

S.6291-A (Holyman) / A.7063-A (Fahy)

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BILL S.6291-A (Holyman) / A.7063-A (Fahy)
SUBJECT Ban on Sale of PFAS Added Clothing
DATE May 24, 2022
OPPOSE

The Business Council opposes this legislation that would, effective December 31, 2023, prohibit the sale in New York of state “any apparel containing perfluoroalkyl and polyfluoroalkyl substances as intentionally added chemicals.” This ban would apply to all “clothing items intended for regular wear or formal occasions,” excluding only “professional uniforms or outerwear intended for extreme conditions.”

In general, The Business Council has concerns with proposals to impose state-specific material sales or use bans applicable products that are sold in nationwide or even worldwide markets, and which are produced with nationwide or worldwide supply chains.

More specific, while a number of clothing manufacturers are already committed to reducing or eliminating the use of PFASs, the relatively short compliance period in this legislation may not allow for the complete modification of supply chains, nor the sale of products in existing inventories. Compounding that concern is uncertainty as to which products would qualify for the exemption for clothing intended for “extreme conditions.” Many products are marketed for general use in winter conditions and other adverse weather conditions (e.g., waterproof fabrics and materials), and are widely used and purchased by New Yorkers. However, it is unclear which of these categories of products would be subject to this ban, and whether New Yorkers will have continued access to weatherproof outdoor clothing.

Producers have recommended that any such restrictions have a longer compliance time-period and have recommended moving the compliance date to December 31, 2026. We support that recommendation, and therefore oppose adoption of S.6291-A/A.7063-A as currently drafted.