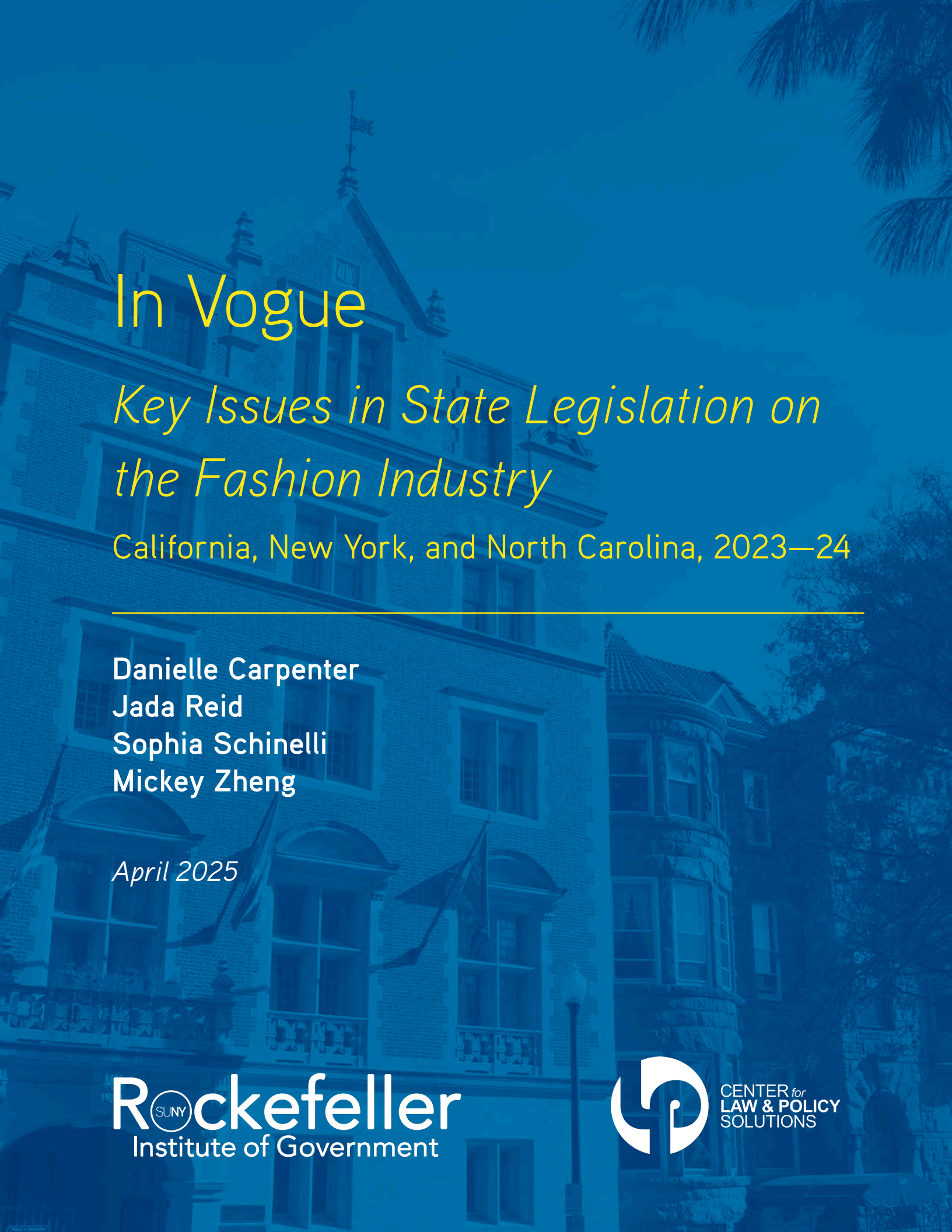

In Vogue

Key Issues in State Legislation on the Fashion Industry

California, New York, and North Carolina, 2023—24

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In Vogue: Key Issues in State Legislation on the Fashion Industry

Introduction

While the fashion industry's growth may be slowing at the moment, it is still one of the largest economic sectors globally. In 2021, the global fashion industry was estimated to be worth between $1.7 and $2.5 trillion and employ over 300 million people[1]—comparable to other major sectors like the auto industry, which brought in $2.2 trillion globally in 2024[2] and employs around 9 million people.[3] The accelerated changes the sector has experienced over the last two decades—through both the 2008 recession and the COVID-19 pandemic[4, 5]—have further propelled the rise of "fast fashion" and new models of production and sales that quickly produce on-trend items at a low price point.[6] The contexts, characteristics, and impacts of these models,[7] while not wholly new to the industry, appear to have garnered the attention of stakeholders and elected officials in recent years.[8] This includes state policymakers in the US that have introduced legislation to address the fashion industry.

