

## Adidas, Fabletics, Champion Named in New BPA Activewear Investigation



KELLY ROWLAND AND GUESTS CELEBRATES THE LAUNCH OF HER CAPSULE COLLECTION FOR FABLETICS AT CASITA HOLLYWOOD ON JAN. 9, 2019, IN LOS ANGELES, CALIFORNIA. **RANDY SHROPSHIRE/GETTY IMAGES FOR FABLETICS**

Bisphenol A in workout gear might be more common than previously thought.

Last week, the Center for Environmental Health (CEH) sent legal notices to eight retailers—Adidas, Athleta, Champion, Fabletics, Kohl's, Nike, Patagonia and Sweaty Betty—after tests showed that their leggings, shorts, sports bras and athletic shirts could be exposing their wearers to as much as 40 times the safe limit of bisphenol A, or [BPA](#), in [California](#).

This is at least the second round of letters that the Oakland-based watchdog group has dispatched to call attention to what it dubs a “well-studied” hormone disruptor in gym wear. Typically used to manufacture polycarbonate plastics, BPA can also be employed as a dye-

fixing agent for polyester and other synthetic materials. Because it mimics estrogen, BPA can interfere with the body's normal functions, including metabolism, reproduction and growth and development. It's also been linked to health conditions such as asthma, cardiovascular disease and diabetes.

“People are exposed to BPA through ingestion—e.g., from eating food or drinking water from containers that have leached BPA—or by absorption through skin—e.g., from handling receipt paper,” Kaya Allan Sugerman, the CEH's illegal toxic threats program director, said after the nonprofit sent similar notices to Athleta and Nike, plus Asics, Nike, Target's All in Motion, The North Face, Victoria's Secret's Pink and others, to alert them of BPA levels up to 22 times higher than California's threshold [in October](#).

“Studies have shown that BPA can be absorbed through skin and end up in the bloodstream after handling receipt paper for seconds or a few minutes at a time. Sports bras and athletic shirts are worn for hours at a time, and you are meant to sweat in them, so it is concerning to be finding such high levels of BPA in our clothing,” Sugerman said.

No.401 May, 2023

The CEH said it wasn't able to share any testing data due to the litigation process. Letters seen by Sourcing Journal state that the CEH intends to file citizen enforcement lawsuits against the alleged violators unless they agree, in "binding written instruments," to recall sold products, either reformulate the items or provide "clear and reasonable warnings" to consumers about their risks, and pay an "appropriate" civil penalty based on factors laid out in California's health and safety code. It has already entered into such agreements with several companies, the CEH said.

Adidas said that it's reviewing the CEH's report. "Safeguarding the health and safety of our consumers and protecting the environment is of paramount importance for us as a brand," a spokesperson for the sportswear giant said. "Adidas is committed to following global best practices and complying with the strictest international safety requirements." The other retailers did not respond to requests for comment.

The American Chemistry Council maintains that BPA is safe. On its website, the trade association calls it "one of the most thoroughly tested chemicals in use today and has a safety track record of more than 50 years."

Still, the CEH, which previously targeted [75 sock makers](#), including Gap, Hanes, New Balance and Reebok, resulting in the first

settlement for BPA in socks under California's Proposition 65, begs to differ.

"The problem with BPA is it can mimic hormones like estrogen and block other hormone receptors, altering the concentration of hormones in our bodies, and resulting in negative health effects," Jimena Díaz Leiva, science director at the CEH, said in October. "Even low levels of exposure during pregnancy have been associated with a variety of health problems in offspring. These problems include abnormal development of the mammary glands and ovaries that can increase the likelihood of developing breast or ovarian cancer later in life. These effects occur even at low levels of exposure like those seen in people today."

Last month, the CEH dinged [Urban Outfitters](#) for selling jewelry with "stunningly high" levels of lead and cadmium.

#### **Link**

<https://sourcingjournal.com/topics/compliance/adidas-champion-patagonia-bpa-sports-bra-california-center-for-environmental-health-436169/>

#### **Provided by Sourcing Journal**

*(\*Subscription may be required to open this article online.)*

No.401 May, 2023

## Customs Experts Urge Importers to Map Their Supply Chains in Light of New UFLPA Regulation



SEFA KART / GETTY IMAGES\

On Monday, the Uyghur Forced Labor Prevention Act ([UFLPA](#)) [postal code enhancement](#) will take effect, compelling importers to provide another layer of geographically identifying information about their suppliers in [China](#).

