



March 14, 2023

To: Senate Committee on Health & Welfare: Sens. Ginny Lyons, Chair; David Weeks, Vice Chair; Ruth Hardy; Martine Gulick; Terry Williams

Submitted by: Kelly Ault, Executive Director, Vermont Outdoor Business Alliance (VOBA)

Also on Behalf of: American Apparel and Footwear Association, Outdoor Industry Association

Subject: Letter of support for S.25 with recommendations for language changes

This letter conveys support for S.25 by the Vermont Outdoor Business Alliance, American Apparel and Footwear Association, and Outdoor Industry Association, as well as proposes language changes discussed by Vermont’s outdoor manufacturers and retailers, which are in alignment with national industry approaches.

Overall, the U.S. and VT textile and apparel industry is committed to transitioning to non-fluorinated materials and has been making significant investments in new material research and development, supply chain adjustments, and corporate resources to remove intentionally added PFAS from their products. Therefore, the changes recommended below seek to strengthen the ability of Vermont’s manufacturers and retailers to comply with and the ability of regulators to enforce new requirements by providing: clarity in definitions and requirements; consistency with regulations in other states; and, adequate timelines to accommodate lengthy production cycles and avoid the introduction of regrettable alternatives, as well as sell out of existing inventory to minimize economic impact to local outdoor stores.

We respectfully request the following changes in red to Section 3 of S.25, which proposes to prohibit the manufacture, sale, and distribution in Vermont of textiles and ski wax containing perfluoroalkyl and polyfluoroalkyl substances (PFAS).

§ 1691. DEFINITIONS

“Intentionally added” means **the addition of a perfluoroalkyl and polyfluoroalkyl substances or PFAS in a product**

(A) that that have a functional or technical effect in the product

(B) are present in the product at or above a threshold of 100 parts per million total organic fluorine

Delete:

~~(5) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in section 1661 of this title.~~

Add:

(5) “Outdoor apparel for severe wet conditions” means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use.

§ 1692a. TEXTILES

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a textile or textile article to which PFAS have been intentionally added ~~in any amount~~ that were manufactured after the effective date.

§ 1693. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of ski wax, textiles, or textile articles. Within **60** days after receipt of the Attorney General’s request for a certificate of compliance, the manufacturer shall:

§ 1694. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter **at least 12 months before this Section goes into effect. If rulemaking is delayed, this section shall go into effect 12 months after final rules are promulgated.**

Sec. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2023, **except for Sec. 1 (chemicals in 11 cosmetic and menstrual products) and Sec. 3 (PFAS in ski wax and textiles). Sec. 1 shall take effect on January 1, 2026. Sec. 3 will take effect for apparel, outdoor apparel, and ski wax on January 1, 2026. Sec. 3 will take effect for outdoor apparel for severe wet conditions on January 1, 2028.**

We appreciate the committee's consideration of these proposed changes recommended by the outdoor industry, a sector that is significant and growing for our state and nation. The legislation in question will have consequential impacts across Vermont’s small and medium

businesses making up our state's outdoor sector. According to the [US Bureau of Economic Analysis](#), spending on activities from snow sports to fishing, hunting, camping, hiking, boating, and bicycling contributed \$1.54 billion to Vermont's economy in 2021, ranking our state the 3rd highest in the nation for contributions to state gross domestic product (GDP). These numbers include \$159 million in manufacturing and \$310 million for retail, demonstrating the importance of a vibrant outdoor industry to communities across the Green Mountain State.

Vermont Outdoor Business Alliance is a statewide nonprofit organization representing over 100 outdoor businesses dedicated to strengthening, expanding, attracting, and retaining outdoor recreation businesses in Vermont. VOBA engages in outdoor economy policy that supports business and workforce development, infrastructure, and sector branding. <http://www.vermontoutdoorbusinessalliance.org>

American Apparel and Footwear Association (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, 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. www.aafaglobal.org

Outdoor Industry Association is a membership-driven trade organization for the \$862 billion outdoor industry. In collaboration with our members, OIA is a force for the industry in recreation and trade policy, sustainable business innovation, and increasing outdoor participation. <https://outdoorindustry.org/>