

Dressed to Kill: How the Lack of Environmental Regulations Tailored to the Fashion Industry Is Destroying Our Planet

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I. The Fashion Industry and the Environment

“More is more and less is a bore.”² This quote from fashion icon Iris Apfel seems to have been taken to heart by the fashion industry, which has advanced the ideology that a new outfit is needed for every occasion, and that outfits are not meant to be repeated. This culture of buying new clothing has become even more prevalent and harmful to the environment largely due to the “fast fashion” phenomenon. Fast fashion is “clothes that are made and sold cheaply, so that people can buy new clothes often.”³ Generally, this increased demand leads to increased production from polluting factories. In turn, this leads to more waste due to increased consumption of clothing from the fashion industry.

Fast fashion producers are able to keep their costs low because they use cheap, synthetic materials and place their factories in countries that do not have strict labor laws.⁴ Because the factories that produce the textiles used in fast fashion clothing items are located South Asian countries such as Bangladesh, Vietnam, and Indonesia, fast fashion companies choose to outsource here.⁵ This is able to happen because these countries have the lowest wages in the industry, oppose unionization, and lack strict, if any, laws pertaining to employee safety.⁶ Over ninety-seven percent

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² Iris Apfel

³ *Fast Fashion*, *DICTIONARY.CAMBRIDGE.ORG*, <https://dictionary.cambridge.org/us/dictionary/english/fast-fashion> (last visited Mar. 24, 2022).

⁴ See Scott Nova, *Apparel Industry Outsourcing Costs Garment Workers' Lives in Bangladesh*, *The Guardian* (Dec. 13, 2012), <https://www.theguardian.com/commentisfree/2012/dec/13/apparel-industry-outsourcing-garment-workers-bangladesh>.

⁵ *Id.*

⁶ *Id.*

of garments in the United States are made overseas.⁷ Due to the magnitude of this outsourcing, there is nothing that United States’ law can do to have any substantial effect on the production component of the fast fashion industry. However, there are other avenues for protecting the environment through options such as imposing harsh import taxes, adopting a sui generis, or “of its own kind,” copyright model, creating industry standards, and implementing a circular economy.

A. Fast Fashion

Fast fashion is “an approach to the design, creation, and marketing of clothing fashions that emphasizes making fashion trends quickly and cheaply available to consumers.”⁸ “Slow fashion”, on the other hand, can be described as “locally grown materials, often domestically manufactured or sourced on a relatively small scale.”⁹ Some of the most popular fast fashion brands today are Shein, Zaful, Boohoo, Missguided, and Fashion Nova.¹⁰ Experts have estimated that the fast fashion industry will grow to \$30.58 billion in 2021 from its already astounding \$25.09 billion in 2020.¹¹ By 2025, the global fast fashion market is projected to reach about \$40 billion.¹² Fast fashion makes up over twenty percent of the global fashion industry.¹³

⁷ Elizabeth Holmes, *Ups and Downs of U.S. Clothes Shopping*, The Wall Street Journal, (Sep. 3, 2014), <https://www.wsj.com/articles/ups-and-downs-of-u-s-clothes-shopping-1409787361>.

⁸ *Fast Fashion*, MERRIAM-WEBSTER.COM, <https://www.merriam-webster.com/dictionary/fast%20fashion> (last visited Oct. 1, 2021).

⁹ See generally Tatianna Schlossberg, *How Fast Fashion Is Destroying the Planet*, *New York Times* (Sept. 3, 2019), <https://www.nytimes.com/2019/09/03/books/review/how-fast-fashion-is-destroying-the-planet.html>.

¹⁰ See Rebecca, *A Complete List of 25 Fast Fashion Brands to Avoid and Why*, *Minimalism Made Simple* (2019), <https://www.minimalismmadesimple.com/home/fast-fashion-brands>.

