

March 13, 2025

**SUBJECT:** HB 3512: *Relating to PFAS*

Dear Honorable Members of the Oregon House Committee on Climate, Energy, and Environment:

On behalf of the American Apparel & Footwear Association (AAFA), I am writing to share our concerns with HB 3512, which would prohibit the distribution or sale of certain covered products that contain intentionally added perfluoroalkyl or polyfluoroalkyl substances (PFAS), 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 are determined to ensure that regulations align with 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 3512 prior to it moving forward.

We appreciate some of the steps this legislation takes to support industry efforts, including the extended timeline for outdoor apparel for severe wet conditions. We also want to stress the importance of maintaining an exemption for all personal protective equipment (PPE), including that worn by firefighting personnel. PPE is

often subject to federal standards, such as Occupational Safety and Health Administration (OSHA) or Food and Drug Administration (FDA), that at present in some cases still require the use of fluoropolymers, (one specific form of stable, inert PFAS) – making PFAS use unavoidable.

While we appreciate the intent of the legislation, we have concerns with the “Intentionally Added” definition in the legislation as drafted and recommend allowing for a threshold for products that contain PFAS as a byproduct or impurity. As I mentioned, our members are working to eliminate the use of avoidable, intentionally added PFAS in their products and while they are making progress, due to the broad existence of PFAS from its historical uses, it can be impossible to control cross-contamination or the unintended existence of PFAS in products. While companies are working hard to innovate, we believe this language holds them to a nearly impossible standard.

If enacted as written, this legislation would also 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 the 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 3512 to provide an exemption for products with at least 50 percent recycled content.

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. Before this legislation moves forward, we ask that the committee engage with industry. 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,

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