



2/5/25 Testimony, House Committee on Environment
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I'm Kelly Ault, Executive Director of the Vermont Outdoor Business Alliance. Thank you, Chair Sheldon and members of the committee, for inviting me to speak about the draft bill regarding the PFAS prohibition for outdoor apparel, accessories, and ski wax.

VOBA is a nonprofit established in 2018 with a mission to strengthen Vermont's outdoor recreation businesses while ensuring environmental responsibility. Our values-led companies drive local economies in every community and contribute to protecting natural and recreation resources.

VOBA's 140 mostly small business members represent manufacturers of gear and apparel such as Dion Snowshoes in Pownal and Vermont Glove in Randolph, downtown retailers like Outdoor Gear Exchange in Burlington and Onion River Outdoors on Montpelier, outdoor education centers like the Catamount Outdoor Family Center in Williston, and media like Vermont Sports Magazine and Press Forward in Middlebury. Many more businesses support Vermonters and visitors in experiencing the outdoors, leading to an appreciation of the natural world, health and skill building.

Outdoor businesses in Vermont and across the country alongside national industry partners have been leaders in removing intentionally added PFAS from outdoor products. As gear and apparel is designed to protect the user with qualities like water repellency, durability, breathability, and heat resistance, treatments to make moisture bead up and roll off outer fabric and membrane layers has historically relied on per- or polyfluorinated substances (PFAS).

For some time, manufacturers have been transitioning to non-fluorinated materials and investing corporate resources in new material research and development, supply chain adjustments, production technologies, and consumer education. Vermont companies are fully committed to phasing out PFAS and are working hard on implementation. Especially for those operating at the national and global level, they need Vermont's PFAS law to provide predictability, consistency and alignment with other states.

VOBA testified in support of Act 131 last year and in December responded to the Department of Environmental Conservation about the Agency of Natural Resources' implementation report and draft PFAS legislation. The following recommendations on that draft bill reflect the interests of VOBA's outdoor manufacturers, retailers and the Outdoor Industry Association.

Support for the 2028 Effective Date for Apparel

VOBA appreciates the progress made on the latest bill, specifically the proposed effective date of 2028 for outdoor apparel. It presents a more realistic timeline for compliance by *all* Vermont manufacturers that operate in multi-year production cycles. Where global Vermont companies such as Burton, Gordini, and Orvis have been more resourced in their transition, smaller brands need more time to ensure compliance.

The 2028 date also precludes the need for express language on apparel designed for severe wet conditions as was agreed upon last year in S.25 and is in CA and NY statute. These products are essential for specific Vermont outdoor recreation and in some cases provide life-saving functions, for example in boating (i.e. coast guard), whitewater kayaking (i.e. dry suits), ski patrol, search and rescue, and mountaineering.

Finally, the 2028 timeline allows adequate time for manufacturers and retailers to sell down already-produced inventory ensuring that products are not destroyed by landfilling or incineration, thus reducing PFAS

pollution. It also prevents economic hardship and enforcement targets due to “stranded inventory.” Where national retailers like REI with their store in Williston can lead in consumer education, independent retailers like The Mountain Goat in Manchester need more time to sell out their products before the effective dates.

“Intentionally Added” Definition is Too Broad

As mentioned, Vermont outdoor manufacturers operate in state, national and global systems, and therefore require alignment, predictability, and consistency in regulations so the phase out goals are achievable.

Therefore, VOBA recommends the return to the original definition of “intentionally added” as passed in Act 131 to align with CA, NY, and ME, which would specifically eliminate the 18.A.iii. language about PFAS being “present in the final product as a byproduct or impurity.”

Given the ubiquitous use of PFAS for decades, it is impossible to control cross-contamination which is unintentional. Untraceable residual PFAS can be found in shipping containers, distribution houses, vehicles, and other vectors within a supply chain. Making manufacturers and suppliers responsible for any amount of byproducts or impurities is unfair to those businesses who are otherwise doing the right thing. Language that is not specific to a particular amount, such as the 50 ppm Total Organic Fluorine (TOF) level in the draft bill, is too broad.

Vermont Wants to Incentivize Recycling in Apparel Manufacturing

The outdoor sector shares circularity goals with the State of Vermont in developing approaches to repairing, resale, reusing, and sustainable disposal. Textile-to-textile recycling (which is the process of turning textile waste into new fibers that are then used to create new clothes or other textile products) is gaining a lot of momentum in the apparel industry.

However, controlling for PFAS in recycled content fabrics is challenging due to the unregulated and uncontrolled recycled-inputs market.

Efforts in other states such as CA's Responsible Textile Recovery Act (SB 707) passed in Oct 2024 established the first Extended Producer Responsibility ("EPR") program for textiles, apparel, footwear and travel goods in the US. It requires textile producers to take responsibility for their products' entire lifecycle, including recycling and reuse.

In the interim period while these processes get determined, VOBA recommends that recycled content be exempt, thereby removing the 50% provision in Act 131. Alternatives to exemption could be: a separate definition for PFAS from recycled materials as not intentionally added or to implement a higher TOF limit threshold for PFAS in recycled textiles.

Outdoor Companies need Predictability and Consistency in Regulations

In summary, VOBA and Vermont's outdoor businesses are dedicated to initiatives in circularity, sustainability and climate resiliency and will continue to leverage corporate resources for social impact. A PFAS phase out in Vermont that is aligned, predictable, and consistent enables some of our best business stewards of Vermont's environment to prosper.

I'll finish with an invitation to join your constituents in the statehouse next Wednesday February 12 as part of Outdoor Recreation Day. VOBA and other host organizations would be happy to assist in conversations about stewardship, wellness and economic development related to outdoor recreation. Look for invitations soon.

Thank you so much for your consideration of VOBA's PFAS recommendations.