¹¹ Research and Markets, *Insights on the Fast Fashion Global Market to 2030*, *Globe Newswire* (May 26, 2021), <https://www.globenewswire.com/en/news-release/2021/05/26/2236162/28124/en/Insights-on-the-Fast-Fashion-Global-Market-to-2030-Identify-Growth-Segments-for-Investment.html>.

¹² *Id.*

¹³ See generally Milos Djordjevic, *39 Thought-Provoking Fashion Industry Statistics [The 2022 Outlook]* (Dec. 18, 2021), <https://savemycent.com/fashion-industry-statistics/>.

B. The Fashion Market

Clothing production today has nearly doubled in comparison to pre-2000 levels.¹⁴ However, the amount of time that an item of clothing is worn has dropped forty percent since that time.¹⁵ A 2019 poll found that “thirty-three percent of women consider an outfit to be ‘old’ after wearing it fewer than three times.”¹⁶ As a result of fast fashion, consumers in the United States consume at least four hundred percent more clothing than we did thirty-five years ago.¹⁷ This percentage is continuing to increase as a result of the major changes in how we have been consuming fashion during the COVID-19 pandemic.¹⁸ The COVID-19 pandemic has caused the fashion industry to shift their primary focus to online sales rather than in-store shopping.¹⁹ This unexpected need to immediately shift to online retail platforms has turned out to be a major boost for the most popular fast fashion brands mentioned above that never had a physical store location in the first place.²⁰ Fast fashion’s increase in popularity is largely due to social media.²¹ Between advertisements and influencers, social media has become an integral part of shopping.²² In fact, a 2015 report by the Urban Land Institute found that “forty-five percent of millennials spend over one hour each day looking at retail sites.”²³ The report further found that fifty-percent of the men

¹⁴ Kirsi Niinimäki, *The Environmental Price of Fast Fashion*, *Nature Reviews Earth & Environment* (2020), https://www.nature.com/articles/s43017-020-0039-9#auth-Kirsi-Niinim_ki.

¹⁵ See Soukenya Gueye, *The Trends and Trailblazers Creating a Circular Economy for Fashion*, *Ellen MacArthur Foundation* (June 22, 2021), <https://ellenmacarthurfoundation.org/articles/the-trends-and-trailblazers-creating-a-circular-economy-for-fashion>.

¹⁶ RENT THE RUNWAY, https://www.renttherunway.com/sustainable-fashion?action_type=footer_link. (last visited Nov. 17, 2021).

¹⁷ See Maxine Bédat, *Fast Fashion’s Dirty Secret – and a Solution Made in America*, *CNBC* (2015), <https://www.cbc.com/2015/07/03/fast-fashions-dirty-secret-and-a-solution-made-in-america-commentary.html>.

¹⁸ See Marthe de Ferrer, *Boohoo Booms and Primark Plummetts – How Has Coronavirus Really Affected Fast Fashion?*, *Euronews* (June 15, 2020), <https://www.euronews.com/green/2020/05/23/boohoo-booms-and-primark-plummetts-how-has-coronavirus-really-affected-fast-fashion>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

and seventy-percent of the women felt that shopping is “a form of entertainment.”²⁴ This percentage has likely increased dramatically as a result of the ongoing COVID-19 pandemic. One company that has greatly benefitted from the shift in consumer habits is Shein. Shein surpassed Amazon to become the United States’ most-downloaded shopping app in both the Apple and Android App Stores during May of 2021.²⁵ This extremely popular fast fashion company now boasts being the most downloaded shopping app as of July 2021.²⁶ The company Shein alone releases about nine hundred new clothing items every single day on its website.²⁷ Shein makes up almost one-third of the United States’ fast fashion market.²⁸ The vast majority of the clothing on Shein’s website do not last more than three months in stock.²⁹ Due to fast fashion manufacturers’ habit of copying designs from the runway and social media, Shein, and fast fashion brands like it, are facing intellectual property lawsuits from small designers and large companies alike.³⁰