The research here explores recently proposed and enacted state-level legislation pertaining to the fashion industry in an effort to identify what aspects of the industry policymakers are focusing on and how they are attempting to address them through law. In particular, it considers policy efforts in California, New York, and North Carolina during the 2023–24 legislative sessions. These three states represent critical hubs in the US fashion industry landscape, though each in a different distinct role. The findings here highlight the most frequently addressed aspects of the industry in each state's recent legislative efforts and offer a basis from which to continue to monitor state-level policy trends that are *in vogue*.

Background

Working conditions have been a central issue in the US fashion industry over the course of its long history. But related protections weren't more broadly, if still imperfectly, addressed in public policy until the early 20th century. Labor and policy historians often cite a turning point in the Triangle Shirtwaist Factory Fire of 1911, in which 146 workers—mostly women and children—died in the factory in New York City's Greenwich Village.[9] Though conditions did not change overnight, this event marked a shift in public policies and regulations surrounding the workplace, initiating a national conversation about workplace safety and sparking labor rights reforms, especially in New York.[10] Despite these developments, however, workers in some garment manufacturing facilities still face unsafe or unfair conditions today. In 2020, for example, the Los Angeles Apparel factory was shut down, after reopening to make masks amid the pandemic, for being in violation of COVID-19 safety guidelines, with 300 employees becoming infected and four dying.[11]

It is important to note, however, that much of the fashion sold in the US today is now produced internationally, with 97 percent of production occurring in other countries.[12] As with early apparel manufacturing in the US, the majority of fashion workers globally are women—roughly 60 percent, though this is much higher in certain nations.[13] Production is sometimes moved overseas to reduce costs through lower wages and less stringent regulations on workplaces and safety. For example, in the 1990s, an investigation by the US Department of Labor found that workers at the jeans brand Guess were being paid "piece rate," or per item, at a rate which, even for the fastest workers, fell below the minimum wage, and were not paying the legally required overtime for the longer hours many of them were working.[14] After a few years, Guess began shifting its California-based manufacturing overseas, moving 40 percent of production to Mexico and South America.

On the other side of production in the fashion industry are those who work as models. As with manufacturing, this workforce is mostly made up of women and girls across the globe. According to the nonprofit The Model Alliance, models are at greater risk of being exploited by their employers for debt bondage, sexual abuse, and human trafficking, as well as broader labor rights violations.[15] Model management agencies are sometimes granted "power of attorney," giving agencies the power to accept payments on behalf of the model, book jobs, negotiate the model's rate of pay, and permit third parties to use the model's image. While practical in certain respects, this can leave models vulnerable, as management agencies may book jobs that pose a risk to the model's safety or well-being or those that don't compensate them fairly. This vulnerability, when coupled with a lack of transparency and accountability, can lead to further exploitation of those working as models.[16]

Examples of Chemicals Used in Fashion*

Pb

HEAVY METALS

Lead, which may be used in dyes and is particularly hazardous to children, is associated with increased chances of cardiovascular diseases, as well as negatively impacting neurodevelopment, with the potential to cause cognitive and behavioral disorders.

NPE

NONYLPHENOL ETHOXYLATES

A detergent-like substance that is highly toxic to aquatic life if released into the environment and can be harmful to human health, including neurotoxicity, behavioral changes, and adverse effects on memory and learning.

PFAS

PER-AND-POLYFLUOROALKYL SUBSTANCES

Substances that are heat and water resistant and have been used in items like outdoor clothing, period underwear, firefighting gear, and waterproof shoes, and exposures to which have been linked to many human health impacts, including certain cancers.

* Becky Little, "Killer Clothing was all the rage in the 19th century," *National Geographic*, October 17, 2016.

