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May 14, 2013

Interstate Chemicals Clearinghouse
Dr. Alex Stone
Safer Chemical Alternatives Chemist
Technical Alternative Assessment Guidance (TAAG) Team Lead
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: Comments on the draft *Guidance for Alternatives Assessment and Risk Reduction* (released by the Interstate Chemicals Clearinghouse and State of Washington in March 2013, <http://www.newmoa.org/prevention/ic2/aaguidance.cfm>) [“Draft AA Guidance”]

Dear Dr. Stone:

On behalf of the American Apparel and Footwear Association (AAFA), I am submitting the following comments in response to the Interstate Chemicals Clearinghouse's release of the draft Guidance for Alternatives Assessment and Risk Reduction.

AAFA is the national trade association representing apparel, footwear, and other sewn products companies, and their suppliers, which compete in the global market. AAFA's membership consists of more than 420 companies in the apparel and footwear industry; an industry which represents one of the largest consumer segments in the United States and over four million American jobs.

We are very appreciative of the leadership and effort of the State of Washington and the Interstate Chemicals Clearinghouse (IC2) in compiling this draft guidance on how best to prepare an Alternatives Analysis (AA). We support the collaborative approach among the states, and the creation of a useful, consistent, science-based set of tools and approaches for performing AAs. In particular, we support the goals of the Draft AA Guidance:

- To avoid duplication and enhance efficiency and effectiveness of agency initiatives on chemicals through collaboration and coordination;
- To build governmental capacity to identify and promote safer chemicals and products;
- And, to ensure agencies, businesses, and the public have ready access to high quality and authoritative chemicals data, information, and assessment methods.

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We believe the Draft AA Guidance is a good first step in that it assembles in one place and puts some categorical order to the many strands of thinking on how best to prepare an AA. However, the Draft AA Guidance does not yet rise to the level of serving as actual guidance. It is not yet a prototype, but rather a collection of ideas about what is an AA. It currently reads more like a bibliography of possible approaches. That, in and of itself, is useful and worthy. However, it must be recognized as such. We are hopeful the Draft AA Guidance might be renamed as a “Compilation” or “Bibliography” of AA approaches, and thus serve as a launching point for a fully collaborative effort with industry to develop a truly workable guidance document. AAFA would be pleased to participate in such an effort with the IC2.

Hazard vs. Exposure

As an overarching philosophical matter, there appears to be a great divide between what industry considers most important and the approach outlined in this Draft AA Guidance, specifically relating to a focus on hazard versus exposure. We acknowledge that a focus on inherent hazard traits is appropriate. However, it is critically important to prioritize our efforts based on the potential for exposure. It is for this reason, the potential for exposure across the entire lifecycle of the product should be considered upfront, and not merely as a criteria to compare alternatives later. We think an exposure assessment needs to enter into the AA approach at two points. It needs to be part of the threshold criteria on when to perform an AA; and, it needs to be part of the assessment of which alternatives are safer.

Range of Alternatives

As currently contemplated, the Draft AA Guidance is impossible to implement as the universe of alternatives is too vast and broad. It must be narrowed to be able to analyze solutions to a potentially solvable problem. In order for AAs to be useful and to actually create environmental benefit and value, it is essential that they first delineate a discrete-enough problem and define appropriate boundaries for an AA. Otherwise, an AA will be an aimless, meandering task which leaves all parties dissatisfied and cannot assure the public that environmental improvements are realized.

Confidential Business Information (CBI)

The issue of confidential business information is a critical one. It is not a chronic industry lament that can be ignored. Ethical chemical suppliers have a duty to prevent disclosure of their formulations to unethical chemical suppliers around the globe, and to ensure this critical information is not used for mischievous purposes.

CBI is a core asset to companies which cannot be compromised without abdicating important legal and fiduciary duties. It must be safeguarded. Chemical suppliers will not engage with buyers if it is not. We implore IC2 to make significant efforts to obtain the transparency of environmental outcomes while, at the same time, ensuring companies can maintain their legal and fiduciary rights. AAFA would be pleased to work with IC2 in finding a collective solution surrounding CBI.

Standards, Criteria and Weighting

The Draft AA Guidance does not identify criteria for judging what an acceptable alternative is. While this is understandably difficult and perhaps cannot be done at this stage where tools and ideas are merely being assembled, it is a key preliminary step to ensure fair and consistent comparisons across similarly situated products and industries. The Draft AA Guidance should acknowledge that the development of standards, criteria, and weighting will be essential to any governments wishing to impose an AA as a regulatory requirement.

Also, it is important the Draft AA Guidance recognize incremental steps and continuous improvement. Without formal, procedural recognition in the AA approach for incremental improvement steps, the perfect can become the enemy of the good. For instance, if a product can remove five out of six chemicals of concern, the fact that one remains is not ideal but the resulting product is superior and safer than the one containing all six chemicals.

Cost and Availability

This module offers five levels, which range from complicated to impossible. Even the first level (Basic) is not performed in state-of-the-art methods employed by the most forward-thinking companies of the apparel and footwear industry. Perhaps Level 1 can be accomplished by a formulated cleaning product manufacturer, but it cannot be accomplished for even a simple cotton t-shirt. As an illustration, as part of an average supply chain, there could be over 280 chemical mixtures entering a dyeing facility. Each mixture may have 5 active ingredients. Each active ingredient may have 10 impurities. That would make 1,400 intended chemical inputs and 14,000 unintended contaminants. As for alternatives, there may be 12,000 original dyes from which a company could choose. Attempting to search for that many alternatives would represent a tremendous cost of time and money to any company.

Levels 2 through 5 should be deleted or, at most, put in an appendix to be revisited every 10 years until such time as any of them become feasible. To provide a useful workable tool, we recommend Level 1 be revised and simplified. The AAFA would be pleased to work with the IC2 in developing a workable cost and availability assessment tool.

Optional Modules: Materials Management, Social Impacts and Lifecycle Thinking

The materials management module appears to be another tool and another approach altogether. The Draft AA Guidance attempts to outline the elements of a good AA. An AA takes an existing product, zeroes in on a chemical of concern in that existing product and employs tools and analysis to find a safer way to make that product, preferably without the concerning chemical. Thus, the AA is a micro tool to examine a product-level problem. Whereas, the materials management approach is a macro approach to systems-level global supply chain, identifying and mapping all raw materials and wastes across the globe.

Throughout the Draft AA Guidance, the document consistently becomes more unwieldy when macro issues are introduced into the micro analysis. Nowhere is this more evident than in the Social Impacts Module which appears to want a product-level analysis to include broad studies in public health epidemiology, evolutionary anthropology, and sociocultural trends.

The Life Cycle Thinking Module appears to be an afterthought, and yet it seems the most important to be built into the initial evaluation and scoping of the AA. Before any company undertakes an AA, it should be identified at what points along a product's lifecycle are its chemical ingredients causing harmful exposure. This would help us immensely with defining the problem the AA will purport to solve.

To recap, we are very supportive of the work the State of Washington is doing and we support the IC2 in developing a collaborative process to help identify and assemble the best thinking on AA approaches. This is an excellent first step and a worthy effort. However, more work needs to be done before any government can adopt this as a guidance tool. We look forward to future opportunities to assist in this regard.

Thank you for allowing this late comment letter to be considered by the IC2. Please do not hesitate to contact AAFA if we can be of any help to you. Please feel free to contact me or Marie D'Avignon of my staff at 703-797-9038 or by e-mail at mdavignon@wewear.org if you have any questions or would like additional information.

Sincerely,



Kevin M. Burke
President & CEO