Although some fast fashion consumers may do so out of financial necessity, it is the people who do large “hauls” that are quickly contributing to our already massive waste problem. These fashion hauls are typically videos posted on social media that show an influencer trying on different clothing items all bought at once in a very large quantity.³¹ Fast fashion is able to stay at the forefront due to its large following on social media and its trendy clothing that mimics recent runway designs.³² A major trend of fast fashion is having influencers show off their “hauls” of

²⁴ *Id.*

²⁵ See *How Trump’s Trade War Built Shein, China’s First Global Fashion Giant*, Bloomberg (June 14, 2021), <https://www.bloomberg.com/news/articles/2021-06-14/online-fashion-giant-shein-emerged-from-china-thanks-to-donald-trump-s-trade-war.>; See also Ferrer, *supra* note 18.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ See Jiaying Li, *China’s Fashion Unicorn Shein Accused of Copyright Infringement*, Pandaily (June 15, 2021), <https://pandaily.com/chinas-fashion-unicorn-shein-accused-of-copyright-infringement/>.

³¹ See Lily Fang, *Our Dangerous Obsession with Huge Fashion Hauls*, Sustainable Fashion (March 27, 2021), <https://imperfectidealist.com/the-problem-with-fashion-hauls/>.

³² See Solene Rauturier, *What Is Fast Fashion?*, Good On You (July 26, 2021), <https://goodonyou.eco/what-is-fast-fashion/>.

clothing to their followers on social media apps such as Instagram and TikTok.³³ These hauls, which are largely popular among Millennials and Gen Z, feature influencers purchasing anywhere from \$400 to \$2000 worth of clothing at a time. Considering that these fast fashion brands sell clothing for \$5, spending \$400 on a haul can mean purchasing eighty items of clothing.³⁴ One social media influencer from the United Kingdom documented a haul of more than thirty bikinis from Shein, which altogether cost her £100.³⁵

In order for influencers to maintain their subscribers, they need to continue to post content. This leads to a cycle of buying clothing, wearing it once or twice, and then doing another large haul to create more content to post.³⁶ The consumers that are purchasing excessive quantities of clothing items from fast fashion brands for hauls have created and continue to reinforce a culture of constant shopping to our planet's detriment. Clothing items bought from hauls are often never worn again and are presumably just left to collect dust in the back of the consumer's closet.³⁷ Those who partake in hauls have glamorized the idea of having something new and on-trend for every single day.³⁸

C. The Environmental Impact of the Fashion Industry and Fast Fashion

Fashion has been characterized as an ever-changing industry that requires designers, producers, and consumers to keep up with trends. There is a need to reconcile this ideology with the environmental harm caused by the fashion industry's waste and pollution. "Waste" can be defined as "materials or substances that are discarded and no longer used, typically resulting in

³³ See Fang, *supra* note 31.

³⁴ See Tammy Gan, *Why Are Massive Shein Hauls So Popular on TikTok, Green is the New Black (June 28, 2021)*, <https://greenisthenewblack.com/shein-ultra-fast-fashion-consumerism-tiktok-influencer/>

³⁵ *How Trump's Trade War Built Shein, China's First Global Fashion Giant*, *supra* note 25.

³⁶ Fang, *supra* note 31.

³⁷ See Gueye, *supra* note 15.

³⁸ Fang, *supra* note 31.

landfill, incineration, or leakage into the environment.”³⁹ In order to mass-produce these cheap clothing items for consumers, fast fashion companies must use cheap material.⁴⁰ The most popular inexpensive material used by fast fashion producers is polyester.⁴¹ Polyester makes up over half of all clothing today.⁴² Polyester is a plastic that is made out of fossil fuels.⁴³ It is not biodegradable, and it requires large amounts of energy to create.⁴⁴ This means that not only are these polyester-made products never going to break down, but also their production process is significantly contributing to pollution.⁴⁵ Experts expect that polyester production will triple from 2007 to 2025.⁴⁶ Around sixty percent of materials that the fashion industry uses to produce clothing are made of plastic.⁴⁷ Clothing in landfills made out of non-biodegradable materials may sit there for two-hundred years.⁴⁸ Overall, the production of textiles from the fashion industry results in 93 trillion liters of water being consumed per year.⁴⁹ It is estimated that less than 1% of all textiles worldwide are recycled into new materials.⁵⁰