In addition to these ongoing labor and workplace safety issues, researchers, reporters, and environmental health and consumer protection advocates have highlighted the use of harmful chemicals and resource-intensive processes used widely in fashion production in recent years. As with the issues above, there is a longer history of harmful substances and processes used in apparel production. In the 19th century, for example, the use of mercury in the hat-making process gave rise to the term "mad as a hatter" due to the neurological effects exposures caused for hat makers.[17] Likewise, arsenic used in the Victorian period in lace and to dye clothing certain shades of bright green caused harmful health impacts, including serious effects like liver and kidney disease or even death, to both those making the materials as well as those wearing them.

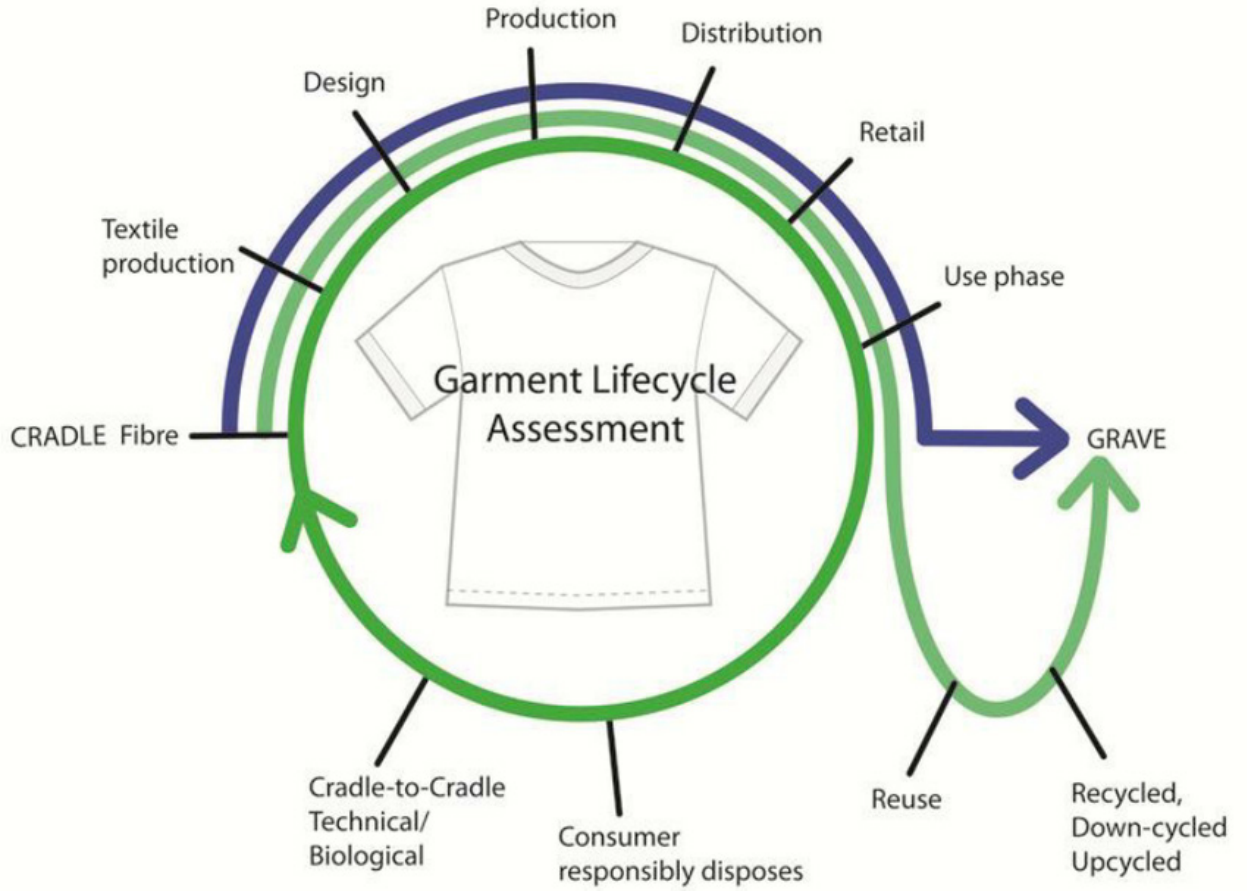
Today, manufacturers sometimes still use chemicals to enhance desired qualities in textiles or save on costs. And, as with earlier manufacturing, exposures to some of these chemicals can have harmful impacts for workers, consumers, and the broader communities impacted by their use and disposal. For example, flame retardant, stain and water resistant clothing is sometimes made with per- and polyfluoroalkyl substances (PFAS),[18] commonly known as "forever chemicals," exposures to which have been linked to harmful health impacts even at very low levels.[19] Other clothing, including children's clothing, has been found to contain Bisphenol A (BPA) and phthalates, which can disrupt the endocrine system and interfere with the body's hormones, as well as to contain lead that is used in fabric dyes[20] and in fashion accessories.[21] The use of these chemicals is not confined to fast fashion; traditional and luxury brands have also been known to use them at times.[22] While the presence of these chemicals does not necessarily mean that any exposure resulting from their use in fashion will result in harmful health impacts (depending on their level, forms and duration of exposures, vulnerable populations, etc.), it does point to the need to ensure safety across the life cycle of these products. More broadly, the increased production of fiber for textiles in the context of the growth of fast fashion in recent years has also coincided with the continued and increasing production of synthetic materials. These synthetics account for around two-thirds of textile fibers, half of which are made from petroleum-based polyester.[23]

