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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To direct the Administrator of the Environmental Protection Agency to establish a voluntary sustainable apparel labeling program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CASTEN introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Administrator of the Environmental Protection Agency to establish a voluntary sustainable apparel labeling program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voluntary Sustainable
5 Apparel Labeling Act”.

6 **SEC. 2. VOLUNTARY SUSTAINABLE APPAREL LABELING**
7 **PROGRAM.**

8 (a) IN GENERAL.—

1 (1) ESTABLISHMENT.—The Administrator of
2 the Environmental Protection Agency (in this sec-
3 tion referred to as the “Administrator”) shall carry
4 out a voluntary sustainable apparel labeling program
5 (in this section referred to as the “labeling pro-
6 gram”).

7 (2) CONSULTATION.—The Administrator shall
8 establish and operate the labeling program in con-
9 sultation with the Secretary of Agriculture and the
10 Federal Trade Commission.

11 (3) REGULATIONS.—Not later than 2 years
12 after the date of enactment of this section, the Ad-
13 ministrator shall finalize regulations to carry out the
14 labeling program.

15 (b) REQUIREMENTS.—Under the labeling program—

16 (1) any person that sells an article of apparel
17 may submit an application to the Administrator to
18 enter the article of apparel into the labeling pro-
19 gram;

20 (2) the Administrator shall specify the informa-
21 tion to be included in an application under para-
22 graph (1);

23 (3) the Administrator shall review any applica-
24 tion submitted under paragraph (1) and make a de-

1 termination regarding whether to include the article
2 of apparel in the labeling program—

3 (A) on the basis of whether the Adminis-
4 trator believes the person submitting the appli-
5 cation will adhere to the requirements of the la-
6 beling program; and

7 (B) not on the basis of an assessment of
8 the benefits to the environment associated with
9 the article of apparel;

10 (4) a person (referred to in this section as a
11 “participant”) that sells an article of apparel that
12 the Administrator has determined to include in the
13 labeling program (referred to in this section as the
14 “participating article of apparel”) may attach a label
15 (referred to in this section as the “apparel sustain-
16 ability label”) to—

17 (A) the participating article of apparel; or

18 (B) packaging used for the sole purpose of
19 containing the participating article of apparel;

20 (5) the Administrator shall establish require-
21 ments for the visual form of the apparel sustain-
22 ability label that shall—

23 (A) convey the information described in
24 paragraph (6) to the consumer in a manner
25 that is determined by the Administrator to be

1 most useful to the consumer at the point of sale
2 in making apparel purchasing decisions;

3 (B) not convey that any given article of ap-
4 parel is acceptable or unacceptable, but instead
5 provide the consumer a numerical quantifica-
6 tion of the information described in paragraph
7 (6);

8 (C) employ words, numbers, and imagery,
9 as specified by the Administrator;

10 (D) convey the fact that the information
11 on the apparel sustainability label has been
12 verified under requirements established by the
13 Environmental Protection Agency; and

14 (E) include a logo to help the consumer
15 identify the label as being associated with the
16 labeling program;

17 (6) the information included on the apparel sus-
18 tainability label shall—

19 (A) convey a numerical summary of the
20 best available information regarding the total
21 greenhouse gas emissions released throughout
22 the full life cycle of the participating article of
23 apparel and its input materials, including in as-
24 sociation with—

- 1 (i) growing of plant fibers and other
2 agricultural inputs;
- 3 (ii) manufacture of the non-
4 agricultural input materials;
- 5 (iii) manufacture of the participating
6 article of apparel;
- 7 (iv) packaging;
- 8 (v) transportation of the input mate-
9 rials and the participating article of ap-
10 parel;
- 11 (vi) storage;
- 12 (vii) presentation in a retail apparel
13 establishment;
- 14 (viii) consumer use, including the en-
15 ergy used to—
- 16 (I) wash the participating article
17 of apparel; and
- 18 (II) prepare the participating ar-
19 ticle of apparel for use, including by
20 ironing or pressing;
- 21 (ix) end-of-life reuse, recycling, treat-
22 ment, and disposal of the participating ar-
23 ticle of apparel and its packaging; and

1 (x) any other aspect of the full life
2 cycle of the participating article of apparel
3 associated with greenhouse gas emissions;

4 (B) convey a summary of the voluntary
5 commitment made regarding the participating
6 article of apparel, as reported under subsection
7 (c)(1); and

8 (C) provide electronic access immediately
9 available to the consumer at the point of sale
10 through a quick response (QR) code or similar
11 mechanism to additional information relevant to
12 the consumer, which shall include—

13 (i) the complete information described
14 in subparagraph (A) regarding the partici-
15 pating article of apparel;

16 (ii) the complete information provided
17 under subsection (c)(1) regarding the par-
18 ticipating article of apparel;

