gamble Company ("P&G") (34); GINETEX International Association for Textile Care Labeling ("Ginetex") (35); Karen Smith (Smith) (36); Pellerin Milnor Corporation (Pellerin Milnor) (37); Mike Lynch (38). The comments are on the public record and are available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and the Commission's Rules of Practice, 16 CFR 4.11, at the Consumer Response Center, Public Reference Section, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, D.C. The comments also are available for inspection on the Commission's website at <www.ftc.gov/bcp/rulemaking/carelabel/comments/comlist.htm>.

³ The time and place of the workshop was announced in 63 FR 69232, December 16, 1998.

⁴ The participants were: Ed Boorstein, Elaine Harvey, Prestige Cleaners; Martin Coppack, American Association of Family and Consumer Sciences; Deborah Davis, Cleaner by Nature; David CapitennMercuanc("AAMA)TjEEX InternationFer5.4 (Smijnn opp thierahrebuttaP subcp/specifie.thir8(c)e1286 TDFe(PePWN") (3Tr

¹ The Regulatory Review Notice also sought comment on whether the Rule should be modified to permit the use of symbols in lieu of words. On November 16, 1995, the Commission published a notice announcing a tentative decision to adopt a conditional exemption to the Rule to permit the use of certain care symbols in lieu of words; it also sought additional comment on specific aspects of the proposal. 60 FR 57552. On February 6, 1997, the Commission announced its decision to adopt the conditional exemption, which became effective on July 1, 1997. 62 FR 5724.

² The comments were from: Johnson Group Management Services, Ltd. ("Johnson Group") (1);

until March 1, 1999, and 40 such comments were submitted.⁵

II. Commission Determination

A. The Reasonable Basis Requirement of the Rule

1. Background and Current Requirements

The Rule requires that manufacturers and importers of textile wearing apparel possess, prior to sale, a reasonable basis for the care instructions they provide. A reasonable basis must consist of reliable evidence supporting the instructions on the label. Specifically, a reasonable basis can consist of: (1) Reliable evidence that the product was not harmed when cleaned reasonably often according to the instructions; (2) reliable evidence that the product or a fair sample of the product was harmed when cleaned by methods warned against on the label; (3) reliable evidence, like that described in (1) or (2), for each component part; (4) reliable evidence that the product or a fair sample of the product was successfully tested; (5) reliable evidence of current technical literature, past experience, or the industry expertise supporting the care information on the label; or (6) other reliable evidence. 16 CFR 423.6(c).

The Regulatory Review Notice solicited comment on whether the Commission should amend the Rule to

conform with the interpretation of "reasonable basis" described in the *FTC Policy Statement Regarding Advertising Substantiation*

⁵ The post-workshop comments were from: Specialized Technology Resources ("STR") (PW-1); Jo Ann Pullen ("Pullen") (PW-2); EPA (PW-3); Massachusetts Toxics Use Reduction Institute ("MTURI") (PW-4); Rawhide Cleaners ("Rawhide") (PW-5) [consisting of two NPR-comments from June 1998 originally lost in transit]; Valet Cleaners ("Valet") (PW-6); Minnesota Fabricare Institute ("MFI") (PW-7); D.D. French ("French") (PW-8); Coronado Cleaners & Laundry, Inc. ("Coronado") (PW-9); MACLA (PW-10); South Eastern Fabricare Association ("SEFA") (PW-11); Celanese Acetate ("Celanese") (PW-12); Dr. Charles Riggs (PW-13); Shoemaker's/COBS, Inc. ("COBS") (PW-14); PWN (PW-15); Prestige (PW-16); Dr. Manfred Wentz ("Wentz") (PW-17); Gloria Ferrell (PW-18); Consumers Union (PW-19); IFI (PW-20); PPERC (PW-21); Hallak Cleaners ("Hallak") (PW-22); Avon Cleaners ("Avon") (PW-23); AAMA (PW-24); Comet Cleaners ("Comet") (PW-25); CNT (PW-26); Spear Cleaning & Laundry ("Spear") (PW-27); Greenpeace (PW-28); Cowboy Cleaners ("Cowboy") (PW-29); Aqua Clean (PW-30); Randi Cleaners, Inc. ("Randi") (PW-31); Korean Youth & Community Center ("KYCC") (PW-32); Cypress Plaza Cleaners ("Cypress") (PW-33); Waco Comet Cleaners (PW-34) [an NPR-comment from June 1998 originally lost in transit]; Swannanoa Cleaners ("Swannanoa") (PW-35); Sno White Cleaners & Launderers ("Sno White") (PW-36); Environmental Finance Center, Region IX ("EFC9") (PW-37); Perrys-Flanagans Cleaners ("Perrys-Flanagans") (PW-38); Ecology Action, Inc. ("Ecology Action") (PW-39); Micell Technologies ("Micell") (PW-40). In addition, two written statements were read at the workshop and placed on the record: STR (PW-41), and PPERC (PW-42); and two presentations were made at the workshop with respect to which copies of graphic presentations were placed on the record: Clorox (PW-43), and P&G (PW-44).

