



**we wear<sup>SM</sup> compliance**

June 1, 2012

Document Control Office (7407M)  
Office of Pollution Prevention and Toxics (OPPT)  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW.  
Washington, DC 20460-0001

**RE: FR Notice Volume 77, Number 63 Pages 19862-19899 (April 2, 2012)  
40 CFR Parts 721, 795, and 799 Certain Polybrominated Diphenylethers;  
Significant New Use Rule and Test Rule**

**Docket identification number EPA-HQ-OPPT-2010-1039**

On behalf of the American Apparel & Footwear Association (AAFA) – the national trade association for the apparel and footwear industries, and their suppliers – I am writing to provide information about AAFA and to comment on the draft proposed Significant New Use Rule (SNUR) for Polybrominated Diphenylethers (PBDEs) under the Toxic Substances Control Act (TSCA).

AAFA's members include numerous companies that design, manufacture, transport, distribute, and sell apparel and footwear throughout the United States. Collectively, they employ thousands of people across the United States. AAFA represents the vast majority of the players in our industry. Our members own, produce for, or market hundreds of brands of clothing and footwear. AAFA has 348 member companies who own, produce for, or market more than 700 brands of clothing, footwear, and other fashion products. Nearly all stakeholders in the industry supply chain are represented in our membership, including large, medium, small, and micro businesses; retailers of all sizes; designers; manufacturers; importers; wholesalers; private label; brand owners; and suppliers of inputs and services.

AAFA is concerned with the proposed SNUR chiefly because it makes inapplicable the article exemptions for PBDEs as part of an article. AAFA is concerned because this would in effect treat a manufacturer/importer of apparel and footwear the same as a chemical manufacturer. As proposed, it would not allow the Environmental Protection Agency to distinguish between a chemical being brought into the United States in its raw form and a chemical being brought in on a shirt as a dye or finish. This is alarming because the exposure potential and exposure pathways are completely different in each circumstance. Treating them the same way is unrealistic and scientifically unsound.

AAFA supports the use of TSCA to keep dangerous chemicals out of consumer products; however, our members are not chemical manufacturers and should not be treated as such by the regulations. Our members do not import chemicals (on articles) in anywhere near the same scope and quantity as chemical manufacturers, and treating them as such is unfitting and an undue burden. Our industry believes that removing the exemption for articles is not a precedent that should be set. Regulations work best when they set appropriate expectations for all stakeholders involved and are based on sound science.

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We are best served when we have a product safety regulatory system that ensures that only safe and compliant products be designed, produced, marketed, and sold – whether in the United States or throughout the world. At AAFA, and throughout the industry, we take our product safety education and advocacy efforts seriously. We view this obligation as key to the success of the industry, not only because such an approach is the right thing to do, but because we are also consumers, parents, and grandparents ourselves. We believe very strongly that consumers should only wear safe and compliant clothes, shoes, and other products, and are happy to work with the EPA and other government entities to ensure that this is the case.

Thank you for providing us this opportunity to comment. We would welcome an opportunity to discuss these ideas further. In the meantime, please feel free to contact me at [slamar@wewear.org](mailto:slamar@wewear.org) should you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Lamar". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen Lamar  
Executive Vice President