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States Propose New Environmental Disclosure Laws for Apparel and Footwear Industry

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Several U.S. states, including Washington, New York, California, and Massachusetts, are proposing new laws targeting apparel and footwear manufacturers, importers, and retailers. These laws aim to regulate the fashion industry by imposing disclosure and compliance obligations, including details on chemicals in products, supply chain transparency, environmental impact, and working conditions. The proposed bills cover all clothing and footwear sold in their respective state.

Key aspects of the proposed laws include:

- **Washington's HB 1107:** Requires fashion producers to submit annual environmental and supply chain disclosures, with penalties for non-compliance. It also requires the state to create policies to reduce environmental impacts by 2026.
- **New York's Fashion Act:** Targets large fashion sellers, mandating extensive environmental due diligence, including supply chain mapping, greenhouse gas reduction targets, and waste management. Violators could face penalties up to \$15,000 per day.
- **California's AB 405:** Similar to New York's bill, this bill would require extensive environmental due diligence, but with a unique focus on greenhouse gas reporting for fashion brands earning over \$1 billion. Non-compliance could result in fines up to 2% of global revenue.
- **Massachusetts' H.D. 4220:** Mirrors the other states' bills, requiring environmental due diligence, supply chain transparency, and remediation for adverse impacts. The attorney general would oversee enforcement.

These state laws could create a significant patchwork of regulatory burdens for apparel and footwear manufacturers. None of the laws mentioned above have been passed by the respective legislatures, so they might still be modified during the legislative process. However, if they are passed as proposed, legal challenges to these laws are likely due to their financial impact on the apparel industry.

If you have further questions about these proposed laws or the potential impact on your business, please contact Kristin Watt, John Landolfi, Nat Morse, or your Vorys attorney.