



2/19/25 Testimony
House Committee on Environment
Kelly Ault, Executive Director, VOBA

I'm Kelly Ault, Executive Director of the Vermont Outdoor Business Alliance. Thank you, Chair Sheldon and members of the committee, for inviting me back to speak about [H.238](#) and the PFAS prohibition on outdoor apparel.

To re-introduce VOBA, we are a nonprofit with a mission to strengthen Vermont's values-led outdoor recreation sector while ensuring environmental responsibility. Our 140 mostly small business members drive local economies and contribute to protecting local natural and recreation resources. They support Vermonters and visitors in experiencing the outdoors, leading to health and a greater appreciation of nature.

Some of Vermont's 40 apparel manufacturers and 60 outdoor retailers located in our communities could potentially be impacted by H.238.

Vermont businesses are fully committed to phasing out the intentionally added PFAS in apparel that has historically been used to protect users with qualities like water repellency, durability, and breathability. Manufacturers have been working hard to transition to non-fluorinated materials and have invested corporate resources in research and development, supply chain adjustments, production technologies, and consumer education.

Additionally, manufacturers and retailers are preparing for the 2028 timeline which allows adequate time to sell down already-produced inventory ensuring that products are not destroyed by landfilling or incineration, thus reducing PFAS pollution.

It is worth reflecting on previous responsiveness by Vermont manufacturers and retailers alongside our 50 alpine and cross country ski centers in eliminating the production, sale and use of ski wax banned in 2023.

At this moment with many states such as CA, NY, ME, and CO companies operating across state lines or at the global level need Vermont's PFAS law to provide predictability, consistency and alignment. Therefore, Vermont companies and national partners have two recommendations for H.238 to make Vermont's phase out goals achievable.

"Intentionally Added" Definition is Too Broad

VOBA recommends the return to the original definition of "intentionally added" as passed in Act 131 to align with CA, NY, and ME, which would specifically eliminate the 18.A.iii. language about PFAS being "present in the final product as a byproduct or impurity."

Given the ubiquitous use of PFAS for decades, it is impossible to control cross-contamination which is unintentional. Untraceable residual PFAS can be found in shipping containers, distribution houses, vehicles, and other vectors within a supply chain. Making manufacturers and suppliers responsible for any amount of byproducts or impurities is unfair to those businesses who are otherwise doing the right thing. The current language is overly broad.

Vermont Wants to Incentivize Textiles Recycling and the Growing Circularity Economy

The outdoor industry widely acknowledges that textile waste is a huge problem - new apparel requires intense resource use from raw materials including fossil fuels, water, land, and chemicals. VOBA shares circularity goals with the State of Vermont in developing approaches to repairing, resale, reusing, and sustainable disposal. This is important as

textile-to-textile apparel recycling (the process of turning textile waste into new fibers that are then used to create new clothes or other textile products) gains momentum.

The challenge is that the infrastructure for collecting, processing, reselling, repairing, and recycling textiles in the US is nascent with the EPA reporting that [15% of textiles were recycled](#) in 2018.

States like CA are working to fast track processes by developing regulations establishing procedures and directing funding for textile recycling and reuse. The Responsible Textile Recovery Act (SB 707) passed in Oct 2024 established the first Extended Producer Responsibility ("EPR") program for textiles, apparel, footwear and travel goods in the US. It addresses collection, infrastructure, technology development and requires textile producers to take responsibility for their products' entire lifecycle. Similar bills have been introduced in NY and WA.

Current testing data from regenerated textiles reveals a roughly 15% failure rate at 50 ppm TOF. To ensure the time needed to improve the infrastructure and systems over the next few years (and benefit from PFAS elimination in new textiles that then become future recycled materials), VOA is comfortable with the language in H.238 that products made with at least 50% recycled content be exempt.

For comparison, ME fully exempts used products and used product components, Colorado bans intentional use allowing for unintentional presence of PFAS including legacy PFAS in recycled textiles. There is no exemption for recycled textiles under California law, however by 2027 products with recycled content will need to meet the 50 ppm TOF limit.

There are questions on how we incentivize a circular economy while at the same time phase out PFAS in recycled content. We look forward to the

rulemaking process because we know advancements in other states and new infrastructure and technology will benefit our state's regulations.

Outdoor Companies need Predictability and Consistency in Regulations

In summary, VOBA and Vermont's outdoor businesses are dedicated to initiatives in circularity, sustainability and climate resiliency and will continue to leverage corporate resources for social impact. A PFAS phase out in Vermont that is aligned, predictable, and consistent enables some of our best business stewards of Vermont's environment to prosper.

Thank you so much for your consideration of VOBA's PFAS recommendations for H.238.