The fashion industry's rapid production and disposal of garments in this context contributes more significantly to environmental pollution and natural resource depletion across the lifecycle of a garment. Fashion is the second largest consumer of water globally, after agriculture.[24] It takes, for example, about 2,000 gallons of water to produce one pair of jeans.[25] According to the United Nations Environmental Program, the fashion industry is responsible for 10 percent of global carbon emissions and 20 percent of wastewater.[26] Approximately 20 percent of the wastewater worldwide is attributed to the textile dyeing process.[27] The wastewater created in textile and garment production is sometimes toxic and, in many cases, cannot be treated to become safe for use again. These wastewaters can then enter marine ecosystems. And, as factories moved overseas in recent decades, many relocated to countries with less strict environmental regulations, resulting in further untreated water entering these ecosystems.[28] Further along in the lifecycle of fashion, synthetic fabrics like

polyester and nylon also shed microplastics with every wash, releasing 500,000 tons of microfibers into the ocean each year. These microplastics not only pollute marine ecosystems but also enter the human food chain, posing health risks to both animals and people.[29]

The increasingly rapid production of textiles has likewise produced significant textile waste.[30] According to the Environmental Protection Agency's most recently available data, in 2018, there were nearly 13 million tons of clothing and footwear waste.[31] Of that, just over 9 million tons were landfilled, roughly 2.2 million were incinerated, and just under 1.7 million were recycled.[32] An even smaller, but still significant, amount was (and is) shipped to other countries like Ghana, which in 2021 was the world's largest importer of used clothing.[33] Once imported, such textiles are sold on oversaturated second-hand markets, where unsold clothes pile up in warehouses, are dumped, or are burned, causing further environmental and human health impacts.[34]

FIGURE 1 | Garment Life-Cycle Assessment



SOURCE: Alice Payne, "The Life-cycle of the Fashion Garment and the Role of Australian Mass Market Designers," *The International Journal of Environmental Cultural Economic and Social Sustainability Annual Review* 7, no. 3 (January 2011), http://dx.doi.org/10.18848/1832-2077/CGP/v07i03/54938.

States

California, New York, and North Carolina each play important and unique roles in the fashion industry. California is a center for manufacturing, New York is a center of design, and North Carolina is a hub for raw material production.

California stands as the powerhouse of US fashion production, with Los Angeles at its core. The Los Angeles Fashion District covers 100 blocks and is one of the largest in the nation, housing a mix of designers, wholesalers, and manufacturers who focus on both mainstream and niche markets.[35] California is home to around 200,000 garment workers, many of whom are immigrant women.[36] In Los Angeles alone, there are about 45,000 cutting and sewing operators working daily to produce garments.[37] California's apparel manufacturing industry was projected to generate approximately $3.71 billion in revenue in 2024[38] and clothing stores in the state were expected to reach about $43.8 billion in revenue.

