

calls to action

**Now is the time
for collaboration.**
We would like
to share ways in
which, if we work
together, we can
rebuild chemical
management in
fashion so it is
airtight and equitable.

We also envision collaboration among different consumer product industries. While we focus on denim and fashion, which creates products that consumers touch and wear on a daily basis and are intimately familiar with, these steps would benefit other consumer product categories such as electronics, children's products, and home goods.

As we've said in our past reports, we don't believe the industry and government can pick and choose from the above solutions to this toxic crisis. These recommendations would combine to align standards globally, fund research, increase testing and enforcement, increase transparency and information sharing, reduce the number and amount of hazardous chemicals in circulation, and improve the global health of consumers, communities, and ecological systems.

Brands and retailers

1

Ascribe to the ZDHC MRSL and the AFIRM RSL

We are calling on brands to align themselves with the most respected MRSL and RSL in the industry. This simple step will cut down on confusion and inefficiencies, so that chemical management is standardized and (more importantly) done well no matter the brand or supplier.

In addition, brands and retailers should align on certification equivalence. For example, if a chemical company is certified to OEKO-TEX standards, then GOTS should accept products from that company into a dyehouse certified to its standards.

2

Develop in-house technical expertise

An RSL is no good unless a brand can understand how to achieve it. Every large brand should have at least one in-house chemical engineer and/or toxicologist who can oversee chemical management and interface with suppliers to ensure that their chemical safety standard, MRSL, and RSL are being met.

These experts can also work with the design team to set parameters that ensure suppliers don't feel pressure to use hazardous chemistry to achieve brand requests. For example, a design parameter could be to avoid certain turquoise blues that require azo dyes that cleave into carcinogenic amines, or to avoid requests for the type of distressed look or wash that requires dangerous processing chemicals in denim laundries.

3 Treat your suppliers ethically

Suppliers cannot adhere to an MRSL unless brands create the economic conditions for them to do so. A brand's own KPIs must be aligned with the KPIs set for their manufacturers, with a view towards shared profitability instead of a race to the bottom on prices.

Brands should select suppliers in part on the basis of their chemical management systems, commit to long-term contracts, and share the financial burden of testing products, equipment upgrades, and more expensive safe chemical products. Signal your commitment to ethical purchasing practices by endorsing the [Eight Ethical Principles](#) put forward by Transformers Foundation.

4 Lobby government to incorporate standards into law

Strong chemical management systems should be a ticket to play, not a market differentiator. Brands and retailers should lobby governments in countries where their products are sold to put the ZDHC MRSL and the AFIRM RSL into law as a bare legal minimum standard applicable to all.

Putting these standards into law would also increase testing, which is not happening enough. This applies in the EU, especially in the U.S., and most of all in large markets in India, Brazil, and China. There should be something pulled from fashion shipments for testing at every port—airports and marine—every day, at the very least.

Brands and retailers should advocate for use of the latest testing methods, such as PIGE, which tests for total fluorine,¹⁰⁸ and high-resolution mass spectrometry, which gives a complete picture of the chemical makeup of a material.¹⁰⁹



5 Provide ingredient lists for consumers

We believe consumers deserve to know what is in their fashion so that they can avoid substances that give them a rash or exacerbate an illness.

Every consumer fashion product should carry a label or QR code that lists all known carcinogenic, mutagenic, reproductive toxic, bio-accumulative, persistent, allergenic, or sensitizing chemicals present. This builds on the success of the EU's and California's legislation, which strikes a balance between a hazard-based and risk-based approach: Though all hazardous substances are labeled, not all are completely banned.

We see the food industry, the cleaning product industry, and the beauty product industry all providing ingredient lists, while staying profitable. In the construction materials business, architects, design professionals, contractors, and consumers can look up the Health Product Declarations (HPDs) at hpd-collaborative.org for over 30,000 building products for around 700 manufacturers. The information is not very consumer-friendly, but it shows that this information can be provided even for performance textile products like synthetic carpeting.

“We are calling on retailers and brand owners to disclose chemical ingredients to consumers, including for articles like textiles. If you’re going to say yes, as a business, we’re going to regulate and restrict harmful chemicals in our supply chain, you can’t really do that if you don’t know what’s in the products that you’re selling.”