Additionally, the fashion industry produces over ninety-two million tons of waste per year.⁵¹ It is estimated that if our production and consumption habits remain unchanged, there will

³⁹ Ellen MacArthur Foundation, *Vision of a Circular Economy for Fashion*, Ellen MacArthur Foundation: Fashion, (2020).

⁴⁰ See Bédard, *supra* note 17.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Heidi Savelli, *Fashion's Tiny Hidden Secret*, *United Nations Environmental Programme: Cities and Lifestyles* (Mar. 13, 2019), <https://www.unep.org/news-and-stories/story/fashions-tiny-hidden-secret>.

⁴⁷ *Id.*

⁴⁸ See Elizabeth Reichert and Deborah Drew, *By the Numbers: The Economic, Social and Environmental Impacts of "Fast Fashion"* (Jan. 10, 2019), <https://www.wri.org/insights/numbers-economic-social-and-environmental-impacts-fast-fashion>.

⁴⁹ See United Nations Conference on Trade and Development, *Report Maps Manufacturing Pollution in Sub-Saharan Africa and South Asia* (Sep. 24, 2020), <https://unctad.org/news/report-maps-manufacturing-pollution-in-sub-saharan-africa-and-south-asia>.

⁵⁰ Ellen MacArthur Foundation, *A new textiles economy: Redesigning fashion's future*, (2017), <http://www.ellenmacarthurfoundation.org/publications>).

⁵¹ Kirsi Niinimäki, *The Environmental Price of Fast Fashion*, *Nature Reviews Earth & Environment* (2020), https://www.nature.com/articles/s43017-020-0039-9#auth-Kirsi-Niinim_ki.

be over one hundred and fifty million tons of clothing either in landfills or waiting to be incinerated in the year 2050.⁵² As of 2021, the fashion industry is responsible for ten percent of the world's carbon footprint.⁵³ This percentage is five times larger than the carbon footprint that the aviation industry is responsible for.⁵⁴ Without any changes, the fashion industry's carbon footprint is projected to reach twenty-six percent of the world's carbon footprint by 2050.⁵⁵ The only industry that pollutes more than the fashion industry is the oil industry.⁵⁶

While it is true that the concern of the large-scale waste buildup caused by fast fashion is partially dependent upon how and whether consumers choose to discard of their old clothes, the ability to responsibly get rid of clothing ultimately reflects how thoughtfully the clothing was produced. Generally, the producers of clothing are the ones that can bear the cost to change their ways. On average, each consumer discards about sixty percent of their new clothes in the first year.⁵⁷ Every second, one garbage truck full of clothes is sent to landfills or incinerated.⁵⁸ However, if producers invest in higher-quality, longer-lasting materials, this number could decrease dramatically. A major issue with fast fashion brands is that their clothes oftentimes do not even last long enough to be washed for the first time.⁵⁹ Fast fashion's business model relies on

⁵² See Danny Ashton, *Using Visuals to Put Textile Waste Into Perspective*, NeoMam Studios (April 20, 2020), <https://neomam.com/blog/fast-fashion-drowning-in-clothes/>.

⁵³ Thuy Dang, *Interest of Female consumers in Finland about Sustainable fashion: Survey on Female Consumers in Finland*, (2021).

⁵⁴ Bédard, *supra* note 17.

⁵⁵ See Geneva Environment Network, *The Environmental Cost of Fashion, Environmental Sustainability in the Fashion Industry* (Oct. 27, 2021), <https://www.genevaenvironmentnetwork.org/resources/updates/sustainable-fashion/>.