19 (iii) the database established under
20 subsection (d); and

21 (iv) such other information as the Ad-
22 ministrator determines to be relevant to
23 the consumer;

24 (7) if the participant is the manufacturer of the
25 participating article of apparel, and not the retail es-

1 tabishment selling the participating article of ap-
2 parel to the end consumer, this fact shall be made
3 clear on the apparel sustainability label;

4 (8) if requested by a participant, the informa-
5 tion pertaining to the participating article of apparel
6 that is conveyed under paragraph (6)(A) shall be di-
7 vided into—

8 (A) information identified under clauses (i)
9 through (v) of paragraph (6)(A), for which the
10 participant shall be responsible for reporting;
11 and

12 (B) information identified under clauses
13 (vi) through (ix) of paragraph (6)(A), for which
14 the Administrator shall be responsible for esti-
15 mating on the basis of the typical use of the
16 participating article of apparel;

17 (9) the distinction between the sources of infor-
18 mation referred to in subparagraphs (A) and (B) of
19 paragraph (8) shall be made clear on the apparel
20 sustainability label;

21 (10) no information or imagery shall be in-
22 cluded on the apparel sustainability label that has
23 not been specified by the Administrator pursuant to
24 paragraphs (5) and (6);

1 (11) the Administrator shall establish the meth-
2 od by which the information included on the apparel
3 sustainability label shall be verified, which
4 verification shall—

5 (A) be conducted in accordance with uni-
6 form standards for the collection and analysis
7 of the information for all participating articles
8 of apparel;

9 (B) require the use of the best available
10 scientific information;

11 (C) specify the requirements for entities to
12 be authorized to measure, monitor, verify, and
13 report the information;

14 (D) be informed by the established inter-
15 national standards for carbon accounting for
16 product life cycle assessment, including—

17 (i) the ISO 14040 and ISO 14044
18 standards of the International Organiza-
19 tion for Standardization; and

20 (ii) protocols established under the
21 Greenhouse Gas (GHG) Protocol program
22 of the World Business Council for Sustain-
23 able Development and the World Resources
24 Institute, including—

1 (I) the GHG Protocol for Prod-
2 uct Accounting and Reporting; and

3 (II) Publicly Available Specifica-
4 tion 2050; and

5 (E) be informed by and generally align
6 with the current best practices for validating
7 such information in the apparel industry;

8 (12) in establishing the requirements described
9 in paragraphs (5), (6), and (10), the Adminis-
10 trator—

11 (A) shall consult with an expert advisory
12 panel composed of apparel industry stake-
13 holders; and

14 (B) may consult with such panel either—

15 (i) by establishing a Federal advisory
16 committee under chapter 10 of part I of
17 title 5, United States Code (commonly re-
18 ferred to as the “Federal Advisory Com-
19 mittee Act”); or

20 (ii) through a negotiated rulemaking
21 under subchapter III of part I of title 5,
22 United States Code (commonly referred to
23 as the “Negotiated Rulemaking Act”);

1 (13) the Administrator shall establish a pro-
2 gram by which entities shall be certified to perform
3 the activities under paragraph (11)(C);

4 (14) beginning 7 years after the date of enact-
5 ment of this Act, and every 5 years thereafter, the
6 Administrator shall—

7 (A) publish a report on the effectiveness,
8 as determined by the Administrator, of the la-
9 beling program in achieving objectives, includ-
10 ing such effectiveness in—

11 (i) providing consumers information
12 that consumers find useful; and

13 (ii) reducing the greenhouse gas emis-
14 sions associated with apparel throughout
15 the full life cycle as described in paragraph
16 (6)(A);

17 (B) review and revise the regulations under
18 this section to increase such effectiveness, as
19 determined by the Administrator, of the label-
20 ing program with respect to the two objectives
21 listed in clauses (i) and (ii) of subparagraph
22 (A); and

23 (C) report to the Congress any rec-
24 ommendations for amendments to this section

1 that, in the determination of the Administrator,
2 would improve such effectiveness; and

3 (15) the Administrator shall provide technical
4 assistance, including through consultants, in report-
5 ing information as required in accordance with the
6 labeling program, otherwise participating in the la-
7 beling program, and reducing greenhouse gas emis-
8 sions, to—

9 (A) participants;

10 (B) entities seeking to become partici-
11 pants; and

12 (C) entities seeking to become certified
13 under paragraph (13).

14 (c) VOLUNTARY COMMITMENTS.—

15 (1) IN GENERAL.—The Administrator shall
16 carry out a program under which a participant may
17 agree to—

18 (A) a voluntary commitment to reduce the
19 total greenhouse gas emissions released
20 throughout the full life cycle of participating ar-
21 ticles of apparel and their input materials, as
22 described in subsection (b)(6)(A); and

23 (B) make publicly available, including on
24 the participant’s website, sustainability infor-
25 mation pertaining to the participant or the par-

1 ticipating article of apparel that is determined
2 by the Administrator to be based on the best
3 available scientific information.

