



May 17, 2016

RE: European Union (EU) Consultation on a possible restriction of hazardous substances (CMR 1A and 1B) in textile articles and clothing for consumer use under Article 68(2) of Regulation EC No 1907/2006 (REACH)

On behalf of the American Apparel & Footwear Association (AAFA), I am submitting the following comments in response to the proposal to restrict CMR 1A and 1B substances in textile articles and clothing under Article 68(2) of Regulation EC No 1907/2006 (REACH).

AAFA is the national trade association representing apparel, footwear, and other sewn products companies, and their suppliers, which compete in the global market. Representing more than 1,000 world famous name brands, our membership includes 340 companies, drawn from throughout the supply chain. AAFA is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its four million U.S. workers, and its contribution of more than \$360 billion in annual U.S. retail sales.

The apparel and footwear industry has taken the lead in positioning itself to make informed chemical decisions regarding the health and environmental impacts of textile products and processes, thus driving and maximizing product safety and industry sustainability. Through the use of AAFA's chemical management tools such as the [AAFA Restricted Substances List \(RSL\)](#) and the Voluntary Product Environmental Profile (VPEP), our members have demonstrated their continued commitment to develop safe and sustainable consumer products.

We support the efforts taken by the European Commission (EC) to protect consumers from exposure to hazardous substances. However, we do not believe the proposal to restrict hazardous substances (CMR 1A and 1B) in textile articles and clothing for consumer use under Article 68(2) of Regulation EC No 1907/2006 (REACH) is the best route to achieving this goal.

AAFA submits the following recommendations and believes our comments warrant non-action by the European Commission on the proposal to restrict hazardous substances (CMR 1A and 1B) in textile articles under the "Fast Track" process.

Maintain Standard REACH Restriction Procedure Under Articles 69-73 To CMR 1A And 1B Substances

The Commission's proposal to restrict nearly 300 substances under Article (68)2 "Fast Track" is a significant departure from the standard REACH Restriction Process. Through the application of the standard REACH restriction process, chemical substances of concern are restricted based on a thorough and justified scientific basis. As it relates to the proposed restrictions, the "Fast Track" process fails to consider the true risks CMR 1A and 1B substances may or may not pose in textile articles and whether the socioeconomic impacts of restricting

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them would outweigh possible safety improvements. As such, AAFA recommends that the European Commission continue with the effective and highly regarded application of the standard REACH restriction procedure under Articles 69-73 to CMR 1A and 1B substances.

Ensure That Chemical Restriction Procedures Are Not Restrictive Trade Measures

As an important partner of the U.S. apparel and footwear industry, Europe is a source of key fabrics and other inputs that are used in the production of apparel in the U.S. and around the world by top American brands. If adopted, the proposed restrictions have the potential to act as a non-tariff trade barrier, as manufacturers and suppliers with operations in the EU may be required to limit the products they sell in the EU temporarily or be prohibited from selling some or all of their products entirely. As such, the proposed restrictions will have a significant economic impact on the industry and impose an unnecessary barrier to trade without a properly justified scientific basis to protect human health or the environment.

Furthermore, the proposed restrictions conflict with the "regulatory harmonization" sought in the ongoing U.S. -EU negotiations of the Transatlantic Trade and Investment Partnership (TTIP). Critical to the negotiation of the TTIP is the knowledge that neither country will undertake new or expand on any restrictive trade measures while the agreement is under consideration and negotiation.

Thank you for your time and consideration in this matter. Please contact Danielle Iverson at (202) 853-9350 if you have questions or would like 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 at the end.

Stephen Lamar
Executive Vice President