



Association of the
Nonwoven Fabrics Industry
ADVANCING ENGINEERED MATERIAL SOLUTIONS

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NATIONAL COUNCIL OF TEXTILE ORGANIZATIONS



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INNOVATION NETWORK

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THE ASSOCIATION & VOICE OF THE US SEWN PRODUCTS INDUSTRY

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US FMA
United States Footwear
Manufacturers Association



U.S. INDUSTRIAL AND
NARROW FABRICS
INSTITUTE



WARRIOR PROTECTION &
READINESS COALITION

September 29, 2023

The Honorable Mike Rogers
Chairman
House Armed Services Committee
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
House Armed Services Committee
Washington, DC 20510

The Honorable Jack Reed
Chairman
Senate Armed Services Committee
Washington, D.C. 20510

The Honorable Roger Wicker
Ranking Member
Senate Armed Services Committee
Washington, D.C. 20510

Dear Chairman Rogers, Ranking Member Smith, Chairman Reed, and Ranking Member Wicker:

We, the undersigned, represent the entire spectrum of the U.S. textile, apparel, and footwear manufacturing chain, from base fibers to finished sewn products. Together, our members support the U.S. military through the production of cutting-edge defense materials. On average the Department of Defense (DOD) procures nearly \$2 billion worth of military textiles annually, through the purchase of over 8,000 different textile-related items.

We are writing about the FY 2024 National Defense Authorization Act (NDAA), to express opposition to a provision in the House version related to certain per- and polyfluoroalkyl substances (PFAS). Specifically, the House version contains:

- Title III Section 333 of the House bill (H.R. 2670), which would institute a sweeping and aggressive DOD procurement ban on various articles, including footwear, clothing, textile equipment, carpeting, and upholstered furniture treated with PFAS

Our opposition to this provision is based on the following rationale:

1. This procurement ban will deny the U.S. military the extremely advanced, innovative textile materials and footwear demanded by the twenty-first century warfighter. In textile applications, PFAS impart various performance enhancing characteristics such as strength, durability, heat-resistance, stability, oil and water repellency, and enhanced cleanability. While the industry is diligently working to identify alternatives that will enable a science-based phase out of PFAS substances while still protecting users, there are no credible substitutes for these chemistries generally. Thus, a decision to ban these PFAS chemistries in defense procurement will have a demonstrable and adverse impact on materials supplied to the U.S. warfighter. This would include footwear, clothing, firefighting gear, and field equipment that must maintain waterproof barriers and moisture wicking capabilities after exposure to battlefield contaminants like insecticides, chemicals, diesel fuel, and hydraulic fluid, as well as footwear, clothing, and equipment that possess fire retardant (FR) properties and thermal stability that prevent membrane ruptures to provide burn protection and penetration resistance against weaponized chemical and biological agents and other substances such as vehicle and aviation fuels.
2. These provisions take an unscientific and broad-brush approach that regulates chemical substances even where there is no link to environmental hazards. PFAS is an umbrella term for a class of organic chemicals that includes nearly 9,000 different substances. It is critical to note that the specific PFAS chemicals used in U.S. footwear, textile, and apparel applications are part of a polymer grouping **that are not** linked to environmental hazards. In general, the chemicals that have been consistently tied to serious environmental concerns are long-chain PFAS known as PFOA (Perfluorooctanoic Acid) and PFOS (Perfluorooctane Sulfonate). PFOA/PFOS is old technology and is no longer a factor in U.S. textile manufacturing. Any statutory mandate in this area should adopt a science-based process to regulate PFAS on the characteristics of individual chemicals, not as a single class. Consequently, regulatory actions should only be taken on an individual chemical basis and target those specific PFAS chemicals that have been shown to cause environmental hazards. While this measure appears to take steps in the direction, when compared to versions offered in previous bills, it still falls back on a reflexive, non-scientific approach.

We note further that, in response to similar amendments in previous years, Congress has directed the Administration to study this issue in greater detail. We encourage this Congress to let the results of that on-going work to reach a consensus conclusion that

can be implemented before including any prescriptive restrictions in this or future NDAA's.

3. These provisions would needlessly override just enacted PFAS regulations adopted as part of the FY 2021 NDAA. Public Law 116-283, Title III, Sec. 333 instituted a DOD procurement prohibition on various items, including carpeting and upholstered furniture containing certain per- and polyfluoroalkyl substances. The language in P.L. 116-283 was carefully drafted to tie the prohibition to the specific types of PFAS that have been demonstrated to cause environmental harm, namely PFOA and PFOS. The U.S. textile, apparel and footwear sectors did not oppose the PFAS prohibition contained in the final FY 2021 bill, since it was science-based and in the best interest of the environment and U.S. military personnel. The provisions referenced above abandon this carefully constructed approach by regulating procurement on mission critical products treated with chemicals that pose no known hazardous threat simply because they are grouped under a larger family of fluorinated substances.

In addition to these basic concerns, the adoption of either provision will severely impact numerous domestic manufacturers and tens of thousands of U.S. workers in the textile, apparel, and footwear industries. These provisions will likely force many U.S. companies that have been longstanding and excellent suppliers of mission critical defense materials to exit these fields. Doing so will needlessly undermine the U.S. defense industrial base while damaging numerous local communities dependent on the high-paying manufacturing jobs that these companies supply.

For all these reasons, we respectfully request that any version of the FY 2024 NDAA adopted by the NDAA conference exclude Section 333 from the House version. Such an approach allows Congress to support a science-based process to regulate PFAS on the characteristics of individual chemicals, not as a single class. Finally, this type of science-based approach will ensure that domestic textile, apparel, and footwear manufacturers are able to continue to provide the U.S. military with the most advanced and technically capable materials of any global fighting force.

Sincerely,

American Apparel & Footwear Association
INDA: Association of the Nonwoven Fabrics Industry
National Council of Textile Organizations
Network Association of Uniform Manufacturers & Distributors
Parachute Industry Association
Rhode Island Textile Innovation Network
SEAMS: Association of the U.S. Sewn Products Industry
Sewn Products Equipment & Suppliers Association
United States Footwear Manufacturers Association
United States Industrial & Narrow Fabrics Institute
Warrior Protection and Readiness Coalition