⁶ The ANPR also sought comment on: The option of indicating in the Rule that whether one or more of the types of evidence described in § 423.6(c) constitutes a reasonable basis for care labeling instructions depends on the factors set forth in the Advertising Policy Statement; whether the Rule should be amended to make testing of garments the only evidence that could serve as a reasonable basis for certain types of garments and, if so, whether the Rule should specify particular testing methodologies to be used; and whether the Rule should specify standards for determining acceptable and unacceptable changes in garments following cleaning as directed and identify properties, such as colorfastness and dimensional stability, to which such standards would apply. For reasons set forth in the NPR, 63 FR at 25423-24, the Commission decided not to propose any of these changes in the reasonable basis section of the Rule.

⁷ University of Kentucky College of Agriculture Cooperative Extension Service, comment 20 to ANPR, p. 2; Clorox, comment 31 to ANPR, pp. 4-5; Soap and Detergent Association (SDA), comment 43 to ANPR, pp. 1, 3; Consumers Union, comment 46 to ANPR, pp. 2-3; AHAM, comment 51 to ANPR, p. 2; IFI, comment 56 to ANPR, p. 3; P&G, comment 60 to ANPR, p. 5.

⁸ ATMI, comment 41 to ANPR, pp. 4-7.

⁹ AAMA, comment 57 to ANPR, pp. 2-4.

¹⁰ Ginetex, comment 63 to ANPR, p. 4.

¹¹ IFI, comment 56 to ANPR, p. 3 (in 1995, 40% of the 25,000 damaged garments in its Garment Analysis database incurred the damage because of inaccurate labeling); Clorox, comment 31 to ANPR, p. 2 (monitoring of bleach instructions on care labels showed 71% inaccuracy in November 1995).

¹² ATMI, comment 41 to ANPR, p. 5; see also AAMA, comment 57 to ANPR, p. 3. The ANPR noted that the Commission had litigated one case involving inaccurate care instructions that resulted in damage to garments (*FTC v. Bonnie & Co. Fashions*, No. 90-4454) (D.N.J. 1992) and had obtained settlements in several other cases where the Commission alleged that care instructions were inaccurate because of damage to trim when the garments were cleaned according to those instructions.

¹³ IFI, comment 56 to ANPR, p. 3.

¹⁴ A garment component that may be cleaned satisfactorily by itself might, for example, bleed onto the body of a garment of which it is a part.

¹⁵ Johnson Group (1) p. 1; MACLA (2); Industry Canada (8); ATMI (9); IFI (12) pp. 2–3; NAHM (14) p. 1; Associazione Serica (15) p. 1; NCAI (17) p. 4; AHAM (18) p. 3; Consumers Union (21) p. 2; Pendleton (25) p. 2; Gap (26) p. 1; P&G (34) pp. 2 and 4; Ginetex (35) p. 2.

¹⁶ Prestige (16) p. 2; Consumers Union (21) p. 2; Clorox (22) p. 2; P&G (34) pp. 2 and 4; Ginetex (35) p. 2.

¹⁷ AAMA (11) p. 3.

¹⁸ For example, red trim that is to be placed on white fabric should be evaluated to determine if it is likely to bleed onto the surrounding fabric. A company may possess reliable evidence—for example, past experience with particular dyes and fabrics—that a particular red trim does not bleed onto surrounding fabric. In such a case, testing of the entire garment might not be necessary.