While New York may not be the primary manufacturing base at present, it remains the heart of American fashion as the main hub for high-end designers, pattern makers, and sample creators. In New York, the fashion industry sits primarily in New York City where it employs around 180,000 people, accounting for 6 percent of the city's workforce, and generating $10.9 billion in total wages.[39] The state, especially Manhattan's Garment District, holds a legacy in shaping high fashion, setting industry standards, and influencing practices that impact the broader industry.[40] The concentration of designers and fashion schools in New York City further reinforces its influence, as it continues to attract talent that pushes the industry forward. Around 75 percent of the nation's fashion designers are based in New York and California,[41] shaping both national and global fashion trends. The state's clothing and clothing accessories stores are projected to achieve revenues of approximately $28 billion in 2024,[42] while the state's textile mills were expected to reach a market size of $14.6 billion.

North Carolina plays an indispensable role in the US fashion landscape as a center for textile manufacturing. The state's history in textile production runs deep, with generations of mills that have continuously adapted to the changing demands of the industry. North Carolina is home to nearly 1,200 textile and textile product manufacturing facilities, including spinning mills, weaving plants, and dyeing operations.[43] The state specializes in producing high-quality synthetic and natural fibers used not only in fashion but across various sectors, including upholstery, automotive, and industrial textiles.[44] North Carolina's textile manufacturing sector employs over 39,000 individuals as of 2021, representing nearly 25 percent of all US textile manufacturing employees and ranking it second among states for the largest textile workforce.[45] The sector in the state accounts for nearly 20 percent of all US textile exports[46, 47] and generates $1.6 billion in exports.[48]

Methodology

To collect and analyze the data for our research, we followed a multistep process designed to identify the key facets and foci of recent state fashion legislation. To gain a better understanding of the broader landscape of the fashion industry in recent years, we first conducted a review of literature and recent reporting related to fashion policy. This included, for example, a close reading of *Worn Out: How Our Clothes Cover Up Fashion's Sins* by Alyssa Hardy, which considered the rise of fast fashion and fashion-related legislation. We next held two informal interviews with Hardy, a fashion and culture journalist, and Sara Ziff, founder of the Model Alliance, to refine our understanding the literature. We then identified key terms and concepts in the literature and based on our interviews to inform our later coding of legislation.

After conducting our background research, we then used LegiScan, a national legislative database, to identify relevant state legislation from California, New York, and North Carolina for the 2023–24 legislative session.[49] We used a broad and inclusive set of key terms from our background research to first identify a universe of potential legislation, including "Clothing," "Garment Worker," "Piece Rate," "Sweatshop," "Fabric," "Runway," and "Secondhand." Altogether, our search yielded over 1,300 pieces of legislation. After a thorough review of these search results, we then identified the relevant legislation as 35 bills. We thematically coded these 35 bills in terms of what they addressed, including waste, labor rights, natural materials and fur, consumer safety, environmental safety, economic development, and chemicals. Once the coding process was complete, we analyzed the frequency of the codes, cross-referencing which of the bills were passed or enacted by code and by state.

Bills by State

In total, there were 35 pieces of legislation identified as relevant to fashion from the 2023–24 legislative session for all three states. Ten of these bills were from California, 22 from New York, and three from North Carolina. Out of these 35 bills, 10 bills were passed and nine were enacted into law across all three states—seven from California, two from New York, and one from North Carolina—while one bill was vetoed. As is further discussed below, within each state different issues related to fashion appeared more frequently.

TABLE 1. **Bills Introduced and Passed By State**

State	Not Passed	Passed	Total
California	3	7	10
New York	20	2	22
North Carolina	2	1	3
TOTAL	25	10	35

California

During the 2023–24 session, the California legislature introduced 2,124 bills in total. Of these bills, 10 were identified as relevant to the fashion industry (though this is not meant to suggest that is necessarily a small number of bills to have for a particular issue area within one legislative session). Seven of these bills were passed, one of which was ultimately vetoed, while three were not passed. The issue types identified for all 10 of these bills were: labor rights (seven bills) and waste (three bills). Of the bills that were signed into law, four were coded as labor rights and two were coded as waste. These bills included California Senate Bill 707,[50] which amends The California Integrated Waste Management Act of 1989. This enacted bill established a program to require any producers or manufacturers of textiles to form and join a producer responsibility organization (PRO). PROs are required to submit a complete plan for approval regarding the safe and proper management of apparel and textiles in the state. This bill also requires an annual and five-year plan from producers, along with monetary penalties for these actors and increased accountability for manufacturing to reduce waste and pollution of textiles in California.

