

garment can be either washed or dry cleaned.<sup>15</sup>

(ii) *What is the actual incidence of labeling that fails to include both washing and dry cleaning instructions?* Few comments responded directly to this question. One guessed that the incidence is "Probably none," reasoning that, because washing is less expensive than dry cleaning, it would be unimaginable for a manufacturer to put a "Dry Clean" label on a garment that could be washed.<sup>16</sup> Another stated that it is common practice to label conservatively (e.g., "dry clean only"),<sup>17</sup> and a third alleged that there is a wide variation in adherence to the requirements of the Rule, especially among small firms and importers.<sup>18</sup> Two cleaners using wet cleaning technology contended between them that the incidence ranged from 40% to 100% because a "Professionally Wet Clean" instruction is never given on labels for garments that normally would be dry cleaned but also could be professionally wet cleaned.<sup>19</sup>

(iii) *With regard to a garment that can be either washed or dry cleaned, should the Commission amend the Rule to require that care instructions be provided for both washing and dry cleaning?* Several commenters preferred that the Rule not be amended in this regard at all, contending that apparel manufacturers should be free to select the best care method based on their own judgment.<sup>20</sup> Some commenters favored, without extensive analysis, requiring care instructions for both dry cleaning and home laundering if neither process would harm the garment. Most of these expected that such an amendment would enable consumers to save the expense associated with unnecessary dry cleaning for products that could safely be laundered at home.<sup>21</sup> Others

maintained that a reduction in dry cleaning would diminish for humans and the environment those risks that are associated with the use of PCE.<sup>22</sup> One commenter pointed out that some consumers may prefer to dry clean washable garments and that care instructions should give these individuals a choice of methods when both laundering and dry cleaning would be appropriate.<sup>23</sup>

Another group of commenters suggested that the Rule be amended to require washing instructions for garments that can be safely laundered as well as dry cleaned, and to require dry cleaning instructions solely for those garments that must only be dry cleaned, rather than to require that both instructions be specified for garments that could withstand both processes.<sup>24</sup> These commenters reasoned that, although many items (cotton underwear and outerwear, children's clothing, wash-and-wear apparel, etc.) could safely be dry cleaned, it would be neither necessary nor desirable to do so. In fact, they contended, a requirement for dual instructions for such products would actually result in an increase in the use of dry cleaning solvents because manufacturers now exclusively producing washable (but also dry cleanable) products would have to install dry cleaning facilities and equipment so they could provide a reasonable basis for the dry cleaning instruction.

Other commenters suggested that the Rule be amended to include a requirement that labels on garments for which dry cleaning is appropriate include a "professionally wet clean" instruction in addition to the dry cleaning instruction.<sup>25</sup> These commenters contended that the professional wet cleaning process is a viable alternative to dry cleaning in most cases, and that the process does little damage to the environment.

<sup>15</sup> Business Habits, Inc. (38) p.4 (the current Rule is a disincentive for the dry cleaner to consider washing or professional wet cleaning when the labels state "Dry Clean Only"); Mothers & Others (22) pp.1-4 (unless consumers are informed of their options, the market will be skewed in favor of dry cleaning and consumers may not use cheaper methods (home laundering) and/or safer methods (professional wet cleaning)); Aqua Clean System (20) p.4; Ecofranchising, Inc. (28) pp.3-4; Jo Ann Pullen (44) p.7; Center for Neighborhood Technology (59) pp.2-3.

<sup>16</sup> Baby Togs, Inc. (2) p.2.

<sup>17</sup> Carter's (24) p.3.

<sup>18</sup> OshKosh B'Gosh, Inc. (27) p.2.

<sup>19</sup> Aqua Clean System (20) p.4; Ecofranchising, Inc. (28) pp.3-4.

<sup>20</sup> The Warren Featherbone Co. (33) p.1-2, 3; Clothing Manufacturers Association (40) p.1; Salant Corp. (52) p.1. See also Braham Norwick (25) p.3.