– MICHAEL SCHADE, TOXIC-FREE FUTURE

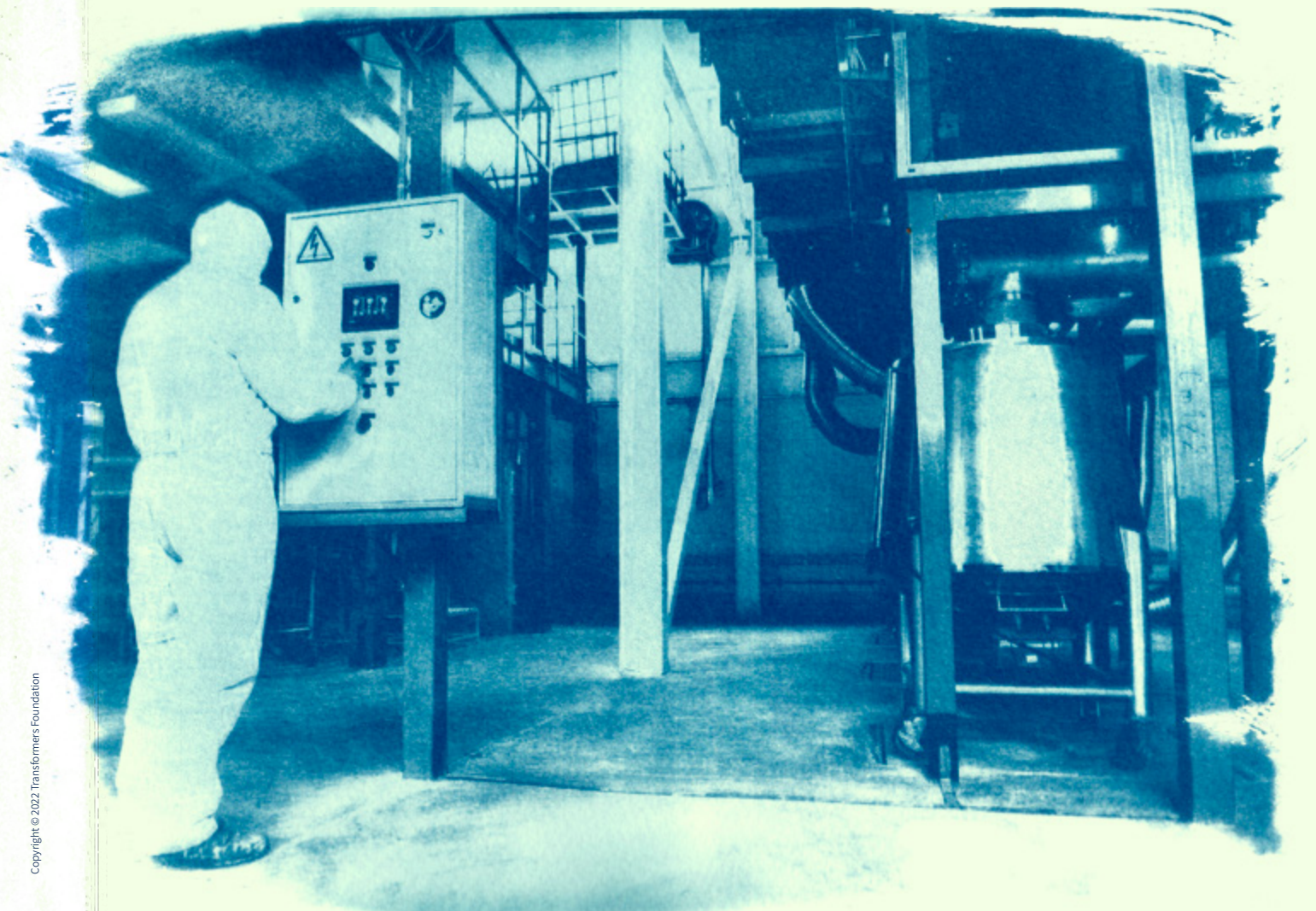


*“It’s **not just about putting the responsibility on consumers to change.** It is about **creating the kind of critical mass of pressure on companies that says, we see you, we see what’s happening - and we don’t want to take part in such a system when we buy something for ourselves or a loved one.**”*

– **EMILY MACINTOSH**, POLICY OFFICER FOR TEXTILES,
EUROPEAN ENVIRONMENTAL BUREAU

According to everyone we spoke to, it is technically possible based on today’s technology to list ingredients on the final product. But this legislation would also be an incentive for brands to build deeper and longer-lasting relationships with the kind of chemical and dye suppliers that are organized and responsible enough to provide an accurate list of chemical ingredients while protecting that information from being copied.