New York

New York lawmakers introduced a total of 22 bills related to fashion while introducing 24,181 bills in total during the 2023–24 legislative session. Thus, while New York had more legislation introduced related to fashion than California and North Carolina, the state also generally introduces more legislation as a whole. New York's legislation spanned a wider array of topics than the other two states, covering all issue types we identified, if unevenly. For example, there were eight bills related to environmental health and consumer safety and two related to workplace safety.

TABLE 2. **Bills in New York**

Issue Types	Not Passed	Passed	Total
Environmental Health and Consumer Safety	8		8
Labor Rights	5	1	6
Natural Materials	2	1	3
Waste	3		3
Workplace Safety	2		2
TOTAL	20	2	22

Out of the 22 bills identified in the state, two were enacted, one related to labor rights and another related to natural materials. The former, Senate Bill 9832[51] or the Fashion Workers Act, requires the registration of model management companies, as well as outlines their duties and provides for complaint procedures and penalties for violations. The latter, Assembly Bill 617,[52] creates a natural fiber textile development workgroup to study and identify ways to advance the state's animal- and plant-based textile industry. Other proposals that weren't enacted included, for example, a bill aimed at extending producer responsibility for textiles (as in one of the bills enacted

in California) that would make producers more accountable for the disposal of their product at the end of its lifecycle.[53] Another bill, Assembly Bill 2166,[54] looked at establishing unlawful discriminatory practices relating to models, including learning about nutrition and eating disorders. While most bills introduced did not pass, because they weren't voted on, their introduction reflects that this is an issue of concern in the state.

North Carolina

During the 2023–24 session, 1,996 bills were introduced in North Carolina. Of these bills, three were identified as relevant to fashion, one of which was passed and enacted. All three bills were coded under the same issue type—labor rights. While these bills would affect garment workers, none of them were specifically or explicitly directed to address them but instead addressed broader categories of workers, employers, or workplaces.

Of the bills that did not pass, one had to do with increasing the minimum wage,[55] while the other would prohibit employment-at-will,[56] or the practice of being able to fire someone at any time, for any reason, and without warning. The one enacted bill, Senate Bill 542,[57] made broader changes to North Carolina's labor laws, and will be touched on later in this brief.

Bills by Issue Type

Out of the five main issue types identified, the most frequently assigned to legislation and laws for the 2023–24 session were labor rights, consumer safety and environmental health, and waste—though labor rights had at least twice as many bills introduced as any other issue type. The other issue types included, but with far fewer bills introduced, were workplace safety and natural materials. Still, other sub-issue types were identified earlier but fell under one of these types. It's important to acknowledge that the issue types used here are of course interrelated—for example, legislation on waste may impact or be impacted by environmental health and those related bills—but these codes or categories were useful for structuring our understanding of what facets of fashion are most directly being addressed in legislation.

TABLE 3. **Bills by Issue Type and If Passed**

Issue Type	Not Passed	Passed	Total
Labor Rights	10	6	16
Waste	3	3	6
Natural Materials	2	1	3
Consumer Safety and Environmental Health	8	0	8
Workplace Safety	2	0	2
TOTAL	25	10	35

NOTE: One bill related to Waste that was passed was ultimately vetoed and not enacted into law.

Labor Rights and Workplace Safety

For labor rights, 16 bills were introduced, making this the most frequent code used during this legislative session, and the only one for which legislation was introduced in all three states. Of these 16 bills, six were passed and enacted. Of these six that were enacted, four were in California, one was in New York, and one was in North Carolina. These bills were aimed at protecting employees by either better ensuring compliance with existing law through further regulation, communication, or increased penalties, or by expanding what types of actors, employers, or employees, labor law regulates or protects.

