

SUBJECT: AAFA testimony on H. 238 – *An act relating to the phaseout of consumer products containing added perfluoroalkyl and polyfluoroalkyl substances*

Honorable Members of the Vermont Senate Committee on Health and Welfare:

On behalf of the American Apparel & Footwear Association (AAFA), thank you for the opportunity to provide comments on H. 238 – An act relating to the phaseout of consumer products containing added perfluoroalkyl and polyfluoroalkyl substances.

AAFA is the national trade association representing apparel, footwear and other sewn products companies and their suppliers, and is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its more than 3.5 million U.S. workers, and its contribution of \$509 billion in annual U.S. retail sales, and represent more than 1,100 world famous name brands. AAFA approaches all 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, our members are actively phasing out the avoidable use of intentionally added PFAS and our open-industry [Restricted Substances List](#) included PFAS as a class of chemicals for more than a year.

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 avoidable, intentionally added PFAS in their products, we respectfully request the committee consider amendments to H.238.

It has come to our attention that PFAS can persist as contaminants in recycled textiles. Members are investing significant resources into textile recycling technologies and creating product with next generation materials made with recycled content. To support scaling of circular textile-to-textile recycling systems, consumers need to return old product, and they do. Members are finding consumers regularly return decades-old product to brands' take-back programs or textile collection sites. This means textile products containing PFAS are entering recycling streams and will continue to do so for years after intentionally added PFAS have been phased out.

Currently, available technologies are unable to consistently minimize legacy PFAS. We ask that you reincorporate the previously included language to H. 238 takes that establishes exemption of 50% recycled content or removing the specific percentage threshold as long as the Secretary may adopt alternate minimum recycled content exemptions by rule.

We appreciate that the legislation includes language for textiles that allows for a presence of 100ppm threshold. We request that threshold be maintained to ensure certainty for manufacturers as the 100ppm level allows for a workable threshold as unintended or unintentionally added PFAS may exist in consumer textile goods through a variety of factors.

We want to stress the importance of maintaining an exemption for all personal protective equipment (PPE), including that worn by firefighting personnel. PPE is often subject to federal standards, such as Occupational Health and Safety Administration (OSHA) or Food and Drug Administration (FDA), that at present in some cases still require the use of fluoropolymers, (one specific form of stable, inert PFAS) – making its use many times unavoidable.

Firefighter PPE must be third-party certified to meet the stringent safety requirements of the National Fire Protection Association (NFPA). Fluoropolymer barrier materials currently are the only material proven through decades of experience to provide the chemical and heat resistance, breathability, and long-term durability to safely protect firefighters from the extreme conditions on the fire ground. The NFPA committee responsible for updating its safety requirements recently voted to approve the latest edition of this safety standard permitting the use of fluoropolymer materials in firefighter PPE which became effective near the end of 2024.

At the state level, the Washington State Department of Ecology recently [declined](#) to propose restrictions on PFAS in PPE because they were unable to identify safer alternatives. Similarly, California and other jurisdictions that have or are seeking to prohibit the use of intentionally added PFAS in products have created flat exemptions for PPE. In fact, when California was considering a PFAS ban for firefighting gear with a 2026 deadline, CalFire [told](#) the California Legislature that, "There is not currently a PFAS-free product that could replace its structural turnout gear."

Through these processes, 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. Maintaining that exemption, and following the precedent of the NFPA standards process, creates harmonization and consistency for manufacturers and PPE buyers. To ensure harmonization across states to support industry efforts in working to remove PFAS, we recommend aligning with the existing California language for PPE outlined below.

"Personal protective equipment" means equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses that may result from contact with chemical, radiological, physical, biological, electrical, mechanical, or other workplace or professional hazards.

We look forward to continuing to work with you 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 these requests.

Andrew Pappas
Director, State & Local Government Affairs
American Apparel & Footwear Association