⁵⁶ Glynis Sweeney, *Fast Fashion Is the Second Dirtiest Industry in the World, Next to Big Oil*, ECO WATCH (Aug. 17, 2015), <https://www.ecowatch.com/fast-fashion-is-the-second-dirtiest-industry-in-the-world-next-to-big--1882083445.html> [<https://perma.cc/32RW-GEQV>].

⁵⁷ See Ashton, *supra* note 52.

⁵⁸ Elizabeth Reichert and Deborah Drew, *By the Numbers: The Economic, Social and Environmental Impacts of "Fast Fashion"* (Jan. 10, 2019), <https://www.wri.org/insights/numbers-economic-social-and-environmental-impacts-fast-fashion>.

⁵⁹ See Ines Fressynet, *Welcome to the Dark Side: Why Shein Might Be the Biggest Rip-off Since Fast Fashion Was Born*, EuroNews (August 9, 2021), <https://www.euronews.com/green/2021/06/04/welcome-to-the-dark-side-shein-is-the-biggest-rip-off-since-fast-fashion-was-born>

consumers viewing their clothing as a photo opportunity that can later be disposed of to make way for the next photo opportunity.⁶⁰

II. The History of Fashion Legislation in the United States

Although there is no legislation in place in the United States to specifically deter fast fashion's environmental harm, one pathway for lawsuits against fast fashion retailers is through trademark, patent, and copyright law.⁶¹ These claims against fast fashion retailers have focused on the intellectual property issues created by fast fashion rather than the environmental issues. However, these intellectual property actions have been somewhat impactful in limiting fast fashion, and thereby creating a corollary, although minimal, solution to the environmental issues.

Intellectual property actions are the most common way for smaller companies and individual designers to assert claims against fast fashion retailers. Another avenue that has been taken recently, particularly by celebrities, is making claims against retailers for right of publicity and misappropriation.⁶²

The Copyright Act of 1976 allowed copyright protection for “pictorial, graphic, or sculptural features” of the “design of a useful article” as long as they “can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.”⁶³ In 2005, the Second Circuit case of *Chosun Inter., Inc. v. Chrisha Creations, Ltd.* established a separability analysis for determining whether a design element was physically separable or conceptually

⁶⁰ Gueye, *supra* note 15.

⁶¹ Denisse F. García, *It's Time for the Fashion Industry to Get Better-Suited, Custom-Tailored Legal Protection*, 11 DREXEL L. REV. (2018)

⁶² K. Nike Anders, *Imitation or Inspiration?: The Rise of Celebrity Lawsuits Against Fast Fashion Brands*, INTELL. PROP. MEDIA & ENT. L.J. (Sept. 24, 2019), <http://www.fordhamiplj.org/2019/09/24/imitation-or-inspiration-the-rise-of-celebrity-lawsuitsagainst-fast-fashion-brands/>.

⁶³ 17 U. S. C. §101.

separable from the article itself.⁶⁴ In order to be afforded some level of copyright protection, there must be a showing that the design is able to be separated from the function of the article.⁶⁵

In 2017, the Supreme Court addressed the issue of fashion design copyright in the case *Star Athletica, L.L.C. v. Varsity Brands, Inc.*⁶⁶ This case discussed the separability requirement implemented under 17 USCS § 101.⁶⁷ Under § 101, a separability analysis required a design to incorporate “pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.”⁶⁸ Here, the Court no longer required a design to be physically separable in order to receive copyright protection.⁶⁹ Instead, a design is eligible for copyright protection if it is either conceptually separable or physically separable.⁷⁰ This created an additional avenue for designs to receive copyright protection.