Companies bringing in goods from the country must update their Manufacturer Identification Codes (MID) to include not just a supplier's street address and province, but their postal code, which will allow Customs to more readily flag shipments originating from within the Uyghur Autonomous Region (UAR). Importers that input a postal code located within the territory covered by [UFLPA](#) restrictions will receive a warning message, and those that don't provide postal codes for their manufacturers will see their shipments "remain

in reject status and will not be accepted in the Cargo Release system," CBP wrote in a memo this week.

"This new regulation is basically ministerial"—an added data element to the filings importers are already making with [CBP](#), according to Laura Rabinowitz and Donald Stein, shareholders in Greenberg Traurig's International [Trade](#) practice. The law firm's clients all have supplier addresses in their vendor databases, "although we have seen, as clients are preparing for implementation of the new regulation, that factory addresses sometimes do not include postal codes and sometimes there are clerical errors in the database," they added.

Obtaining this information "should not be an onerous task for anyone," Rabinowitz and Stein said. Apparel importers doing business in China have been working to clean up their vendor directories to ensure that all addresses include accurate postal codes. "For companies that have robust trade [compliance](#) departments, this is not being considered a 'challenge,'" they added.

No.402 May, 2023

Trade [compliance](#) is typically an easier lift for larger companies that have open communication with their vendors through local sourcing offices or buying agents that help manage overseas relationships. “This may be more of an issue for smaller importers, who often have fewer trade compliance resources,” they said.

The regulation actually could benefit CBP and importers. “The goal of the UFLPA legislation is to make sure importers have visibility into their supply chains and eradicate any indications of [forced labor](#),” Rabinowitz and Stein said. “The new postal code requirement is an exercise in expanding that visibility, which is consistent with the goal of the legislation.”

[CBP](#) hasn’t published a list of prohibited postal codes, noting that “Importers have an obligation to conduct due diligence on their supply chain” using their own resources. “One cannot totally discount what must have been a CBP concern that if it published a list of postal codes which were ‘off limits,’ unscrupulous importers would make sure never to use such codes, regardless of where their suppliers may be located,” Stein and Rabinowitz told Sourcing Journal.

However, falsifying postal code information would amount to customs fraud, “and could subject an importer to both civil and criminal penalties,” they warned. “There are always some companies that are willing to take this

risk, but most companies will comply with the new requirement and provide the correct postal code.” What’s more, CBP will be reconciling postal codes with addresses using its Automated Commercial Environment (ACE) validation process, which has been programmed to flag discrepancies. The law firm expects the rollout of the postal code provision to go smoothly for its clients, though shipments could face delays “if there are inaccuracies or clerical errors in the data reported.”

Salvatore Stile, founder and president of [Alba Wheels Up](#), said it could be a mad dash to get postal code information integrated into MIDs before Mar. 18, but the freight forwarder and customs broker has communicated with its clients about their responsibilities to head off any issues. The CBP directive is “not a surprise by any extent,” given that the UFLPA took effect in June 2022 and most importers have been taking a hard look at their sourcing partnerships in the wake of other challenges to doing business in China, Stile said.

However, “Not all importers are of a size to be able to monitor all these compliance issues,” he added. “Some of them are mom-and-pop, some of them are multinationals, but for all of them this is a re-emphasis of why a good, strong, knowledgeable, proactive customs broker should always be utilized to protect an importer from their blind spots.” Alba executive

No.402 May, 2023

vice president Vince Iacopella serves on CBP's Advisory Committee on Commercial Operations, giving the firm a greater degree of perspective—and some advance notice—about potential regulatory actions and legislation that could impact their shipments.

Stile believes companies should be thinking well beyond digging up postal codes when it comes to ensuring compliance. Alba is “on the cusp” of signing a contract with a supply chain traceability solutions provider in the coming months, which will help the customs broker and its clients across all import categories identify the origin of shipments and the location of factories before interactions with CBP. “If a shipment is flagged for inaccuracy, you’ll have a Customs examination, and with that, [an importer] will be asked to provide detailed documentation which could take weeks to get if they’re not tight with their factories,” he said.