¹⁹ For a detailed discussion of the comments and the analysis that led the Commission to this conclusion, see 63 FR 25417, 25424–426.

²⁰ The AATCC definitions were submitted as an attachment to AATCC's comment responding to the Regulatory Review Notice: "cold"—27 degrees C \pm 3 degrees C (80 degrees F \pm 5 degrees F); "warm"—41 degrees C \pm 3 degrees C (105 degrees F \pm 5 degrees F); "hot"—49 degrees C \pm 3 degrees C (120 degrees F \pm 5 degrees F); and "very hot"—60 degrees C \pm 3 degrees C (140 degrees F \pm 5 degrees F). AATCC (34) Attachment.

²⁷ MACLA (2) p. 1. MACLA stated that manufacturers, especially of bed linens and shirting materials, already test in water up to 150 degrees F before attaching care labels associated with commercial laundering procedures.

²⁸ AHAM proposed: "cold": <86 degrees F (30 degrees C) and "warm": 87 degrees F—111 degrees F (30 degrees C—44 degrees C).

²⁹ AHAM (18) pp. 1–2. AHAM also explained that the ranges of temperatures for each descriptor depend on several factors, including water heater temperature setting, heat loss in piping, the mix ratio of the particular washer, and the temperature of incoming cold water (which depends on geographical location and seasonal temperature).

³⁰ In this connection, Consumers Union recommended consumer education on "minimum wash water temperatures."

³¹ Consumers Union (21) p. 3.

³² Industry Canada (8) oblem wr'4f'

²² MACLA (2); Industry Canada (8); ATMI (9); AAMA (11); IFI (12); Scanlon (13); NAHM (14); Associazione Serica (15); NCAI (17); AHAM (18); Riggs (19); Fifield (20); Consumers Union (21); Pendleton (25); Gap (26); P&G (34); Ginetex (35).

²³ AAMA (11) p. 3; NAHM (14) p. 2; Pendleton (25) p. 2; Gap (26) p. 2; P&G (34) pp. 2, 4.

²⁴ AAMA (11) p. 3; Pendleton (25) p. 2.

²⁵ Riggs (19) p. 2. Dr. Riggs contended that the only realistic solution to the problem would be for manufacturers to produce clothes washers equipped with thermostatic temperature controls.

²⁶ IFI (12) p. 3.

their tap water, the water from their water heaters (especially after it has passed through plumbing pipes), or the water in their washing machines at the various settings. The Commission recognizes that more information could help consumers avoid using water that is too hot and may damage some items, or not hot enough to clean others thoroughly, or so cold that detergents will not be effective. The Commission believes that non-regulatory approaches, such as industry-sponsored consumer education campaigns or voluntary product labeling, hold the most promise for helping consumers understand how to use water temperatures to their best advantage in cleaning their washable items. The Commission is willing to consider partnering with industry, consumer, or public interest groups or others in such an undertaking.

C. Proposal to Require Home Washing Instruction

1. Background of Proposed Amendment

The Regulatory Review Notice noted that the EPA had been working with the dry-cleaning industry to reduce the public's exposure to perchloroethylene ("PCE" or "perc"), the most common drycleaning solvent,⁵⁴ and asked whether the Rule poses an impediment to this goal. The Rule currently requires that the manufacturer provide instruction as to one appropriate method of cleaning the garment, i.e., either a washing instruction or a drycleaning instruction. Thus, garments legally labeled with a "Dryclean" instruction alone may also be washable, but the manufacturer is not required to provide that additional information. In contrast, a "Dryclean Only" label constitutes a warning that the garment cannot be washed, and the manufacturer is required to have a reasonable basis for this instruction. The Regulatory Review Notice asked about the prevalence of care labeling that does not indicate both washing and drycleaning instructions. In addition, it asked whether the use of drycleaning solvents would be lessened, and whether consumers and cleaners could make more informed choices as to cleaning method, if the Rule were amended to require both washing and drycleaning instructions for garments cleanable by both methods.⁵⁵ 59 FR

⁵⁴ Congress designated PCE as a hazardous air pollutant in section 112 of the Clean Air Act; many state legislatures have followed suit under state air toxics regulations.

