

**BEFORE THE  
UNITED STATES POSTAL SERVICE**

**New Standards for Letter-Size Booklets    )**  
**and Folded Self-Mailers, Proposed Rule    )**  
**73 Fed. Reg. 74930 (December 29, 2008)    )**

**JOINT COMMENTS OF  
THE ASSOCIATION FOR POSTAL COMMERCE,  
ALLIANCE OF NONPROFIT MAILERS,  
THE DIRECT MARKETING ASSOCIATION, AND THE  
MAILING AND FULFILLMENT SERVICE ASSOCIATION  
ON PROPOSED RULE**

The Association for Postal Commerce (“PostCom”), the Alliance of Nonprofit Mailers, the Direct Marketing Association, and the Mailing and Fulfillment Service Association (collectively “PostCom *et al.*”) file these joint comments on the Postal Service’s proposed new standards for letter-size booklets and folded self-mailers.

Our comments are based on careful evaluation of the proposal by each of our large memberships, and on the experience gained by the representatives of PostCom through their close work with Postal Service engineering and operations groups over the past eighteen months in testing and evaluating the characteristics that influence the processing of letter-size booklets. These comments cannot attempt to address the full range of concerns of all of the undersigned associations and our members; some may also file comments separately. We do not attempt to summarize all of the specific comments advanced by the associations or our members, but rather, here we advance collective concerns of our associations that bear emphasis.

## **I. Introduction**

In light of the significant price increases for flats which took effect in May 2007, the Postal Service's marketing representatives encouraged flats mailers to use a letter-sized booklets to mitigate the increased postage costs. Many mailers redesigned their products. Shortly after these redesigned products—some, but not all of which meet existing postal service requirements<sup>1</sup>—appeared in the mailstream, Postal Service operations officials contacted PostCom to discuss processing issues with letter-size booklets.

Over the past eighteen months, the Postal Service has involved its customers in its plans for testing mailpiece characteristics prior to proposing changes in design standards. PostCom *et. al.* commend the Postal Service for this approach. The joint efforts of the Postal Service and PostCom have shed considerable light on operational effects of certain design characteristics of booklets, leading to a narrowing of the scope of the design changes for letter-sized booklets that PostCom understands were initially contemplated by the Postal Service. We encourage the Postal Service to pursue this type of collaboration in the future as it develops any new requirements. Collaboration has the potential to ease the adoption of new rules, when need is demonstrated.

That said, the rules formally proposed in late December raise significant concerns. Our collective effort tested only letter-sized booklets, not self-mailers; yet the Proposed Rule would impose new restrictions on self-mailers as well as booklets. Nor did our testing provide substantial evidence to establish any new requirements concerning the characteristics of any other form of letter mail. Thus, the reach of the Proposed Rule extends well beyond the scope of the joint efforts just described. In the absence of any

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<sup>1</sup> This point will be further addressed below.

evidence of the need for new restrictions on self-mailers, PostCom *et al.* urge the Postal Service to wholly withdraw the proposed new standards with respect to self-mailers.

**Introduce Changes Only Where Need Is Proven.** Overall, the proposed changes obviously will increase mailer production costs, and provide further restrictions on creative mailpiece design. We cannot overemphasize the likelihood that further restrictions on mailpiece design will further suppress the Postal Service's mail volume and revenue. These cost increases and design restrictions will hamper an industry already struggling in the current economic downturn to maintain existing volumes and revitalize the use of mail as an advertising medium. We recognize that the Postal Service may justify introducing some of the proposed changes to improve processing efficiency. However, the changes should be limited to those which have been thoroughly tested and proven to generate efficiency gains, and the results of these tests should be shared with industry. These demonstrated efficiency gains should be substantial enough to indicate that the format restrictions are likely to yield a net reduction in the combined costs of both the Postal Service and its customers.