This included, for example: requirements that contracts have sufficient funds to comply with state and federal laws or regulations (California Assembly Bill 2754[58]); provisions to prevent the misclassification of employees as independent contractors; and, provisions to prevent wage theft related to piece rate pay (California Assembly Bill 594[59]). It also included new laws related to certain types of actors, such as the regulation of model management companies (New York Senate Bill 9832[60]), and protections against discrimination for employees that are the victims of violence (California Assembly Bill 2499[61]). It also included provisions related to ensuring workers are aware of the law—requiring employers to communicate employee rights and protections clearly and in multiple languages (California Assembly Bill 636[62]). And it included increased penalties related to broader violations of state labor laws (North Carolina Senate Bill 542[63]).

Relatedly, but under a separate issue type, two bills were introduced that addressed workplace safety. Both bills were introduced in New York, but neither was enacted during the 2023–24 legislative session. And, both bills (New York Assembly Bill 3321[64] and 847[65]) proposed heat or temperature restrictions related to the physical safety of workers.

Environmental Health and Consumer Safety

Of the 35 bills coded, eight pertained to environmental health and consumer safety. Although these were initially categorized separately, based on bill language and sponsor justification, these issue types heavily overlapped and were ultimately combined. All eight of the bills were introduced in New York. Seven of these bills addressed chemical contaminants, with four of those addressing PFAS (per- and polyfluoroalkyl substances) and other bills addressing lead, perchloroethylene, or a broader array of contaminants. None of these bills were enacted, though two bills related to PFAS (A3556E[66] and A994[67]) saw more significant movement in one or both houses.

New York State Assembly Bill A3556E[68] (or S5648), for example, would prohibit the sale of certain products that contain regulated PFAS and require manufacturers of products containing PFAS (including textiles and textile articles, which explicitly

includes outdoor apparel) to provide notice to those selling or distributing those products. It would also provide penalties for violations of those restrictions and requirements. In the Assembly, the bill was passed by relevant committees and was on the calendar for a floor vote (of the entire house) at the end of the session in 2024, while in the Senate, it further passed a floor vote.

Waste

Six bills were introduced related to waste. Two of these bills were ultimately chaptered, while one was passed but vetoed. Of the six, three bills were introduced in New York and three in California, while none were introduced in North Carolina. Two of the six bills introduced related to prohibiting plastic garment bags, while two others related to extending producer responsibility through the end of a product's lifecycle.

Of the two bills enacted, both by California, one related to extended producer responsibility—a policy approach that requires producers be responsible for the end-of-life of products[69]—(Senate Bill 707[70]), while the other pertained to zoning for thrift stores (Assembly Bill 2632[71]). The final bill that passed but was vetoed, again in California, related to requiring filtration of microfibers from clothing in washing machines (Assembly Bill 1628[72]).

Analysis and Conclusion

Although our scope was limited, we wanted to provide an initial snapshot of legislative action on fashion in three key states during their 2023–24 legislative sessions. Ten out of the 35 bills introduced pertaining to fashion (if not only fashion) were passed, with nine enacted into law. Most of the bills introduced, 16 of them, addressed labor rights, though not all of these were specific to fashion workers. This issue type also accounted for a majority of the bills passed and enacted, six out of 10. California was the most active on this front, with seven bills on labor rights introduced and four enacted, while New York had six introduced and one enacted, and North Carolina had three introduced and one enacted—recognizing, however, that each state varies considerably in the total number of bills it introduces in a given session. A number of these bills pertained to broader categories of employers or workers that include but are not limited to those in the fashion industry. These bills generally addressed labor rights in the fashion industry by extending requirements for relevant employers, including manufacturers, contractors, and agencies; and creating penalties and enforcement mechanisms for violations.

Consumer and environmental health were also a focus of concern, with particular attention to chemical contaminants. Of the eight bills identified in our research, however, none passed. Although we'll need to wait and see if there's further movement with these bills, it is clear there is attention to such issues. In addition to these concerns, we also saw a handful of bills related to waste, half of which passed. With bills pertaining to extended producer responsibility introduced in multiple states.

While we have focused on fashion-related legislation from the 2023–24 legislative sessions in California, New York, and North Carolina, the issues derived from the fashion industry—such as impacts on health and the environment—are related to broader national and global concerns. As noted previously, this is only a snapshot of one legislative session across three states. We look forward to monitoring further legislative movement on these and other fashion-related issues at the state level in order to discern future trends.

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