⁵⁵ When it amended the Rule in 1983, the Commission had considered and rejected an "alternative care labeling" requirement that garments be labeled for both washing and drycleaning if both are appropriate. 48 FR 22742-43. (See Section II.C.3, *infra*.) In 1983, however,

30733-34. The response to this proposal was mixed; some commenters favored a required dual instruction, while others opposed it because of the increased cost to manufacturers of testing garments for both methods. Some pointed out that although many items routinely washed by consumers (such as "wash and wear" apparel) could safely be drycleaned, few consumers would choose to do so.

In the ANPR, the Commission requested comment on a proposed amendment of the Rule to require a home washing instruction for all covered products for which home washing is appropriate. Under the proposal, drycleaning instructions for such washable items would be optional. Manufacturers marketing items with a "Dryclean" instruction alone, however, would be required to substantiate both that the items could be safely drycleaned *and* that home washing would be inappropriate for them; thus, a "Dryclean" instruction would be subject to the same burden of substantiation presently required for a "Dryclean Only" instruction. This revised proposal would eliminate some of the additional substantiation testing costs that a "dual disclosure" requirement would necessitate. 60 FR 67104-05.

Eighteen commenters to the ANPR, including individual consumers, academics, and an appliance manufacturers' trade association, contended that many manufacturers currently label items that can be both washed and drycleaned with a "Dryclean" or "Dryclean Only" instruction. Many of these commenters suggested that a required home washing instruction could save consumers garment care dollars. Some commenters also noted that many consumers believe there are environmental benefits from home washing rather than drycleaning washable items. 63 FR 25418.

Based on the ANPR comments, the Commission concluded that it had reason to believe that "Dryclean" labels on home-washable items are prevalent, that consumers have a preference for being told when items that they are purchasing can be safely washed at home, and that this aspect of the Rule is an impediment to EPA's goal of reducing the use of drycleaning solvents.⁵⁶ The Commission also

evidence about the harmful effects of PCE was not available. Therefore, it was appropriate for the Commission to revisit the issue during the recent regulatory review proceeding.

⁵⁶ EPA's comment (73) to the Regulatory Review Notice stated, at p.1, that the Rule should be revised to require manufacturers to state whether a garment "can be cleaned by solvent-based methods, water-based methods, or both. We believe this change is

concluded that when a washable garment is labeled "Dryclean," consumers may be misled into believing that the garment cannot be washed at home and therefore incur a drycleaning expense that they would otherwise prefer to avoid. 63 FR 25419.

Accordingly, in the NPR the Commission proposed amending § 423.6(b) of the Rule to read, in pertinent part, as follows:

(b) Care labels must state what regular care is needed for the ordinary use of the product. In general, labels for textile wearing apparel must have either a washing instruction or a drycleaning instruction. If an item of textile wearing apparel can be successfully washed and finished by a consumer at home, the label must provide an instruction for washing. If a washing instruction is not included, or if washing is warned against, the manufacturer or importer must establish a reasonable basis for warning that the item cannot be washed and adequately finished at home, by possessing, prior to sale, evidence of the type described in paragraph (c) of this section. * * *

2. Response to the NPR and Public Workshop-Conference

In the NPR, the Commission solicited empirical information about how consumers interpret a garment label that merely says "Dryclean." The NPR posed the following question:

(1) Is there empirical evidence regarding whether consumers interpret a "dry clean" instruction to mean that a garment cannot be washed? What does the evidence show?

Several commenters offered opinions on this issue,⁵⁷ but only two—Clorox and P&G—offered empirical evidence.

necessary to advance the use of water-based cleaning technology." EPA's comment to the ANPR suggested that the Rule be amended to recognize professional wetcleaning. EPA, comment 17 to ANPR, p. 1.

⁵⁷ Johnson Group (1) p. 1 (anecdotal evidence is more to the effect that consumers interpret the instruction to mean that a garment labeled "Dryclean" will last longer if drycleaned, than it is to the effect that they think it cannot be washed); Nature's Cleaners (6) p. 1 (no evidence, but the perception is true); Industry Canada (8) p. 1 (no data, but assume that's how most Canadian consumers read it); ATMI (9) p. 1 (it is possible that consumers make that assumption—a "casual poll" indicates that most consumers do make that interpretation, but do not necessarily follow their interpretation of the instruction); Scanlon (consumer) (13) ("Certainly I interpret a 'dry clean' instruction to mean that a garment cannot be washed; why else would the manufacturer put dry clean? If that's not what it means, I would appreciate it if you would require manufacturers to be more accurate. If what they really mean is 'dry cleaning preferred,' then they should say so."); Associazione Serica (15) (Comments "mainly based on European consumers' behavior") ("Yes, there is (evidence). This instruction is considered as a prohibition (against) other washing methods."); Prestige (16) p. 1 (experience has shown that many consumers who trust the care label will not attempt a non-listed care method).