III. European and United Nations’ Intellectual Property and Fashion-Specific Legislation

Although the *Star Athletica* decision was a major step in the right direction for protecting fashion designs under intellectual property law in the United States, we are still lagging behind other countries, primarily in Europe. In the European Union, there are two legislative acts that offer broad intellectual property protection.⁷¹ One of these acts, the “Directive on the Legal Protection of Designs” offers up to twenty-five years of protection for a registered design

⁶⁴ Chosun Inter., Inc. v. Chrisha Creations, Ltd., 412 F.3d 324 (2nd Cir. 2005).

⁶⁵ *Id.*

⁶⁶ *Star Athletica, L.L.C. v. Varsity Brands, Inc.*, 137 S. Ct. 1002, 197 L. Ed. 2d 354 (2017).

⁶⁷ *Id.*

⁶⁸ 17 USCS § 101

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ See García, *supra* note 61.

anywhere within the European Union.⁷² This directive was adopted in 1998.⁷³ The directive effectively created a uniform registered design law across the European Union.⁷⁴ The second act which created rights for European Union member states is the “Unregistered Community Design.”⁷⁵ This act offers protection to unregistered designs for up to three years.⁷⁶ The three year time period begins on the date that a design is first available to the public in the European Union.⁷⁷ The European Union definition of a “design” does not require an analysis of the functional or aesthetic aspects of the design.⁷⁸

Additionally, the European Union adopted multiple environmental regulations, beginning with the Circular Economy Action Plan in March of 2020.⁷⁹ This action plan is a part of the European Green Deal.⁸⁰ The President of the European Commission set a target of reaching climate neutrality by the year 2050.⁸¹ Another major step toward this goal is the European Union Strategy for Sustainable Textiles.⁸² This initiative is planned to begin in the first quarter of 2022.⁸³ It will “create conditions and incentives to boost competitiveness, sustainability and resilience of the EU textile sector.”⁸⁴ The goal is to shift the European Union to a circular economy characterized by

⁷² European Commission Internal Market, Industry, Entrepreneurship and SMEs, *Industrial Design Protection*, 98/71/EC, https://ec.europa.eu/growth/industry/strategy/intellectual-property/industrial-design-protection_en

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ European Innovation Council and SMEs Executive Agency (EISMEA), *Towards a More Sustainable & Circular Fashion Sector: Four COSME Projects Making it Happen*, (June 29, 2021),

https://eisma.ec.europa.eu/news/towards-more-sustainable-circular-fashion-sector-four-cosme-projects-making-it-happen-2021-06_en; See also European Commission, *Circular Economy Action Plan For a Cleaner and More Competitive Europe*, (March 2020),

https://ec.europa.eu/environment/pdf/circular-economy/new_circular_economy_action_plan.pdf

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² European Commission, *EU Strategy for Sustainable Textiles*, (Jan. 5, 2021), https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12822-EU-strategy-for-sustainable-textiles_en

⁸³ *Id.*

⁸⁴ *Id.*

products that are durable, repairable, recyclable, reusable, and energy-efficient.⁸⁵ Applying “circular economy principles to productions, products, consumption, waste management, and secondary raw materials” will in turn help the European Union reach a climate-neutral state.⁸⁶ The European Union member states will focus on investing in research and innovation to combat climate change.⁸⁷ This focus will incentivize sustainability and boost competitiveness within the European Union textile sector.⁸⁸ Further, the European Union hopes to implement a legal obligation to have separate collection methods for waste textiles by the year 2025.⁸⁹

France, which is regarded as the home of fashion, offers the most comprehensive design protection in the world.⁹⁰ In France, a design is protected under both French copyright law and industrial design law.⁹¹ Since the early 1900’s, French courts have ruled that both of these options are available to fashion designs under their sui generis system.⁹² Under French copyright law, registration is not required in order to be afforded protection.⁹³ The French legislature did not want to restrict designers by having any formal requirements to be protected under copyright law.⁹⁴ In response to the large-scale copying of fashion designs, both foreign and domestic manufacturers are permitted to license designs and have them legally marketed.⁹⁵

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ García, *supra* note 61.