New CBP regulations and importer responsibilities “should not be taken lightly, especially with the trade issues happening with China for the last couple of years,” he added. “Compliance, compliance, compliance is my theme for this year and next year. I think importers now more than ever need to be very aware.”

Matt Haffner, vice president of customs brokerage at [OEC](#), believes that requiring importers to add postal codes to MIDAs could

ultimately end up saving them time and money, as they will now be alerted to a shipment's ineligibility for entry before it departs for a U.S. [port](#). “The broker would get a rejection of the entry indicating that this is a possible UFLPA violation, so they're not going down a path where the entry has been tentatively accepted and then subsequently rejected,” he said. Importers must go through a “laborious rebuttal process” if they believe rejected goods should be cleared for entry, and that can be both “time consuming and costly.”

“It could take weeks or months” to fight that fight, and the shipment may not make it into the country at all. “And in the meantime, your goods are in limbo and accumulating huge amounts of storage fees.” Inputting a zip code is a simple step that could help importers catch at-risk shipments before they leave the manufacturer in China, he said.

About 80 percent of the firm's clients' MIDAs already contain postal codes, Haffner added. “The other 20 percent is where we may run into some difficulties if we don't get that information either directly from the importer or off of the commercial documents that we receive to make an entry declaration.”

With this new UFLPA requirement, and others coming down the pipeline, “It behooves an importer to know their supply chain—and their suppliers' supply chain—from beginning to end,

No.402 May, 2023

from raw materials to labor to the finished product,” Haffner said. Even if goods are being manufactured outside of the UAR, Customs is adding to its Entity List of banned suppliers “that source material from Xinjiang or from persons working with the government,” according to the Department of Homeland Security’s website. The list contains businesses known to have employed forced labor to make or mine goods, as well as entities known to have recruited, transported, harbored or received forced labor or persecuted groups like the Uyghurs.

Importers should be focused on mapping their supply chains and identifying bad actors before CBP does, Haffner said. “If you come across what you believe to be a violation, you can address it and seek alternative suppliers.”

“Rather than waiting for customs to find out for you, it’s in your best interest to do some homework now up front,” he added.

## **Link**

<https://sourcingjournal.com/topics/compliance/ufipa-cbp-customs-china-compliance-trade-uyghurs-forced-labor-423438/>

## **Provided by Sourcing Journal**

*(\*Subscription may be required to open this article online.)*

No.402 May, 2023

## EU member states approve microplastics restriction proposal

REACH Committee meeting reaches qualified majority, says source



EU member states have approved the European Commission's [proposal](#) to restrict intentionally added microplastics in products, Chemical Watch has learned, giving the go-ahead to the bloc's first generic group restriction on chemicals.

Member state representatives took the decision today at a REACH Committee meeting where a qualified majority was achieved during a vote, a source close to the meeting said. Further details were not immediately available.

The Commission can now send the proposal to the European Parliament and the Council, which have a three-month period to scrutinise the text. If they do not raise objections during that period, the proposal will enter into force.

The EU executive set out the scope of the restriction in a draft published last September, after nearly six years in the making. The proposal is regarded as being one of the most complex chemical bans prepared in the EU.

No.403 May, 2023

The Commission's latest draft made some amendments to Echa's original [proposal](#), including allowing an increase in the size of particles covered, more generous transition periods of up to 12 years and exemptions for uses at industrial sites and medicinal products.

Industry has welcomed the more realistic deadlines set out in the proposal to allow for the development of alternatives, and the exclusion of soluble or biodegradable polymers. But it continues to regard the scope as being too broad and difficult to enforce, with methods to detect microplastics in products yet to be agreed.

[NGOs](#) have criticised the proposal's exemptions and the lengthy transition periods allowed on products such as cosmetics. Echa's longest proposed transition period was six years.

The first REACH Committee discussion on the proposal took place in September, with some three dozen green groups urging EU governments to back it but oppose "unjustified exemptions" and transition periods, bearing in mind the existence of alternatives for most of the uses.

A qualified majority is reached when 55% of EU member states – in practice this means 15 out of 27 countries – vote in favour of a Commission proposal. At the same time, it must be supported by member states representing at least 65% of the total EU population.

## **Link**

<https://chemicalwatch.com/737582/eu-member-states-approve-microplastics-restriction-proposal>

## **Provided By Chemical Watch**

*(\*Subscription may be required to open this article online.)*

No.403 May, 2023