Clorox provided, with its comment, the results of a nationally representative survey of 1013 respondents (507 males and 506 females) performed by Market Facts, Inc. and Telenation from June 19 to June 21, 1998.⁵⁸ This research was presented at the workshop by Eric Essma of Clorox.⁵⁹ Question 3 of the survey asked:

When the care instruction on an article of clothing reads "Dry Clean" what does that mean to you? (Probe:) How would you care for clothing like that? (Probe:) Any other ways? (Record Verbatim. Probe for Clarification. Probe to Exhaustion.)

A majority of the respondents (73.2%) said a "Dryclean" instruction means the garment must be drycleaned, professionally cleaned, or otherwise specially taken care of.

P&G stated, in its comment to the NPR, that it "has much experience and qualitative evidence to indicate that consumers interpret a "dry clean" instruction or a 'dry clean only' instruction to mean that a garment cannot be washed or cared for in the home."⁶⁰ At the workshop, P&G presented a description of data obtained from a nationally representative survey of about 1,000 female heads of household who currently do the laundry.⁶¹ Respondents were asked which of five methods they would use to clean a garment labeled "Dryclean." Although multiple responses were allowed, 44% of respondents said drycleaning was the only acceptable way to clean such a garment.⁶²

⁵⁸ A description of the survey and its results are attached to Clorox's comment (22). Telenation conducted the survey using a single-stage, random digit-dial sample technique to select respondents from all available residential telephone numbers in the contiguous United States. Up to three attempts were made on the selected telephone numbers. Telenation's standard data tabulations are provided in a weighted format. The data are weighted on an individual multi-dimensional basis to give appropriate representation to the interaction between various demographic factors. The multi-dimensional array covers gender, within age, within household income in the four National Census regions, resulting in 144 different cells. The current Population Survey from the U.S. Census Bureau is used to determine the weighting targets for each of these 144 cells. Clorox (22) p. 5.

⁵⁹ A copy of Mr. Essma's presentation was placed on the public record as Clorox (PW-43).

⁶⁰ P&G (34) p. 3.

⁶¹ P&G's two-page summary of the data was placed on the public record as P&G (PW-44).

⁶² Workshop Transcript ("Tr."), pp. 26-27. The difference between the results of the P&G survey (44% mentioned only drycleaning) and the Clorox survey (73.2% said the garment must be drycleaned or otherwise specially taken care of) may be due to the fact that the respondents in the P&G survey were female heads of household who currently do the laundry, whereas the Clorox respondents were a random sample of the population. Female heads of household who currently do the laundry may be more aware than the general population that items labeled "Dryclean" may also be washable.

Thus, empirical data in the record indicates that many consumers interpret a "Dryclean" label to mean that the garment cannot be washed. In addition, question 4 in the Market Facts survey asked respondents whether they had "ever washed or laundered any clothing labeled 'Dry Clean.'" Almost half (49%) of the respondents said "yes."⁶³ These respondents were then asked (in question 8) whether they were "satisfied with the results of washing or laundering 'Dry Clean' items," and 63.4% said "yes" and 11.1% said "sometimes."⁶⁴ Thus, the Market Facts study indicates that some garments labeled "Dryclean" can in fact be washed at home to the satisfaction of the consumer.

Several post-workshop comments discussed the Clorox research, but none questioned the finding that a large number of respondents who "satisfiarme a "dry clean" home."

⁶⁸ Greenpeace (27) p. 1.

⁶⁹ Pendleton (25) p. 1.

⁷⁰ IFI (PW-20), p. 2.