**Adopt a Practicable Implementation Timetable.** Any changes must be implemented in a manner which allows industry – including mailers, printers, lettershops, equipment suppliers/manufacturers, and adhesive product suppliers – sufficient time to prepare. An implementation date of May 2009 would allow customers only a few months between publication of a final rule and implementation. This is unlikely to be enough time to redesign and test mailpieces, introduce new processes in production lines, and secure the required inventory of supplies. Most companies already have their 2009 budgets in place and will not be able to make the necessary investments to accommodate

the proposed requirements in 2009. Investment capital for small business is scarce, and cost overruns will be impossible for struggling companies to absorb. We have been advised that a minimum of one year – and preferably two – is needed for industry to prepare for the tabbing changes proposed. We therefore urge the Postal Service to postpone implementation of any of the proposed changes to calendar year 2010.

**Enforce Existing Rules.** In the meantime, PostCom *et. al.* urge the Postal Service to enforce existing requirements,. The advance notice explained that new rules would be proposed because many folded self-mailers and booklets tend to double feed and jam equipment, damaging the equipment and mail, and increasing machine downtime. Several commenters on the Advanced Notice observed that at least some of the pieces that jam the equipment was handled as machinable or automation letter mail despite not meeting applicable requirements. The Postal Service should be able to achieve substantial productivity gains simply by enforcing its existing mail preparation rules. Doing so should enable the Postal Service to better assess the need for new requirements.

**Take a Multi-Disciplinary Approach to Problem Solving.** The Postal Service risks losing mail volume each time it changes its requirements and imposes additional costs on the private sector. To maintain and grow the mailstream, the Postal Service needs to balance its operational needs with its need to provide customers the flexibility to offer new mailpiece designs to their customers at affordable prices. Rather than merely attempting to regulate the development of a mailstream that is perfect-to-process on existing equipment, the Postal Service should aggressively explore ways to modify its equipment or operations to accommodate the full range of its customers' products. Also,

working with mailers and mail service providers, the right experts may be able to develop pricing proposals that can help mitigate the impact of changing requirements on volume.

## **II. Basic Problems Concerning the Nature and Adequacy of the Notice**

The Proposed Rule indicates that the Postal Service intends to change the dimensions of Standard Mail machinable and automation letters and cards and Standard Mail Enhanced Carrier Route (ECR) letters. Postal Regulatory Commission rules require that applicable size (and weight) limitations for mail matter appear in the Mail Classification Schedule as part of the description of each product. 39 C.F.R. § 3020.110. The Postal Service is required to file updates to the size (and weight) limitations for market dominant mail matter by filing notice with the Commission 45 days prior to the effective date of the proposed update. 39 C.F.R. § 3020.111.

To date, the Postal Service has apparently skirted the Commission's requirement to define its products in terms of physical dimensions. The current Mail Classification Schedule merely states that "Standard Mail may not exceed 108 inches in length and girth combined. Additional size limitations apply to individual rate categories." The Postal Service's failure to identify the "additional size limitations" for each of the products or individual rate categories listed in the current MCS does not excuse the Postal Service from the requirement to file notice with the Commission of new size (and weight) limitations, or of a new product.<sup>2</sup>

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<sup>2</sup> The PAEA and the Commission's rules define the term "product" to mean "a postal service with a distinct cost or market characteristic for which a rate or rates are, or may reasonably be, applied." 39 U.S.C. § 102; 39 C.F.R. § 3001.5(t). When a change in product definitions -- particularly physical size requirements -- results in a substantial change in the applicable rate, the Postal Service has effectively defined a new product. PAEA Section 203 requires that the Postal Service file with the Postal Regulatory Commission and publish in the Federal Register notice of introduction of a new product. 39 U.S.C. § 3642(d).

