

March 5, 2025

Chairman Delegate Luke Clippinger
Maryland House of Representatives
Judiciary Committee

SUBJECT: Oppose HB 1112: PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales

Dear Chairman Clippinger and Honorable Members of the Maryland Judiciary Committee:

On behalf of the American Apparel & Footwear Association (AAFA), I am writing to oppose HB 1112: **PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales** as written.

AAFA is the national trade association representing apparel, footwear and other sewn products companies and their suppliers, and is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its more than 3.5 million U.S. workers, and its contribution of \$509 billion in annual U.S. retail sales, and represent more than 1,100 world famous name brands. AAFA approaches all its work through the lens of purpose-driven leadership in a manner that supports each member's ability to build and sustain inclusive and diverse cultures, meet and advance ESG goals, and draw upon the latest technology.

With our members engaged in the production and sale of clothing and footwear, we are on the front lines of product safety. It is our members who design and execute the quality and compliance programs that stitch product safety into every garment and shoe we make. In fact, our members are actively phasing out the avoidable use of intentionally added PFAS and our open industry [Restricted Substances List](#) has included PFAS as a class of chemicals for multiple years.

AAFA and our members are proud advocates for regulatory requirements that can effectively protect human health and the environment. Regulation plays a critical role in furthering our industry's efforts, but only if regulations are designed properly, serve their purpose, and are properly enforced. That is why we recently launched the [THREADS Sustainability and Social Responsibility Protocol](#). We believe that the *THREADS Protocol* will speed up the development of policies that are effective and catalyze meaningful progress. *THREADS* calls for policies that are:

- Transparently Developed and Enforced
- Harmonized Across Jurisdictions and Industries
- Realistic in Terms of Timelines
- Enforceable
- Adjustable
- Designed for Success
- Science-Based

Although many of our members routinely exceed regulatory requirements and have phased out the use of avoidable, intentionally added PFAS in their products, we respectfully request the committee consider amending HB 1112.

Unavoidable Contamination & Testing

The legislation, as currently drafted, creates a broad ban on all consumer products containing PFAS with no clear thresholds or exemptions. This proposal is in direct contrast to restrictions on PFAS in textile and apparel products that the industry is already complying with in other states. It is now common practice in the industry to ensure new consumer textile and apparel products test below 100ppm total organic fluorine (TOF). At levels below 100 ppm TOF, PFAS would serve no function for a product; it would not be stain or water-resistant at such a low level. This threshold is important because it is impossible for manufacturers to avoid all unintentional PFAS contamination, given the prevalence of PFAS in the environment.

Personal Protective Equipment

Unlike other state legislation restricting PFAS in apparel and textile products, HB 1112 fails to acknowledge that there are some product categories – e.g. personal protective equipment (PPE) – where PFAS remains necessary. PPE is often subject to federal standards, such as the Occupational Safety and Health Administration (OSHA) or the Food and Drug Administration (FDA), that at present in some cases still require the use of fluoropolymers (a form of stable, inert PFAS) – making its use unavoidable. Further, in many cases, a viable PFAS-free alternative is not currently available to protect workers from fire or hazardous chemicals. For example, a 2024 assessment by the Washington State Department of Ecology through their Safer Products Program found there are *not* currently safer alternatives to PFAS in firefighting PPE and declined to impose PFAS restrictions.

For these reasons, PPE is explicitly exempted in California and other jurisdictions that have prohibited the use of intentionally added PFAS in textile and apparel products. Providing an exemption for PPE creates harmonization and consistency for manufacturers and PPE buyers. We recommend incorporating the following definition of PPE into HB 1112 and then providing an exclusion from the restrictions for PPE.

“Personal protective equipment” means equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses that may result from contact with chemical, radiological, physical, biological, electrical, mechanical, or other workplace or professional hazards.

Impacts on Circularity and Recycling

If enacted as written, this legislation would harm industry efforts to recycle used textiles into new textile products. Members are investing significant resources into textile-to-textile recycling technologies and are creating products with next generation materials made with recycled content. To support scaling of circular textile-to-textile recycling systems, consumers need to return old products, and they do. Our members are finding consumers regularly return decades-old products to brands’ take-back programs or textile collection sites. This means textile products containing PFAS are entering recycling streams and will continue to do so for years after PFAS has been phased out. Currently available technologies are unable to eliminate legacy PFAS contamination from recycled feedstock, meaning trace amounts can remain in products with recycled content. To facilitate industry efforts to mitigate the impacts of textile waste, we urge you to amend HB 1112 to provide an exemption for products with at least 50 percent recycled content.

Outdoor Apparel for Severe Wet Conditions

Similar to PPE, more time is needed to identify, implement, and scale non-PFAS solutions for outdoor apparel for severe wet conditions than other consumer textile and apparel products. In recognition that it takes more time to transition these highly technical products, several states have provided additional time for these products to comply with bans on intentionally added PFAS. Currently, the industry is diligently working towards a January 1, 2028 deadline to phase out PFAS in these products. That timeline was first set in place in California and has been replicated by other states including New York, Vermont, and Colorado. We would encourage Maryland to harmonize this legislation with existing timelines in other states. We recommend Maryland incorporate the following definition of “outdoor apparel for severe wet conditions:”

“Outdoor apparel for severe wet conditions” means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use. Examples of extreme and extended use products include outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

Sell Through Provision

We additionally recommend Maryland amend the legislation to include a sell-through provision, allowing companies to sell off stock manufactured before the effective date. Establishing a strict effective date without allowing for the sale of items previously manufactured will cause these items to be disposed of immediately – likely sending them straight to landfills where the PFAS will begin to leach into groundwater. Experts [recommend](#) consumers continue to use products they own containing PFAS because they do not pose a significant health risk. We know that, if already manufactured garments are instead allowed to be used and worn, they will be disposed of more gradually – preventing an immediate spike in PFAS pollution and providing additional time for technologies to remove PFAS contamination to be developed and implemented.

Conclusion

We look forward to working with you on the regulation of substances in consumer products for the benefit of consumer product safety and public health. In the meantime, our members continue to design and execute the quality and compliance programs that emphasize product safety for every individual who steps into our apparel and footwear products.

Thank you for your consideration of these requests.

Andrew Pappas
Director, State & Local Government Affairs
American Apparel & Footwear Association