⁷¹ IFI (12) p. 1. Many other cleaners and cleaners' trade associations also favored requiring instructions for both washing and drycleaning or for all methods by which an item can be cleaned (including, presumably, professional wetcleaning and newly emerging techniques such as the use of liquid carbon dioxide for cleaning): MACLA (2) p. 1; Viola (5) p. 2; Prestige (16) p. 1; NCAI (17) p. 2 (otherwise consumers might pay more in the long run because of "excess wear potentially caused by home care"); Valet (PW-6) p. 1; MFI (PW-7), p. 1; French (PW-8), p. 1; Coronado (PW-9), p. 1; MACLA (PW-10) p. 1; SEFA (PW-11) p. 1; COBS (PW-14) p. 1; Hallak (PW-22) p. 1; Avon (PW-23) p. 1; Comet (PW-25), p. 1; Spear (PW-27), p. 1; Cowboy (PW-29), p. 1; Randi (PW-31), p. 1; Swannanoa (PW-35) p. 1; Sno White (PW-36) p. 1; Perrys-Flanagans (PW-38) p. 1. One yarn manufacturer and one academic expert also favored dual or alternative labeling. Celanese (PW-12) p. 1; Riggs (PW-13) p. 3. EPA (PW-3) at pp. 1-2, favored alternative labeling. Other cleaners and cleaners' trade associations opposed the proposed change and favored retaining the status quo—i.e., that either washing or drycleaning may be listed on the label of a garment that can either be washed or drycleaned. Rawhide (PW-5) pp. 1-4 (cleaning by consumers is more hazardous to the environment than cleaning by drycleaners); NCPDC (28) pp. 1-2 (recommending home washing as the preferred method is not necessarily providing consumers with the best method of cleaning their garments).
⁷² IFI (12) p. 2.

⁶³ Clorox (22) Weighted Data, p. 6.

⁶⁴ Clorox (22) Weighted Data, p. 10.

⁶⁵ Clorox (22) Weighted Data, p. 44. Pendleton (25) also stated, at p. 1, that its own market information indicates "the importance of washability to consumers."

⁶⁶ Consumers Union (21) p. 1; AHAM (18) p. 2; Pendleton (25) pp. 1-2; Greenpeace (27) p. 1; Smith (36) p. 1; Clorox (22) p. 1; and P&G (34) pp. 2, 3.

⁶⁷ AHAM (18) p. 2.

and, in some cases, may be the preferred method for garment appearance or longevity. On a hang tag, consumers could be given additional useful information, not conducive to shortened form on a label, such as, with certain fabrics, white garments can be washed without harm, but brightly colored garments might fade if washed rather than drycleaned.

D. Professional Wetcleaning Instruction

1. Background of Proposed Amendment

Several comments submitted in response to the Regulatory Review Notice suggested that new technologies of professional wetcleaning offer promising alternatives to PCE-based drycleaning. Therefore, in the ANPR, the Commission requested information about the professional wetcleaning process. It also sought comment on the feasibility of amending the Rule to require such an instruction, when appropriate and in addition to a drycleaning instruction, for items that cannot be home laundered. 60 FR at 67105, 67107. Twenty-nine commenters addressed the wetcleaning issue. Some opposed amending the Rule to require such an instruction, arguing that the technology is too new and not yet well understood nor widely available. A number of commenters provided information about the available processes and equipment. In addition, they offered widely varying estimates of the percentage of garments now labeled "Dryclean" or "Dryclean Only" that could also be wetcleaned effectively. 63 FR at 25420-21. Ginetex stated that it is waiting for development of a standardized test method before incorporating wetcleaning into the European care labeling system.⁹⁸

2. Response to the NPR

In the NPR, the Commission sought comment on a proposed amendment that would permit, though not require, a "Professionally Wetclean" instruction on care labels. Under the proposed amendment, this instruction would be in addition to, not in place of, a care instruction for another method of cleaning, such as washing or drycleaning. The NPR also set forth a proposed definition of "professional wetcleaning."⁹⁹ The proposed

amendment specified that a label with a "Professionally Wetclean" instruction must state one type of professional wetcleaning equipment that may be used, unless the garment could be cleaned successfully by all commercially available types of professional wetcleaning equipment. The proposed amendment further specified that a label recommending professional wetcleaning must also list the fiber content of the garment.