The Postal Service's proposals raise two other questions about the adequacy of the published notice. First, to the extent the proposed DMM changes set forth in the notice include new requirements for paper, static and coefficient of friction, dimensions and shape that apply to all letters and cards that claim machinable or automation prices, or Standard Mail ECR letter prices (see proposed DMM 201 at 1.1.3 and 3.1), the notice affects the preparation of a far broader set of mail than booklets and self-mailers. The Postal Service apparently recognizes the need to provide notice to a broader set of interests; it has incorporated these proposed DMM changes in another notice that is awaiting publication in the Federal Register at this time. DMM Advisory, January 22, 2009. Thus, these comments are unlikely to reflect the full range of our members' potential concerns about the changes proposed on December 29. To the extent the changes apply to all automation-rated letter mail, not just booklets and self-mailers, we specifically reserve the right to submit additional comments in response on these issues in response to the forthcoming further Federal Register notice.

Second, the overview of the comments presented in the published proposal ignores many of comments that were filed in response to the Advance Notice issued in March 2008. The Proposed Rule indicates that the Postal Service received five comments in response to the advance notice, all concerning the requirement that tabs may not be perforated. In fact, at least seventeen sets of comments addressing a wider range of matters are on file in the Headquarters library. In light of the Postal Service's failure to respond to PostCom's comments on the Advance Notice, we append a copy of these earlier-filed comments.

### **III. Analysis of the Proposed Rule**

#### **A. General Comments on Proposed Requirements**

**Recommendations and Guidelines.** In several places in its Proposed Rule, the Postal Service includes “recommendations” or “guidelines” that are not requirements. Those “recommendations” and “guidelines” should be deleted. The Domestic Mail Manual is not a guidance document. It is used by customers and acceptance clerks to identify the Postal Service’s rate eligibility requirements. Including recommendations and guidance in this document makes for ambiguous rules. This ambiguity could confuse acceptance clerks into misinterpreting recommendations as requirements, causing mail entry to be held up while competing interpretations are reconciled. Alternatively, misinformed customers could simply assume unnecessary costs. We urge the Postal Service to take all recommendations and guidelines out of the proposed rule before it is finalized. The Postal Service publishes a variety of support publications which contain such guidelines. Any recommendations should be included in one of those publications, if warranted.

**Mailpiece Testing, Approval and Communication.** The DMM should document the procedures that customers may rely on for testing their letter-size booklet and folded self-mailer designs. These procedures should be centralized through the PCSC, and designed to allow customers to receive prompt decisions and guidance on testing and design of these pieces. When approvals are made through the PCSC for pieces in these categories, the Postal Service should publish information describing the type of piece approved, including any waivers of or exceptions from particular DMM provisions that may have been granted, and identifying the characteristic(s) that tested

favorably. Publication should be accomplished through Customer Support Rulings (CSRs) or other channels that other customers can easily access in the future.

Widespread communication will reduce the number of exception/approval requests the Postal Service will be asked to process from multiple companies concerning the same design variances. In addition, service providers such as printers should be allowed to request rulings on designs that they then can use for multiple clients.

**B. Comments on Requirements Applicable to All Machinable and Automation Letters and Cards and Standard Mail ECR Letters**

**Paper Stock.** Proposed DMM 201.3.2 states that “mailpieces must be constructed from high tear strength paper stock.” The Postal Service has offered no justification for the requirement, however, let alone provide an objective standard for “high tear strength.”

Our members advise that there is no way to measure paper tear strength, and that a variety of external factors impact tear strength, such as climate, content (e.g., recycled paper), the method of printing (e.g., gravure or offset), and other factors. While jointly testing booklet processing with its customers, the Postal Service’s engineering staff asked customers to provide the tear strength on paper for every sample tested because the engineers lacked any way to determine the characteristic. When contacted, paper suppliers could not provide the information. If the Postal Services and paper suppliers cannot provide an objective benchmark for compliance, customers obviously cannot test for it.

Further, the proposed requirement appears to prohibit designs that have non-paper attachments on the inside or outside of the piece, such as stickers, tipped-on cards,

scratch offs, magnets, or other materials. These mechanisms are frequently used to increase response rate, which benefits both the customer and the Postal Service.

Therefore, the Postal Service should remove this proposed requirement from any final rules it may issue.

