

March 21, 2024

Honorable Members of the House Committee on Environment and Natural Resources:

On behalf of the American Apparel & Footwear Association (AAFA), thank you for the opportunity to provide testimony on H. 7356 – Comprehensive Ban Act of 2024.

AAFA is the national trade association representing apparel, footwear and other sewn products companies, and their suppliers, which compete in the global market. Representing more than 1,000 world famous name brands, including several brands and retailers in Rhode Island, AAFA is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its more than three million U.S. workers, and its contribution of \$470 billion in annual U.S. retail sales. AAFA approaches all of its work through the lens of purpose-driven leadership in a manner that supports each member's ability to build and sustain inclusive and diverse cultures, meet and advance ESG goals, and draw upon the latest technology.

With our members engaged in the production and sale of clothing and footwear, we are on the front lines of product safety. It is our members who design and execute the quality and compliance programs that stitch product safety into every garment and shoe we make. In fact, many of our members have already announced their intentions to phase out the avoidable use of intentionally added PFAS and our most recent update to our open-industry [Restricted Substances List](#) included PFAS as a class of chemicals for general wearing apparel the first time.

AAFA and our members are proud advocates for regulatory requirements that can effectively protect human health and the environment. Regulation plays a critical role in furthering our industry's efforts. But only if regulations are designed properly, serve their purpose, and are properly enforced. That is why we recently launched the [THREADS Sustainability and Social Responsibility Protocol](#). We believe that the *THREADS Protocol* will speed up the development of policies that are effective and catalyze meaningful progress. *THREADS* calls for policies that are:

- **Transparently Developed and Enforced**
- **Harmonized Across Jurisdictions and Industries**
- **Realistic in Terms of Timelines**
- **Enforceable**
- **Adjustable**
- **Designed for Success**
- **Science-Based**

Although many of our members routinely exceed regulatory requirements and are already in the process of phasing out the use of intentionally added PFAS, viewing this bill through the lens of *THREADS*, we have some concerns with the bill as currently drafted and some suggested improvements.

We respectfully request that the Committee consider amendments to **Section 23-18.18-4. Prohibition on use of PFAS** that provide additional time to allow for the sale of existing inventory, in order to avoid adverse and unintended environmental impacts. Even though the industry is actively working on phase out, we now know that millions of units of inventory that have already been manufactured will still be in circulation come January 2025. Creating a sell through provision for products manufactured before January 1, 2025 or pushing back the deadline to January 1, 2028 would allow those preexisting products to be sold off and avoid a wave of products being immediately sent for disposal, where the PFAS will migrate into the environment. This additional time would avoid the creation of unnecessary textile waste while preferred disposal methods that could mitigate environmental impacts are developed and scaled. Colorado, for one, has recognized this concern and [adjusted](#) their proposed phase out requirement accordingly.

Separately, we also ask that the Committee clarify that personal protective equipment (PPE) is exempt from the requirements. At present it is unclear whether PPE such as N95 masks would or would not be covered. It appears to depend on where a product is utilized rather than what a product is. PPE has been clearly exempted in California and other jurisdictions that have or are seeking to prohibit the use of intentionally added PFAS in products, we ask that PPE be specifically identified as exempt to create harmonization and consistency for manufacturers and PPE buyers.

We also have concerns with regards to **Section 23-18.18-5. Disclosure of PFAS in certain products**. The reporting requirements in H. 7356 appear to mirror requirements passed in, and subsequently rolled back in Maine. We strongly encourage the Rhode Island House to wait until Maine has finalized its revisions to the law before moving ahead with adopting any reporting requirements to ensure they are fully harmonized. Even when identical legislation passes in different states, differences in interpretation and enforcement create a confusing patchwork of requirements that complicate compliance efforts and divert resources away from innovative efforts to further enhance product safety.

Further, Maine's previous reporting requirements do not reflect the current science around identifying PFAS in consumer goods and, at present, neither do H. 7356's. For instance, requiring reporting of individual PFAS by Chemical Abstract Service numbers (CAS #s) does not make sense for the entire class of PFAS chemicals because a very small fraction of the 12,000+ potential PFAS in existence have CAS #s assigned. Further, testing for PFAS in consumer products is complex and very much still in development. Currently, there are test methods for less than 100 of the PFAS in existence available to consumer product manufacturers. It is not possible for manufacturers to identify each individual PFAS in a given item. Science-based requirements would instead establish a Total Organic Fluorine (TOF) testing threshold for reporting and only require reporting on apparel, footwear, and accessories with a result of 100ppm or greater. According to our third-party laboratory members, a 100ppm TOF threshold is achievable using currently available testing methods and avoids capturing inadvertent PFAS contamination from buildup in the environment (a concentration below 100 TOF would confer no technical or functional effect and therefore there would be no point to intentionally adding PFAS at this level).

We have made Maine aware of these concerns. We continue to work with regulators there on these and other concerns related to the reporting requirements they enacted. We would be happy to discuss our concerns in more depth with you as the industry looks for policies that meet the THREADS Protocol requirements.

In the interim, we again urge Rhode Island to wait until these concerns are addressed with Maine so that if legislation is to be adopted, it can be harmonized and benefit from industry input at the outset so that it is actually able to achieve the goal of providing useful information about the sources of intentionally added PFAS to the people of Rhode Island.

While important, the discussions with Maine and other states looking to emulate their reporting system have siphoned time and resources away from continuing industry efforts to identify PFAS-alternatives and test those alternatives for performance and safety. Once alternatives are identified, brands must work with their entire supply chains to transition to new technologies and validate that suppliers understand the new requirements. Dedicating resources to attempting to collect and package information required to meet varied reporting requirements takes away from these efforts.

Finally, while we understand why there is urgency in better understanding the sources of PFAS contamination, we caution that moving forward now would not necessarily provide information about PFAS sources any sooner. Maine moved too quickly and has had to grant extensions to more than 1,900 companies as it sorts through issues with the requirements and as it builds capacity to take the reports that will be required. Rhode Island can benefit from the work already underway in Maine without creating additional burdens for industry or its own regulators by waiting for Maine to finalize requirements.

We look forward to continuing to work with Rhode Island on the regulation of substances in consumer products for the benefit of consumer product safety and public health. In the meantime, our members continue to design and execute the quality and compliance programs that emphasize product safety for every individual who steps into our apparel and footwear products.

Thank you for your consideration of this request.

Sincerely,



Chelsea Murtha  
Senior Director, Sustainability  
American Apparel & Footwear Association