⁹¹ *Id.*

⁹² Veronika Trusinová, *Copyright and industrial-model protection of fashion industry artefacts - comparative study*, Faculty of Law, Masaryk University, Field of Law and Jurisprudence Of Civil Law, (March 31, 2017)

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

Additionally, France has an “unofficial minister of fashion.”⁹⁶ Brune Poirson, a Secretary of State within the Ministry of Ecological and Inclusive Transition, advocates for the environment against the fashion industry.⁹⁷ Poirson has made efforts to put an end to fashion companies’ habit of destroying their unsold products.⁹⁸ Poirson also drafted the anti-waste law that urged making washing machine filters an industry requirement in an effort to prevent microfibers from entering the water stream.⁹⁹ Microfibers, which can be defined as textile fibers, or fragments of textile fibers, that are shed from the product during production, use, and after-use phases, are extremely harmful to the planet.¹⁰⁰ Polyester is responsible for a large amount of microfibers being released into the water stream.¹⁰¹ Under this new sweeping law, which was passed by the French Parliament in January of 2020, every washing machine that is made and sold in France beginning in January of 2025 is required to have a microfiber filter.¹⁰²

This anti-waste law also made it mandatory for luxury and designer brands, as well as those selling electrical items or hygiene and cosmetic products, to recycle or redistribute any unsold or returned products.¹⁰³ Companies that do not attempt to reuse or recycle materials and products, and instead destroy them, could be fined up to €15,000.¹⁰⁴ Overall, the disposal of unsold garments amounts to \$900 million USD being wasted each year.¹⁰⁵ The law further contains a “polluter

⁹⁶ Elizabeth Segran, *It’s Time to Regulate Fashion the Way We Regulate the Oil Industry*, Fast Company (Jan. 22, 2020), <https://www.fastcompany.com/90453905/its-time-to-regulate-fashion-the-way-we-regulate-the-oil-industry>

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Ellen MacArther Foundation, *supra* note 39.

¹⁰¹ *Id.*

¹⁰² Masa Sprajcar-Rancic, *Meeting Brune Poirson to Discuss the Roadmap to Achieving Zero Waste in the Oceans*, Planet Care, (March 1, 2021), <https://blog.planetcare.org/meeting-brune-poirson-to-discuss-the-roadmap-to-achieving-zero-waste-in-the-oceans/>

¹⁰³ Sally Ho, *France Bans Companies From Throwing Away & Burning Unsold Goods*, Green Queen, (Feb. 12, 2020), <https://www.greenqueen.com.hk/france-bans-companies-throwing-away-burning-unsold-goods/>

¹⁰⁴ Kleiderly, *France’s Fight Against Clothing Waste*, Kleiderly Magazine, (2020), <https://kleiderly.com/blogs/kleiderly-magazine/frances-fight-against-clothing-waste>

¹⁰⁵ Palko Karasz, *France to End Disposal of \$900 Million in Unsold Goods Each Year*, *The New York Times*, (June 5, 2019), <https://www.nytimes.com/2019/06/05/world/europe/france-unsold-products.html>.

pays” clause requiring companies to foot the bill of any destruction of waste that they have created.¹⁰⁶ The “polluter pays” clause was included with the goal of deterring companies from overproducing, thereby lessening the quantity of items that would require disposal.¹⁰⁷ Some of France’s largest fashion companies, such as Armani, Nordstrom, Adidas, H&M, and Stella McCartney have joined a pact to reach a goal of zero greenhouse gas emissions by the year 2050.¹⁰⁸ Additionally, the French government wants to phase out all non-reusable and nonrecyclable plastics within the next five years.¹⁰⁹

In the United Kingdom, steps to combat “greenwashing” are beginning in early 2022.¹¹⁰ “Greenwashing” is “to make people believe that your company is doing more to protect the environment than it really is.”¹¹¹ The United Kingdom’s Competition and Markets Authority published the “Green Claims Code” in order to give businesses compliance guidelines on “green claims.”¹¹² The United Kingdom’s Green Claims Code closely mirrors the International Chamber of Commerce Framework for Responsible Environmental Marketing Communications from 2019.¹¹³ Under the United Kingdom’s guidelines, these green claims can be found either implicitly or explicitly in regard to products that are being marketed as “eco-friendly,” purporting to have a positive or no environmental impact, be less damaging than a previous version of the same product,

¹⁰⁶ Ho, *supra* note 103.

