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Testimony for Public Hearing
New York City Council
Consumer Affairs Committee
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Washington, DC

Good morning Consumer Affairs Committee Members,

My name is Danielle Iverson, and I am the Government Relations Manager with the American Apparel & Footwear Association (AAFA). 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 more than 1,000 name brands, including major companies headquartered in New York City. These companies have a substantial presence in the city and account for thousands of jobs in New York City.

Consumer safety and education is a core part of AAFA's mission. AAFA stages several product safety compliance conferences in the United States, including in New York City, and around the world each year. We also work closely with the U.S. Consumer Product Safety Commission (CPSC) and many state product safety agencies on product safety initiatives, including implementation of the 2008 Consumer Product Safety Improvement Act (CPSIA). We are pleased to have the opportunity to share our experience and perspective with you today.

We recognize the efforts taken by the New York City Council to protect its most vulnerable citizens. However, we do not believe the proposed legislation represents the best route to achieving this goal. Based on a number of factors, as we outline below, we strongly urge non-action on this proposed bill.

The proposed bill would prohibit the sale and distribution of children's products containing more than the specified amount of certain chemicals. 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

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how a chemical and a product are used and the potential for risk and exposure of that product/chemical combination. If a product's safety is judged simply on whether or not it contains one of the listed chemicals, the New York City Council may be condemning an entire product line (and thus an entire company) as unsafe, when, in reality, it is completely safe.

For example, antimony is the catalyst used in about 90 percent of the world's polyester. However, the presence of antimony resulting from the use of antimony trioxide as a catalyst in the production of polyester is not a safety issue for consumers. This fact is based on extensive research demonstrating minimal migration and negligible exposure to antimony through various pathways. Several countries, including Canada, the United States, and the Netherlands have evaluated the safety of antimony in consumer products, and have not identified concerns for human health or environmental release related to possible exposure to antimony trioxide.

There is little risk to the child from wearing polyester, or even from accidental consumption. Antimony trioxide is poorly absorbed through the skin (i.e., dermal absorption is negligible), and oral exposure is limited by poor systemic absorption (EPA 2014). This means there is little risk to the child from wearing polyester or from accidental consumption, as might be a concern for children's products. The primary route of toxicity for antimony is via inhalation. Due to the low volatility of antimony trioxide, exposure to vapors is considered negligible. Dust by abrasion and wear is more likely. And even then, the government of Canada estimated the amount of inhalation exposure due to dust was negligible (Environment Canada & Health Canada 2010).

Additionally, the legislation proposes to enact requirements contradictory to federal regulations already in place to address chemical safety in children's products. The U.S. Consumer Product Safety Commission (CPSC) already has the statutory authority to regulate any children's product the CPSC deems is a "substantial product hazard." In fact, two of the chemicals targeted for restriction in the draft legislation are already specifically regulated at the federal level by the CPSIA. More importantly, under the law, any entity, including local governments, is already allowed to petition the CPSC to regulate new chemicals in children's products under this provision.

The rising number of county and state-level initiatives across the country have created an unmanageable patchwork of requirements that makes it nearly impossible for a company to produce and test for a product that meets all of these regulations at once. Unfortunately, these overly complex state-level regulations and now county-level initiatives disproportionately affect our industry, many of which are based in New York City and supports thousands of jobs and millions of dollars in economic activity. The best strategy to protect the health and safety of our children, while encouraging innovation and productivity, is to strengthen federal regulations, not to undermine them.

AAFA supports bi-partisan efforts in Congress to reform the federal Toxic Substances Control Act (TSCA), which would create a uniform national chemical management standard that provides regulatory predictability and equally protects consumers. As of December 2015, both chambers of Congress have overwhelmingly approved bills to reform the nation's chemical management framework. Discussions started this week to

reconcile the House and Senate approaches to TSCA reform. The final legislation is expected to be signed by President Obama and enacted as soon as this summer. The legislation would further strengthen the federal government's authority to regulate potentially hazardous chemicals in products, and further strengthen state and local governments' ability to petition the government to regulate chemicals in products.

Lastly, the apparel and footwear industry has actively undertaken work to reduce and eliminate the use of hazardous chemicals. The industry recognizes the need for manufacturers to be aware of chemical safety and are actively working to restrict the use of certain chemicals. To this end, they have developed "restricted substances lists" (RSLs). These lists level the playing field for proactive, responsible manufacturers by providing consistent information on chemical substances that are banned or restricted in clothing and footwear not only in the United States, but wherever U.S.-branded clothing and shoes are sold around the world. In fact, AAFA has established an RSL for the industry, which it updates twice a year.

We urge the New City Council Committee on Consumer Affairs to consider the numerous and serious concerns raised in this testimony, as well as the fact that New York City already has the right to petition the federal government to regulate chemicals in children's products, and that pending legislation in Congress would only further strengthen that ability. With these points in mind, we strongly urge the Committee to not to proceed with a vote.

Thank you for your time and consideration.

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