



Testimony to the House Human Services Committee

March 28, 2024

To: Chair Wood, Vice Chair Brumsted and Representatives Donahue, Garofano, Gregoire, Hyman, McGill, Noyes, Pajala, Small, Whitman

I'm Kelly Ault, Executive Director of the Vermont Outdoor Business Alliance (also known as VOBA). Thank you for inviting me to speak in support of S.25, regarding textiles containing PFAS (perfluoroalkyl and polyfluoroalkyl) substances.

VOBA is a state-wide nonprofit organization established in 2018 to strengthen Vermont's outdoor recreation economy. Our 135 outdoor business members represent manufacturers, retailers, resorts, lodging, trail builders and recreation organizations, and many more companies that provide products and services to Vermonters and visitors. Together, we foster entrepreneurship and innovation, career pathways, and brand marketing which bolsters outdoor communities, for which the sector is an economic driver, contributing \$1.9 billion (nearly 5%) of state GDP and ranking VT the 2nd highest in the nation. More importantly, VOBA and its members acknowledge the foundation of the state's quality natural and recreation resources for our livelihood and members are dedicated to advancing equitable access and community health in workplaces and outdoor spaces.

This letter conveys support for S.25 as discussed by Vermont's outdoor manufacturers and retailers that are not only aligning with national industry approaches to removing intentionally added PFAS from outdoor products - but leading on them. VOBA testified in support of S.25 in the Senate Health and Welfare Committee last year in recognition that the U.S. and VT textile and apparel industry is committed to transitioning to non-fluorinated materials and has been leveraging corporate resources and making significant strides in new material research and development, supply chain adjustments, and consumer education. We continue to work on this core sustainability issue with Vermont's global and local businesses and national industry partners.

VOBA recognizes that Vermont's efforts on S.25 come at a time when both California and New York have enacted legislation (CA AB 1817, NY S 1322) that restricts the sale of products containing PFAS starting January 1, 2025. Given existing restrictions in two of the largest U.S.

markets, the US and VT's brands and retailers are treating these restrictions as though they apply to the entire United States.

We appreciate that model language from these states is included in S.25 providing companies with clarity in definitions and therefore do not support adding reference to the manufacturing process in the definition in the recent draft. We appreciate the timelines to accommodate lengthy production cycles sometimes with lead times of 18-24 months, which allows for the transition to alternatives by both large and small companies. A testing requirement that aligns with CA provides consistency between states which Vermont manufacturers support as a means of defining intentionally added PFAS so companies can employ a cohesive strategy across the country.

A recommendation VOBA made last year and would ask for your consideration is to create a sell through provision to allow pre-existing products to be sold off and avoid a wave of them being immediately sent for disposal, where the PFAS will migrate into the environment. Without a sales prohibition date beyond the manufacturing prohibition date, retailers would be left with millions of units of unsold, stranded inventory which would then be non-compliant. Without a recommended disposal method at this time, incineration and landfills are the only available options for destruction. Allowing significant amounts of waste to seep PFAS into the environment at once is counter-productive to the long term sustainability efforts intended in the bill and supported by the outdoor industry.

Therefore, we respectfully request that S.25 be amended to allow the sale of products made with intentionally added PFAS manufactured prior to Jan 1, 2025 until July 1, 2028, essentially the effective ban dates. If a sell-through timeline is to be adopted, our manufacturers recognize the benefits of applying labeling to all products made before allowing retailers to manage inventory and to be transparent with consumers about which products contain PFAS.

This sell-through provision would allow more time for gradual and safe destruction methods to be implemented, brands to continue pursuing immediate sell-down strategies, and retailers to mitigate economic disruption as they rebound from the physical and economic flood impact in 2023, pandemic global supply chain disturbances, and general market uncertainty.

Lastly, the industry acknowledges the existence of PFAS in recycled content used in manufacturing textiles and leading brands are investing resources to discontinue components and develop technologies, however, more time is needed.

In closing, the network of outdoor companies in Vermont is widespread and touches every community across the state. S.25 would strengthen the ability of Vermont's manufacturers and retailers to comply with the law and advance sustainability efforts while ensuring minimal disruption to our sector which can then continue to benefit people and a healthy planet.

Thank you for your consideration.