**Static and Coefficient of Friction.** Proposed DMM 201.3.3 states that “[l]etter-sized machinable and automation mailpieces must be made of paper material with the following characteristics: a. Static charge of less than 2 KV when tested using test method ASTM D4470; b. Kinetic coefficient of friction between 0.26 and 0.34 when tested as paper to same paper using test method ASTM D 4917.”

A subsequent DMM Advisory issued January 28 which did not refer to the subject Proposed Rule (but which referred only to proposed rules that were published on [pe.usps.com](http://pe.usps.com) on January 22, 2009) indicated that the Postal Service intends to change the proposed static and coefficient of friction standards for automation and machinable letters from a requirement to a recommendation. Assuming that presently, there is no intent to impose a static and coefficient of friction standard on booklets and self-mailers, to the extent the proposed rules may become recommendations, they should be deleted from the proposed DMM language. (See our general comments at p. 7 above.)

Because current recommendations could become future requirements, we offer these further comments. *PostCom et al.* oppose any requirements that concern the paper characteristics of static charge and coefficient of friction. Customers and their service providers cannot test whether pieces have met the requirement; there is no viable paper certification process; and the Postal Service has no way to verify at acceptance that the requirements have been met. These proposed requirements therefore are impossible to

measure or enforce. Furthermore, we observe that the testing method referred to for purposes of testing kinetic coefficient of friction is for uncoated stock, so the proposed rule is ambiguous as to its applicability to coated stock.

**Dimensions.** The Proposed Rule would eliminate the existing DMM provision in 201.3.2c(1) that allows machinable and automation letter-size pieces and Standard Mail ECR letters to be 0.007 inch thick if no more than 4-1/4 inches high or 6 inches long. The Postal Service offers no justification for eliminating this provision. Therefore, *PostCom et al.* oppose the adoption of this change.

**C. Comments on Provisions Addressing Both Booklets and Folded Self-Mailers**

**Tabs.** The introductory paragraph of proposed DMM 201.3.12 states that tabs “must not contain perforations.” We understand the test results on letter-size booklets that were behind the proposed change, and generally applaud Postal Service’s efforts to improve processing efficiency. However, we are not aware of any testing results whatsoever on folded self-mailers. Further, the Postal Service has not provided us with any test results on specialty perforated tabs on booklets or self-mailers. Our members report successful experiences with reverse perforated tabs. Yet the restriction would ban all perforated tabs, including specialty perforated tabs, on both booklets and self-mailers. *PostCom et al.* urge the Postal Service to share the results of any and all tests conducted – including tests of booklets with new perforated styles and any tests of self-mailers – and meanwhile limit its restrictions to those which have been demonstrated through rigorous collaborative testing with industry to achieve substantial efficiency gains.

The introductory paragraph of proposed DMM 201.3.12 also states that “[t]abs may be made of opaque paper, translucent paper, vinyl or plastic....” But a few lines

down, proposed DMM 201.3.12(d) further states that “[v]inyl tabs and cellophane tape closures are not acceptable within the barcode clear zone.” To avoid ambiguity, the permissive generalization should probably be immediately qualified (e.g., “[t]abs may be made of opaque or translucent paper. Except where a barcode clear zone is required, tabs may also be made of vinyl, cellophane, or plastic.”).<sup>3</sup>

PostCom *et al.* further urge the Postal Service to remove the recommendation in proposed DMM 201.3.12f that “[t]wo-inch opaque paper tabs are strongly recommended for booklets over 2.5 ounces” from the final rule. As explained above, mailing standards should define requirements only. Recommendations and guidance should be published separately in support materials.

**Pieces Using Glue.** Proposed DMM 201.3.12g states that “[g]lue spots may be used in lieu of tabs on some folded self-mailer designs (see 3.15.4). and must be placed within 3/4 inch of the open edges (see Exhibit 01.3.12.g).” As drafted, this option is available only for those pieces that qualify as folded self-mailers under the revised definition. The last example in Exhibit 3.16.4,(which depicts booklet designs) notes, however, “minimum 1 inch glue spots acceptable if placed within 3/4 inch of right and left edges.” The Postal Service should clarify the language of section 201.3.12g to note that glue spots also could be used in the one booklet design as noted in Exhibit 3.16.4.