4 (2) ESTABLISHMENT.—Not later than 2 years
5 after the date of enactment of this Act, the Adminis-
6 trator shall establish the program required by para-
7 graph (1).

8 (3) ENCOURAGEMENT; TECHNICAL ASSIST-
9 ANCE.—The Administrator shall encourage partici-
10 pants, and provide technical assistance to partici-
11 pants, to agree to voluntary commitments under this
12 subsection.

13 (4) NO MANDATE.— This subsection does not
14 authorize the Administrator to impose any mandate.

15 (d) DATABASE.—Not later than 2 years after the
16 date of enactment of this Act, the Administrator shall es-
17 tablish a database to provide easy access to consumers and
18 apparel industry stakeholders to information pertaining to
19 the labeling program, including—

20 (1) explanations of the objectives and the meth-
21 odologies of the Administrator in establishing the re-
22 quirements described in subsection (b);

23 (2) the information described in subsection
24 (b)(6) with respect to each participating article of
25 apparel;

1 (3) the voluntary commitments of each partici-
2 pant as reported under subsection (c); and

3 (4) any additional available information on the
4 sustainability of apparel that the Administrator de-
5 termines to be—

6 (A) useful to the consumer and apparel in-
7 dustry stakeholders; and

8 (B) based on the best scientifically avail-
9 able information.

10 (e) CONSUMER OUTREACH.—

11 (1) PROGRAM.—Not later than 3 years after
12 the date of enactment of this Act, the Administrator
13 shall establish a program to inform consumers about
14 the labeling program.

15 (2) REQUIREMENTS.—The consumer outreach
16 program established under paragraph (1) shall—

17 (A) provide retail apparel establishments
18 educational materials and other information to
19 be conveyed to consumers regarding the label-
20 ing program;

21 (B) provide technical assistance to retail
22 apparel establishments regarding the labeling
23 program and the materials and information de-
24 scribed in subparagraph (A); and

1 (C) reach the public through a wide range
2 of means, including public service announce-
3 ments and advertising.

4 (f) PENALTIES FOR FRAUDULENT USE OF LABEL.—

5 (1) IN GENERAL.—Any person that violates a
6 requirement of this section shall forfeit and pay to
7 the United States a civil penalty of not more than
8 \$10,000 for each such violation.

9 (2) SEPARATE VIOLATIONS.—Each separate
10 violation of a requirement of this section shall be a
11 separate offense, except that in a case of a violation
12 through continuing failure to obey or neglect to obey
13 an order by the Administrator under this section,
14 each day of continuance of such failure or neglect
15 shall be deemed a separate offense.

16 (3) EQUITABLE RELIEF.—In a civil action
17 brought under this section, the United States dis-
18 trict courts are empowered to grant mandatory in-
19 junctions and such other equitable relief as such
20 courts deem appropriate.

21 (g) DEFINITIONS.—In this section:

22 (1) APPAREL INDUSTRY STAKEHOLDERS.—The
23 term “apparel industry stakeholders” means—

24 (A) suppliers and vendors of apparel man-
25 ufacturers;

- 1 (B) apparel manufacturers;
- 2 (C) retail apparel establishments;
- 3 (D) entities that measure, monitor, verify,
4 and report information described under sub-
5 section (b)(6);
- 6 (E) institutions of higher education;
- 7 (F) consumer organizations; and
- 8 (G) other experts, as determined by the
9 Administrator.

10 (2) GREENHOUSE GAS.—The term “greenhouse
11 gas” includes each of the following:

- 12 (A) Carbon dioxide.
- 13 (B) Methane.
- 14 (C) Nitrous oxide.
- 15 (D) Sulfur hexafluoride.
- 16 (E) Any hydrofluorocarbon.
- 17 (F) Any perfluorocarbon.
- 18 (G) Nitrogen trifluoride.
- 19 (H) Any fully fluorinated linear, branched,
20 or cyclic—
- 21 (i) alkane;
- 22 (ii) ether;
- 23 (iii) tertiary amine; or
- 24 (iv) aminoether.
- 25 (I) Any perfluoropolyether.

1 (J) Any hydrofluoropolyether.

2 (K) Any other fluorocarbon, except for a
3 fluorocarbon with a vapor pressure of less than
4 1 mm of Hg absolute at 25 degrees Celsius.

5 (3) GREENHOUSE GAS EMISSION.—The term
6 “greenhouse gas emission” means the release of a
7 greenhouse gas into the ambient air.

8 (4) RETAIL APPAREL ESTABLISHMENT.—The
9 term “retail apparel establishment” means a person
10 that sells an article of apparel to a consumer.