In response to the NPR, 25 comments addressed the issue of professional wetcleaning. A few of these opposed the proposed amendment, stating that the technology and availability of this process are not yet sufficiently advanced to justify a care labeling instruction.¹⁰⁰ Most of the comments favored amending the Care Labeling Rule to recognize professional wetcleaning. They did not agree, however, on how this should be accomplished. Several argued that the Rule should require a "Professionally Wetclean" instruction whenever the method would be appropriate.¹⁰¹ Some believed that a "Professionally Wetclean" instruction should always be accompanied by another appropriate care method,¹⁰² while others asserted that a second instruction should be allowed, but not required.¹⁰³ With regard to the issue of specifying wetcleaning equipment, most thought it would be unnecessary and overly restrictive.¹⁰⁴ Of those addressing the

degree of mechanical action imposed on the garments by the wet cleaning process. The computer also controls time, fluid levels, temperatures, extraction, chemical injection, drum rotation, and extraction parameters. The dryer incorporates a residual moisture (or humidity) control to prevent overdrying of delicate garments. The wet cleaning chemicals are formulated from constituent chemicals on the EPA's public inventory of approved chemicals pursuant to the Toxic Substances Control Act.

¹⁰⁰ See, e.g., Viola (5) p. 2; AHAM (18) p. 3 (Delay incorporating a "Professionally Wet Clean" instruction in the Rule "until the manufacturers can establish a reasonable basis for this method of garment refurbishment."); Alliance (33) p. 1 ("To create special labeling at this time is premature.")

¹⁰¹ See, e.g., Aqua Clean (4) p. 1; Cleaner By Nature (10) p. 1; Riggs (19) p. 2; PPERC (24) p. 2; Pendleton (25) p. 2; Greenpeace (27) p. 3; CNT (30) p. 2.

¹⁰² See, e.g., Johnson Group (1) p. 1; MACLA (2) p. 1; Industry Canada (8) p. 2; ATMI (9) p. 2; IFI (12) p. 2; Scanlon (13) p. 1; Riggs (19) p. 2; Pendleton (25) p. 2.

¹⁰³ See, e.g., Nature's Cleaners (6) p. 1; Associazione Serica (15) p. 1; CNT (30) pp. 2-3.

¹⁰⁴ See, e.g., Riggs (19) p. 2; Consumers Union (21) p. 2; CNT (30) p. 3 (label should not specify equipment type, but should specify finishing instructions, when needed.); PWN (31) p. 2; P&G (34) pp. 2, 3 (equipment statement should not be required; allow an optional statement of at least one type of equipment that can be used, unless all would work). But, see PPERC (24) p. 4 (require "Professionally Wetclean" instructions to specify wetclean finishing equipment, if necessary).

issue of whether fiber content should be stated on a label with a "Professionally Wetclean" instruction, most suggested that fiber content should be required on all care labels, not just labels that recommend professional wetcleaning.¹⁰⁵ Eleven comments addressed the proposed definition of "wetcleaning;"¹⁰⁶ a few favored it, others suggested modifications, and others rejected it as too narrow, encompassing only the newest technology.

3. Public Workshop-Conference and Post-Workshop Comments

At the workshop, seven participants stated that professional wetcleaning is an established care method that is currently used not only by those who specialize in wetcleaning but also by many, if not most, conventional cleaners.¹⁰⁷ Six of the participants and two observers agreed that a definition and test procedure should be developed before the Commission amends the Rule to permit or to require a wetcleaning instruction.¹⁰⁸ The discussion made clear, however, that there is not one, clearly defined process performed by those who do professional wetcleaning.¹⁰⁹

There was considerable discussion at the Workshop about the need to define "wetcleaning" and develop a test procedure that manufacturers could use to establish a reasonable basis for using a "Professionally Wetclean" instruction on labels. A representative of the Center for Neighborhood Technology read the definition CNT proposed in its comment responding to the NPR,¹¹⁰ and representatives of ASTM and AATCC offered to consider establishing a definition and test procedure at the next meetings of those organizations, using

¹⁰⁵ See, e.g., Consumers Union (21) p. 2; PPERC (24) p. 2; Greenpeace (27) p. 2; CNT (30) p. 3; PWN (31) p. 2.

¹⁰⁶ IFI (12) p. 2; Prestige Cleaners (16) p. 1; NCAI (17) p. 1; Riggs (19) p. 1; Consumers Union (21) p. 3; PPERC (24) p. 2; Greenpeace (27) p. 2; CNT (30) pp. 2-3; PWN (31) p. 2; P&G (34) pp. 2-3; Pellerin Milnor (37) p. 1.