If chemical companies are worried about intellectual property theft, the information can be passed straight through to a third party that works under a non-disclosure agreement to collate the ingredients on the final product. And it can exclude non-hazardous ingredients and process chemicals so recipes are somewhat protected from being copied.



Legislators



Fund and empower governing bodies to focus on consumer product chemical safety

As long as chemical safety is voluntary, many suppliers and brands will choose not to engage with it, or will engage with it at different levels, yielding a chaotic and inefficient environment of hundreds of RSLs and standards.

We need every country to have an agency that can arbitrate and simplify this system so it is focused on public health instead of profits.

In June 2021, a large group of organizations—including the American Apparel & Footwear Association, the American Chemistry Council, Breast Cancer Prevention Partners, Consumer Reports, Earthjustice, and Natural Resources Defense Council—banded together to send a letter asking Congress to give the Consumer Product Safety Commission more money. “The agency is significantly underfunded and therefore short-staffed compared to other federal health and safety regulatory agencies,” the letter said, pointing out that its budget is “by far the smallest among federal health and safety regulatory agencies,” and it struggles to keep up with the work of overseeing “15,000 different types of consumer products.”¹¹⁰ We agree. The CPSC needs to do more testing of products coming into the country. It needs funding to hand out research grants that can help it make better-informed decisions on limits for more substances on more products. And it needs more power to force recalls of products that are toxic and sensitizing for consumers.

We are calling for additional funding for both the Consumer Product Safety Commission and the EPA, to expand their mandate to research, test, approve or disapprove new chemical product use. We would like to see similar increased funding and directives to focus on research and testing in other large markets whose economic clout means ripple effects into unregulated markets, including the European Union, the United Kingdom, India, Canada, Brazil, China, South Korea, and Japan.

One way of funding this would be for governments to tax and tariff the sale and importation of understudied chemicals created from fossil fuel products, and products that have these substances in them. This would have the additional effect of reducing the amount and number of substances used.

2 Align with other countries to unify chemical guidance

Ideally, chemical standards would be harmonized, and there would be no more than a few RSLs that differ only according to product category, material or, in rare cases, religious beliefs. To achieve that, governments need to work together to agree upon higher standards of chemical safety, with aligned regulations both on what can be used in fashion production, and what can be on the final product.

The strictest RSLs by a handful of brands show what is possible—their limits should be the standard to which governments aspire.



3

Pass due diligence laws that hold fashion companies liable for worker exposure

For too long, fashion brands and global suppliers have avoided taking responsibility for worker health by offshoring operations to countries with looser legislation and enforcement.

We have a good understanding of the health risks for workers of exposure to substances like powdered indigo with aniline, potassium permanganate, hypochlorite, and formaldehyde. But many workers in countries like China, Pakistan, Tunisia, and India continue to have unnecessary exposure when they are not provided proper training or protective gear. Again, much of the time this is due to brands demanding orders faster and cheaper. In order to make quota, for example, workers don't wear protective gear, which can slow them down. Or suppliers can't afford to invest in safer new equipment because brands won't pay anymore for material made in a safe environment.

*“The only way to solve it is to **have a legislation that somehow takes the costs that they're pushing off—like the cost of polluting the waterway around the factory or health impacts on the workers—and include them in the triple-bottom-line costs, not just the cost per garment...**If you had a system where they could trust that you weren't going to walk away when they had to raise the price, because there was more requirements, **you wouldn't need as much policing of the system** to go in and try to do random checks to see if somebody was doing something wrong.”*

– SCOTT ECHOLS, ZDHC

We support due diligence legislation, which is currently being considered in several European countries and at the EU level. It would allow workers in production facilities to hold brands liable for injury, sickness, and death due to poor practices in a factory the brand sources from.

For example, if a dye house worker died because they were told to climb into a dye waste storage tank for cleaning, their family could hold the brands that had active orders with that dye house responsible. This would make brands think twice before walking away from a safe facility based on a slightly higher price ensuring that dye houses in their supply chain have automatic storage tank cleaning equipment that functions properly. Brands might even provide loans or financing to factories that don't.

Chemical companies

1

Collaborate on a collective position on chemical complexity

The ZDHC's success so far is based on the industry's willingness to collaborate in an organization with a clear governing structure. We are calling on chemical manufacturers and formulators to come together and decide which chemical products should be officially retired from the market. This working group could also work on language that is more accessible to non-chemistry-educated advocates, journalists, and legislators.

