

Testimony on Vermont S.25, Avinash Kar, NRDC

Good morning and thank you for the opportunity to testify today. My name is Avinash Kar. I'm a Senior Attorney and Senior Director for Health & Food with the Natural Resources Defense Council (NRDC). I lead NRDC's state health policy work and have been deeply involved with policies to eliminate toxic "forever" PFAS chemicals in various product categories, including in textiles, in California and New York.

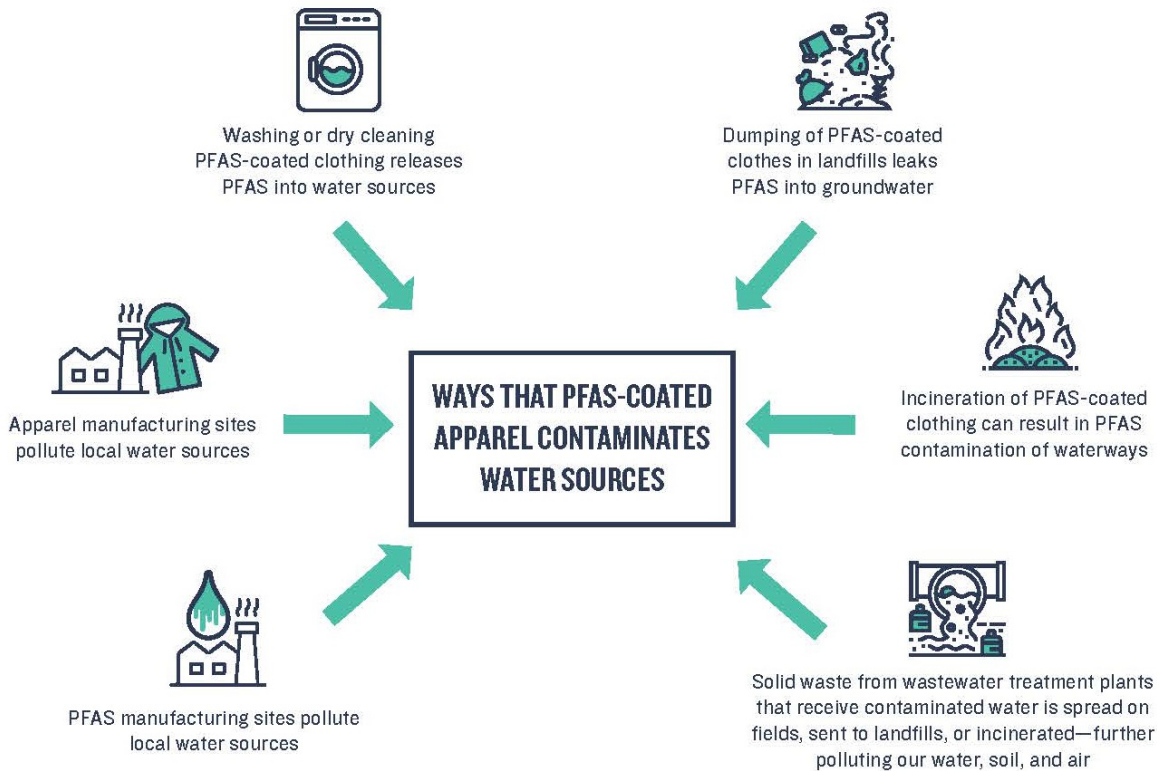
I am pleased to see Vermont considering the elimination of PFAS in clothing and textiles.

PFAS, short for per and polyfluoroalkyl substances, are a class of thousands of man-made chemicals, that are harmful to health and the environment and can stick around in the environment for very long periods of time, and they should be eliminated from the products that come into our homes and workplaces whenever possible. They are used primarily for water and stain resistance in clothing and textiles and their use in textiles can result in exposures throughout the lifecycle of apparel and textile products. Phasing them out will eliminate a significant source of PFAS exposure and contamination.

[at this point, I'd like to briefly share a couple of graphics to illustrate how textiles add to and contribute to PFAS exposures]



(Textiles are one of the largest know uses of PFAS and add to the many other exposures to PFAS that we experience everyday)



(PFAS can lead to contamination of water sources at each stage of the textile life cycle from production to disposal. Those PFAS-contaminated waters can then travel around the world; PFAS have even been found in rainwater. Some studies also suggest that PFAS may be absorbed dermally from PFAS-treated clothing. PFAS in textiles may also contribute to PFAS in household dust and exposures via that route.)

PFAS are not needed in clothing and textiles and manufacturers and brands will already have to comply with requirements in California, New York, and elsewhere phasing out PFAS in apparel and other textiles. California enacted a law last September banning PFAS in most clothing and textiles, starting in 2025. New York followed suit in December on apparel, with the Governor and Legislature agreeing on a bill that adopts the same timeline. Under both California and New York’s language, a narrow category of products--outdoor apparel for severe wet conditions that are not marketed to the general consumer--will have until 2028 to come into compliance but must disclose that they are made with PFAS chemicals between 2025 and 2028. Vermont may want to consider this narrow extension for consistency.

The California timeline is designed to allow for a reasonable transition period and a long enough timeline to allow businesses to adapt and sell products that have been produced. Otherwise, the deadline may have been more rapid. Separate sell-through dates are problematic for many reasons: they can be confusing for consumers and for enforcement; they keep products that can lead to exposures or contaminate water sources in circulation for longer; and they create perverse incentives for “stock-piling”—that is producing an excess of products that can continue to be sold through. We therefore recommend against separate sell-through dates, especially given the generous transition period already provided for in the 2025 timeline.

California and New York acted because numerous leading brands across the textiles category had already either eliminated PFAS in their products or had committed to eliminating PFAS before the deadlines in the laws and because alternatives are available and feasible. Companies that had moved out of PFAS or had commitments to eliminate PFAS include Levi's, Ikea, Keen, Gap, Zara, Patagonia, Jack Wolfskin, Osprey, and others. Indeed, Ikea and Patagonia supported the California bill. Recently REI, the biggest outdoor retailer in the US, announced a PFAS ban on all products including winter gear, with timelines that align with the California law. California saw that the leaders in the industry were already moving, that alternatives were available, and that the rest of the industry needed to be brought along to address the PFAS crisis. Since the passage of the California law, many certifications, including BlueSign, OekoTex, and AFFIRM have established standards limiting PFAS in clothing and textiles at levels similar to or below the thresholds in California's law. Vermont may want to consider similar thresholds to facilitate enforcement.

Vermont already banned PFAS from ski wax in 2021, noting the link between ski resorts and water systems with high levels of PFAS. Banning PFAS from clothing and textiles will further protect these communities by reducing the PFAS contamination of their water systems.

PFAS are not needed in clothing and textiles. Companies are already moving to eliminate these harmful chemicals from their products and will have to comply with requirements to remove them in other states. They should have no problem meeting the same requirements for Vermont. Vermont should act to protect its residents and its environment from these chemicals and phase them out of clothing and textiles. We ask for your aye vote on S.25. Thank you.