



we wear® product safety

March 13, 2015

Kerri Malinowski
Department of Environmental Protection
17 State House Station
Augusta, ME 04333

RE: Chapter 885: Designation of Formaldehyde as a Priority Chemical and Regulation of Formaldehyde in Children's Products

Dear Ms. Malinowski,

On behalf of the American Apparel & Footwear Association (AAFA), I am submitting the following comments in response to the request for public comments by the Maine Department of Environmental Protection (DEP) on Chapter 885: Designation of Formaldehyde as a Priority Chemical and Regulation of Formaldehyde in Children's Products.

AAFA is the national trade association representing apparel, footwear, and other sewn product companies, and their suppliers, which compete in the global market. AAFA's membership consists of over 1,000 name brands, including major companies headquartered in Maine and dozens more with a substantial retail presence in your state. These companies account for thousands of Maine jobs.

Our industry has taken the lead in positioning itself to make informed decisions regarding the use of potentially harmful chemicals in clothing and footwear. While we recognize Maine's efforts to protect its most vulnerable citizens from exposures to chemicals of high concern, we believe the designation of formaldehyde as a priority chemical and regulation of formaldehyde in children's apparel, footwear, and childcare articles such as sleepwear, is unnecessary and should be withdrawn for the following reasons:

- 1. Formaldehyde has been thoroughly reviewed at the federal level and is actively regulated in textiles and apparel.**

The formaldehyde chemistry used in dyeing and finishing has been extensively studied by the Consumer Product Safety Commission (CPSC) under the Federal Hazardous Substances Act (15 U.S. Code 1261-1278). These studies, conducted at Oak Ridge National Laboratory and other locations, determined that formaldehyde content

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in textiles does not pose acute or chronic health problems for consumers. Based on this research and other work, CPSC has decided that no regulatory standard is necessary for formaldehyde in textiles and apparel. Because CPSC, which has the statutory authority to regulate any children's product it deems a substantial product hazard, has reviewed formaldehyde in clothing and found that formaldehyde levels were sufficiently low so as to not be a public health concern, the Maine Department of Environmental Protection should not undermine this federal determination.

2. U.S. apparel and footwear brands and retailers already actively monitor formaldehyde.

Through the use of chemical management tools such as Restricted Substances List (RSLs), including the industry standard [AAFA RSL](#), U.S. brands and retailers have already established internal corporate limits on formaldehyde. Industry regulation through the use of testing programs, and third-party testing and certification of apparel and footwear, ensures that formaldehyde is managed at the most stringent levels.

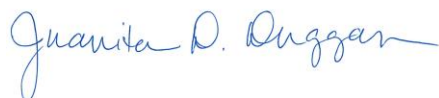
3. The proposed rule requires vast amounts of information that can be misconstrued, thus undermining the goal of consumer safety and information.

Chapter 885 would require companies to report to the Department of Environmental Protection on covered products that contain intentionally added formaldehyde above de minimis levels. However, it fails to acknowledge that the presence of a chemical in a product does not inherently mean that the product is unsafe. Safety assessments should be based on information regarding how a chemical is used and the potential for risk and exposure. If a product's safety is judged simply on whether or not it contains intentionally added formaldehyde, we may be condemning a product (and thus a company), which is completely safe. Furthermore, the unnecessary reporting of safe products may prevent consumers from understanding when a danger truly does exist.

We urge the Department of Environmental Protection to consider the numerous and serious concerns raised in this letter, and withdraw its designation of formaldehyde as a priority chemical and regulation of formaldehyde in children's apparel, footwear, and childcare articles such as sleepwear.

Thank you for your time and consideration in this matter. Please contact Danielle Iverson of my staff at 703.797.9039 or by email at diverson@wewear.org if you have any questions or would like additional information.

Sincerely,



Juanita D. Duggan
President & CEO
American Apparel & Footwear Association (AAFA)