



we wear® product safety

November 17, 2015

Legislative Committee on Administrative Rules (LCAR)
Vermont General Assembly
115 State Street
Montpelier, VT 05633-5301

RE: Vermont Department of Health's proposed "Chemicals of High Concern in Children's Products Rule."

Dear Members of the Legislative Committee on Administrative Rules:

On behalf of the American Apparel & Footwear Association (AAFA), I am writing to express our concerns regarding the Vermont Department of Health's proposed "Chemicals of High Concern in Children's Products Rule."

AAFA is the national trade association representing the apparel and footwear industry including its suppliers, manufacturers, retailers, and service providers. Our members produce and sell products that touch every American – clothing and shoes. Our industry accounts for more than four million U.S. employees and more than \$361 billion in retail sales each year.

Consumer safety and education is a core item of AAFA's mission. We recognize the efforts taken by the Vermont Legislature to protect its most vulnerable citizens. However, we do not believe the proposed rule represents the best route to achieving this goal. Based on a number of factors, as outlined below, we strongly urge the Committee to direct the Department of Health to revise the proposed rule to address the below concerns.

Reporting Requirements Exceeds Legislative Intent and Consistency with Other States.

The proposed rule fails to comply with the legislative intent that Vermont's reporting requirements be as consistent as possible with other states, specifically Washington State. By requiring brand and product level reporting data, the proposed rule is not only out of sync with regulations in Washington State and other states, but will also add undue compliance costs for manufacturers and immense administrative

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burdens for the Department of Health without providing sufficient public benefit.

Reporting Requirements Could Potentially Result in Millions of Notices to the State of Vermont.

For example, by requiring the reporting of unique product identifying information, the Department of Health has failed to consider the enormous administrative burden the requirements would impose not only on the notifying manufacturers, but on the Department itself.

For example, some manufacturers and private label retailers sell tens of thousands of unique children's products every year, meaning that what is already a complex, time-consuming process of reporting chemicals for each GS1 Global Product Classification System product brick, would become even more burdensome and costly, all without any increase in public safety. Instead of receiving, for example, 45 to 60 different notices from a large manufacturer or retailer selling branded children's products, the Department of Health would receive hundreds of thousands of such notices each year that are mostly redundant and provide no additional benefit to product safety.

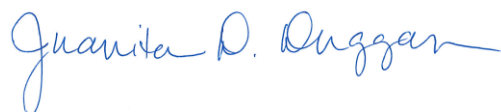
Of note, the Washington State Department of Ecology ('Ecology') intentionally excluded unique product identifying information from required notifications after considering the requirement's potential administrative burden.

AAFA recommends the Department of Health adopt Washington State's position and accept notices of chemicals of high concern for children according to GS1 product level brick descriptions in lieu of requiring notice for every unique product model.

We urge the Legislative Committee on Administrative Rules to consider the concerns raised in this letter and direct the Department to revise the proposed rule.

Thank you for your time and consideration in this matter. Please contact Danielle Iverson at (703) 797-9039 or by email at diverson@wewear.org if you have any questions or would like additional information.

Sincerely,



Juanita Duggan
AAFA President & CEO