¹⁰⁷ Star (CNT) Tr. pp. 155-59; Hargrove (PWN) Tr. p. 169; Boorstein (Prestige) Tr. p. 171; Sinsheimer (PPERC) Tr. p. 180; Oakes (QVC) Tr. p. 189; Davis (Cleaner by Nature) Tr. pp. 190-91; Scalco (IFI) Tr. p. 244.

¹⁰⁸ Riggs Tr. pp. 172-75; Easter (Univ. Ky.) [Observer] Tr. p. 176; Pullen Tr. pp. 181-83; Ferrell (Capital Mercury Apparel, Ltd.) Tr. p. 186; Lamar (AAMA) Tr. p. 189; Essma (Clorox) Tr. pp. 207-08; Jones, General Electric Company ("GE") [Observer] Tr. pp. 230-32; Stroup (EPA) Tr. p. 261.

¹⁰⁹ For example, Ms. Hargrove of PWN asked if IFI would agree that most of the nation's 30-35,000 cleaners do some amount of wetcleaning. Ms. Scalco of IFI agreed, but with the qualification that "there's vast differences in how they do that wet cleaning from shop to [shop]." Tr. p. 169.

¹¹⁰ Ewing (CNT) Tr. p. 178.

⁹⁸ Ginetex, comment 63 to ANPR, p. 3

⁹⁹ See 63 FR 25417 at 25426:

Professional wet cleaning means a system of cleaning by means of equipment consisting of a computer-controlled washer and dryer, wet cleaning software, and biodegradable chemicals specifically formulated to safely wet clean wool, silk, rayon, and other natural and man-made fibers. The washer uses a frequency-controlled motor, which allows the computer to control precisely the



¹²⁴ According to the Winter, 2000 volume of Wetcleaning Update, published by the Center for Neighborhood Technology, AATCC's RA43 Committee on Professional Textile Care approved the following definition for wetcleaning:

Professional Wetcleaning—A process for cleaning sensitive textiles (e.g., wool, silk, rayon, linen) in water by professionals using special technology, detergents and additives to minimize the potential for adverse effects. It is followed by appropriate drying and restorative finishing procedures.

Wetcleaning Update reported that the Committee on Textile Cleaning of the International Standards Organization also is conducting a ballot on this definition.

¹²⁵ As part of a project known as AQUACARB (partially funded by the European Union), six European research institutes are also attempting to develop a test procedure for professional wetcleaning. AATCC is coordinating its efforts with AQUACARB, as well as with research efforts at North Carolina State University. "Dynamics of Change in Professional Garment Cleaning," Textile Chemist and Colorist & American Dyestuff Reporter, December 1999, pp. 38, 41.

¹²⁶ Micell (PW-40) p. 1.

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¹³¹ Consumers Union (21) p. 4.
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to be harmed in appearance by the requirement for a permanent label. Such petitions have been filed only rarely in recent years.

In the NPR, the Commission preliminarily concluded that the proposed amendments to the Rule, if enacted, would not increase the paperwork burden associated with these paperwork requirements. The Commission stated that the proposed amendment to change the numerical definitions of the words "hot," "warm," or "cold," when they appear on care labels, would not add to the burden for businesses because they are already required to indicate the temperature in words and to have a reasonable basis for whatever water temperature they recommend. Moreover, businesses would not be burdened with determining what temperature ranges should be included within the terms "hot," "warm," or "cold" because the Rule would provide the appropriate numerical temperatures. OMB regulations, at 5 CFR 1320.3(c)(2), provide that "the public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included within [the definition of collection of information]."

The Commission concludes on the basis of the information now before it that the amendments to the Care Labeling Rule adopted herein will not increase the paperwork burden associated with Rule compliance.

VI. Environmental Assessment

In the NPR, the Commission noted

¹³⁵ The proposed Environmental Assessment is on the public record and is available for public inspection at the Public Reference Room, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, Washington, DC. It can also be obtained at the FTC's web site at <http://www.ftc.gov> on the Internet.

¹³⁶ Consumers Union (21) p. 2.

¹³⁷ Greenpeace (27) p. 3.