Proposed DMM section 201.3.12h states that “[c]ontinuous glue lines may be used as cover-to-cover seals on some designs (see 3.15.4 and 3.16.4) and must be placed along the entire length of the open edge and end no more than 3/4 inch from the open ends (see Exhibit 201.3.12.h).” PostCom *et al.* ask the Postal Service to clarify when a

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<sup>3</sup> A barcode clear zone is required when the piece is barcoded in the address block (DMM 202.5.1)

continuous glue line becomes an envelope and is therefore not subject to the requirements for folded self-mailers.

**D. Comments on Requirements for Self-Mailers**

The Postal Service proposes to change the definition for a folded self-mailer to “a single continuous sheet of paper with no binding, folded to create a letter-size mailpiece.” (Proposed DMM 201.3.15.1.) This redefinition would effectively cause most pieces regarded today as folded self-mailers to be re-defined as letter-size booklets, subject to a new set of different requirements. The Postal Service also proposes new requirements for tabbing, paper weight, physical standards, and design and sealing.

To our knowledge, while the Postal Service has tested booklets, it has not performed any testing and evaluation of folded self-mailers, and has no evidence to support the proposed redefinition.<sup>4</sup> Nor has the Postal Service adequately assessed the impact of this proposed change on its customers.

In fact, our members have been mailing pieces that comply with the existing requirements for self-mailers for years, with no report from the Postal Service or customers of any significant problem or damage. Indeed, some members have final Confirm operation codes proving that these pieces are successfully and efficiently delivered to the delivery point sequenced on Postal Service letter sorting equipment.

If the Postal Service has genuine operational concerns about self-mailers in the current mail stream that comply with existing rules, then it should work with customers -- as it did for letter-size booklets -- to test those mailpiece characteristics that it suspects may adversely affect operational efficiency. Until the Postal Service has performed

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<sup>4</sup> On the other hand, Customer Support Ruling No. 296 presents a “case study” that recognizes that self-mailers may have multiple sheets.

sufficient testing, analyzed the results, and assessed the impact of the proposed change on its customers, any proposal to redefine folded self-mailers or impose any new requirements on this product is premature.

Furthermore, the changes to the self-mailer requirements have the potentially unintended consequence of changing the requirements for certain types of Business Reply Mail (BRM), because requirements for that product reference the standards for self-mailers. Many BRM users are likely to be unaware of the proposed changes.

Therefore, PostCom *et al.* strongly oppose the re-definition of folded self-mailers as proposed by the Postal Service, and urge the Postal Service to withdraw the proposed new standards with respect to self-mailers in their entirety.

To the extent the Postal Service nonetheless proceeds to implement final rules for self-mailers in this rulemaking, our comments on the changes applicable to all Standard Mail machinable and automation letters and cards and Standard Mail ECR letters (above) and booklets (below) also pertain to self-mailers. In some cases, the proposed changes to self-mailer design and sealing requirements raise greater concerns than the analogous proposed changes to the booklet requirements. Because folded self-mailers are generally thinner than booklets, the requirements for additional and larger non-perforated tabs on folded self-mailers amplify mailer concerns about the cosmetics of the piece, the ability for customers to open the piece without damaging it, and the resulting adverse effect on response rates.

#### **E. Comments on Requirements Applicable to Booklets**

**Cover Stock.** The Proposed Rule states: “[b]ooklet covers generally must be made with a minimum paper basis weight of 60-pounds or equivalent.” Proposed DMM

201.3.16.2. This generalization is immediately shown to be inaccurate by the further statement that “[m]inimum basis weights are higher for some designs.” *Id.* Exhibit 201.3.16.4 of the proposal identifies the minimum cover stock weights, and they range from 40- to 80-pounds, depending on the design of the booklet.