<sup>21</sup> See, e.g., Benjamin Axleroad (1) p.1; Don Pietsch (3) p.1; Evelyn Borrow (4) p.1; Claudia G. Pasche (5) p.1; Margaret S. Jones (6) p.1; Judith S. Barton (7) p.1; Virginia J. Martin (8) p.1; SuzAnne A. Darlington (14) p.1; Ann Geerhar (29) p.1.

<sup>22</sup> See, e.g., Ardis W. Koester (12) p.1; University of Kentucky College of Agriculture (15) p.1; Center for Neighborhood Technology (59) pp.2-3.

<sup>23</sup> Drycleaners Environmental Legislative Fund (65) p.2.

<sup>24</sup> See, e.g., OshKosh B'Gosh, Inc. (27) p.2; VF Corp. (36) p.5; see also Fieldcrest Cannon (11) p.4 (opposed suggested amendment but advanced the same reasoning as the preceding commenters); American Textile Manufacturers Institute (56) pp.5-6.

<sup>25</sup> Aqua Clean System (20) pp.4-6; Mothers & Others (22) pp.2-3; The Massachusetts Toxics Use Reduction Institute (23) pp.1-2; Ecofranchising, Inc. (28) p.3; Public Advocate for the City of New York (39) pp.8, 73; Friends of the Earth (43) p.1; Jo Ann Pullen (44) p.7; Greenpeace (45) pp.1-3; Association of Home Appliance Manufacturers (53) p.2; Center for Neighborhood Technology (59) pp.2-4; EPA (73) p.1. See also American Apparel Manufacturers Association (68) p.5.

Because wet-cleaning wash formulas are created to cover categories of fabric type, two commenters stated that labels should clearly state the composition of the fabric or fabrics used so the correct machine wet-cleaning formula may be used.<sup>26</sup>

(iv) *What are the costs and benefits, including environmental benefits, of such an amendment?* Several commenters opposing the amendment to require instructions for both washing and dry cleaning contended that a dual labeling requirement would result in increased costs for manufacturers who would have to test for both methods instead of only one.<sup>27</sup> However, those who favored amending the Rule in any of the ways discussed above cited as benefits the reduced cleaning costs to consumers, the benefits to human health and the environment, or, occasionally, both.

Materials describing methods, training, and equipment in many of the comments suggesting a requirement for a "Professionally Wet Clean" instruction implied that a significant cost would be incurred by cleaners wishing to use the new technology. One comments also concluded that an amendment to require such an instruction should be accompanied by a consumer education effort.<sup>28</sup>

## b. Objectives and Regulatory Alternatives

The record indicates that PCE is dangerous to humans and the environment, and that some consumers are interested in avoiding the use of PCE when possible. Through the proposed amendments to the Rule, discussed below, the Commission seeks to ensure that consumers are provided with information that would allow them the choice of washing garments when possible, or having them professionally wet cleaned. The information about washability may be important to many consumers, either for economic or environmental reasons.

When a garment is labeled "dry clean," many consumers may be misled into believing that the garment cannot be washed in water; if the garment can be washed in water, the consumer may

<sup>26</sup> Aqua Clean (20) p.7; Ecofranchising (28) pp.2, 4.

<sup>27</sup> Fieldcrest Cannon (11) p.4; Woolrich, Inc. (21) p.1; OshKosh B'Gosh, Inc. (27) p.2; VF Corp. (36) p.5; Industry Canada (37) p.3; The GAP, Inc. (78) p.5.

<sup>28</sup> See, e.g., Mothers & Others (22) pp.1-2; Public Advocate for the City of New York (39) (transmitting the comprehensive report on "The Risk to New Yorkers from Drycleaning Emissions and What Can Be Done About It"); Greenpeace (45) pp.1-3, Attachment: "Dressed to Kill"; Center for Neighborhood Technology (59) pp.2-3.