

Testimony by Representative Les AuCoin
in support of H.R. 7158
before the Subcommittee on Administrative Law and Government Relations
June 14, 1978

Mr. Chairman, I welcome this opportunity to submit testimony on behalf of H.R. 7158, the measure to provide for the payment of losses incurred as a result of the ban on the use of the chemical TRIS in apparel, fabric, yarn, or fiber. I hope that you and the Committee will look favorably upon this legislation.

The requirement that children's sleepwear be flame-resistant, issued in 1971 by the Secretary of Commerce, is a worthy and commendable one. However, the two-year time frame insisted upon by the Department of Commerce made it impossible to carry out adequate tests for substances that would retard flame. At the time the flammability standard became effective, and for several years thereafter, the best and safest chemical treatment to retard flammability was TRIS. Largely because of the government's requirements, therefore, much of the children's sleepwear produced for domestic sale was treated with TRIS.

Unfortunately, as we all know, TRIS was subsequently found to be a potent carcinogen. On April 7 of last year, the Consumer Product Safety Commission pronounced a ban on the sale of any garments or cloth containing this chemical.

Thus, the 100 to 110 companies who manufactured, distributed, or sold fabrics and garments treated with TRIS found themselves answerable to two conflicting government dictums; found themselves caught between a rock and a hard place.

The plight of Jayvee Brand, Inc., a company that manufactures infantwear in Lake Oswego, Oregon, is illustrative of the industry-wide problems that have resulted from the ban on TRIS. While the

heaviest burden on the company was the initial cost of buying back merchandise treated with TRIS, additional costs continue as Jayvee Brand bears the full warehouse and interest expenses on the returned goods and unsalable inventory.

Further, the fabric-buyers for Jayvee Brand are not professional chemists; they had no way of knowing that TRIS was a dangerous substance. Yet, since the liability for the loss has never been distributed between the sewers (such as Jayvee Brand), the fabric mills, or the chemical companies, Jayvee Brand has been forced to bear the entire burden of TRIS related expenses, with no aid from their fabric suppliers.

All this has added up to a loss for Jayvee Brand, Inc., of approximately \$1 million, including both returned finished goods and the fabric in inventory. For a company of only 175 employees, in an industry that operates on a low profit margin, this is a considerable sum.

Mr. Chairman and members of the Committee, I believe that Jayvee Brand, Inc., and the many other manufacturing concerns that suffered similar losses through their compliance with these government-dictated regulations, are entitled to financial relief. The government that in this instance imposed such sudden regulations should make restitution for the problems it created.

It is for this reason, Mr. Chairman, that I comment H.R. 7158 to you for passage, and urge your favorable consideration of this measure.