The wide variety of proposed cover stock minimum weights complicates the work of both customers and acceptance personnel applying and enforcing the rules. In addition, higher cover stock weight minimums increase mailpiece production costs (and make mail a less attractive advertising alternative), as heavier stocks are more expensive.<sup>5</sup> To avoid needless increases in production costs, the cover weight stock minimum should be set no higher than necessary.

Therefore, we recommend that the Postal Service set the minimum cover stock weight at 50-pounds for all booklet designs except where the Postal Service has found a 40-pound minimum sufficient.<sup>6</sup> Further, if the exhibit is retained, the above-described generalization should be deleted and the reader simply referred to the exhibit for the required cover stock weights.

We recognize that less cosmetic damage was reported on some piece designs that used cover stocks heavier than 50-pounds. Nevertheless, we suggest that the Postal Service eligibility rules for discount mailpieces should be based on operational

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<sup>5</sup> The proposed 80-pound cover stock weight requirement for pieces designed with the spine on the bottom (longer) edge, and non-perforated inner flap at top (upper) edge, appears to have been derived from the testing of a mailpiece provided by a PostCom member. This format was merely what the customer had available at the time. It is unknown whether the Postal Service tested similarly designed pieces with a lower cover stock weight to demonstrate the need for this significantly heavier cover stock. An 80-pound cover stock minimum could increase mailpiece unit production costs by 30 percent over a 50-pound cover stock minimum.

<sup>6</sup> The Postal Service proposes a 40-pound minimum for a booklet with the final fold on the bottom (longer) edge, and the folded spine on the leading or trailing (shorter) edge, as shown in Exhibit 201 3.16.4.

processing constraints and deliverability, not aesthetics. Mailers and their service providers have sufficient incentive, independent of Postal Service eligibility rules, to balance the goals of maximizing the aesthetical appeal of mailpiece upon delivery to consumers and minimizing the cost of the mailpiece. Precisely where to strike this balance should be a decision left to the mailers. If the Postal Service wishes to offer observations on the cosmetic effect of various cover weights, the Postal Service can publish such advice in publications other than the DMM.

**Mailpiece Dimensions.** The Proposed Rule would reduce the physical dimensions for letter-size booklet pieces from the existing maximum for automation letters (DMM 201.3.2) of 6-1/8 inches high by 11-1/2 inches long by 0.25 inches thick to “6 inches high by 10-1/2 inches long by 0.25 inches thick.” This is a reduction of 1/8 inch in the maximum height and one inch in the maximum length. The Postal Service offers no justification to support the reduction in size.

Customers who converted from flats to letter-size booklets with the encouragement of Postal Service marketing representatives relied on the existing maximum dimensions of the letter-size booklets in making the necessary investments to redesign their mailpieces. The proposed further reductions in these dimensions would pull the rug out from under these customers, whose new designs would longer qualify for letter automation prices under the Proposed Rule. The Postal Service’s credibility as a reliable business partner would be damaged, and a significant loss of booklet volumes would likely occur as already struggling businesses discontinue the use of mail for their advertising needs or exit the market altogether.

PostCom *et al.* strongly urge the Postal Service to retain the existing automation letter standards for maximum dimensions of letter-size booklets and folded self-mailers. Reducing the maximum dimensions of booklets and self-mailers would significantly reduce the desirability of the format for this class of users.

**Oblongs.** Exhibit 3.16.4 of the Proposed Rule illustrates an oblong booklet with the spine on the leading edge. In this configuration, the spine effectively acts in lieu of a tab to maintain booklet integrity during processing. The need for tabbing on the trailing edge is understandable. However, given that booklets with a spine on the bottom are permitted unsecured top edges, we ask the Postal Service to reconsider whether two tabs are needed to secure the top edge of an oblong booklet.

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Please address any questions on these comments to the undersigned counsel.

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