¹⁰⁷ *Id.*

¹⁰⁸ Shalei Parmar, *The Fashion Pacts: New Laws and Pacts to Change the Future of Fashion*, Luxiders, (2020), <https://luxiders.com/the-fashion-pacts-new-laws-and-pacts-to-change-the-future-of-fashion/>.

¹⁰⁹ Kleiderly, *supra* note 104.

¹¹⁰ Press Release, Competition and Markets Authority, Greenwashing: CMA puts businesses on notice (Sep. 20, 2021), <https://www.gov.uk/government/news/greenwashing-cma-puts-businesses-on-notice>.

¹¹¹ <https://dictionary.cambridge.org/us/dictionary/english/greenwash>) *Greenwashing*, dictionary.cambridge.com, (last visited Nov. 15, 2021).

¹¹² Press Release, *supra* note 110.

¹¹³ International Chamber of Commerce, *ICC Framework for Responsible Environmental Marketing Communications*, KNOWLEDGE SOLUTIONS DEPARTMENT TRADE AND INVESTMENT CENTRE, 2019.

or be less damaging than competing products.¹¹⁴ This means that any product claiming to be “eco-friendly” must have an explanation of what the term means, followed by how the product meets the term’s qualifications.¹¹⁵ The Competition and Markets Authority will begin reviewing any misleading or false environmental and sustainability claims for greenwashing and will take actions against offenders beginning in 2022.¹¹⁶ The Competition and Markets Authority is able to take businesses to court in order to enforce their consumer protection laws.¹¹⁷ The goal is to make consumers more aware of the environmental impact a product will have prior to purchasing. Only allowing true green claims to survive, this will give the true eco-friendly businesses the credit that they deserve. The Chief Executive of the Competition and Markets Authority said, “Any business that fails to comply with the law risks damaging its reputation with customers and could face action from the CMA.” This comes as a result of the Competition and Markets Authority’s finding that 40% of online green claims were misleading.¹¹⁸ In order to comply, claims must be truthful, accurate, clear and unambiguous, meaningful, and substantiated. Further, the claims must not omit or hide any relevant information and the claims must consider the entire life cycle of the product.¹¹⁹

In response to a 2019 Environmental Audit Committee report detailing problems and possible solutions to the environmental impacts of the fashion industry both in the United Kingdom and abroad, the United Kingdom government made a pact to update their Resource and Waste Strategy to include micro-fiber shedding requirements.¹²⁰ Another government report made a pact

¹¹⁴ Guidance, *Making Environmental Claims on Goods and Services*, Competition and Markets Authority, (Sep. 20, 2021), <https://www.gov.uk/government/publications/green-claims-code-making-environmental-claims/environmental-claims-on-goods-and-services>.

¹¹⁵ *Id.*

¹¹⁶ Press Release, *supra* note 110.

¹¹⁷ Guidance, *supra* note 114.

¹¹⁸ Press Release, *supra* note 110.

¹¹⁹ Guidance, *supra* note 114.

¹²⁰ Parmar, *supra* 108.

to educate children at a young age in school about sustainability in order to help future consumers make informed choices.¹²¹

The United Kingdom's government has received many proposals aimed at lessening the environmental impact of the fashion industry.¹²² One proposal from Members of Parliament included charging fashion producers a penny per garment to raise £35 million for better clothing collection and recycling.¹²³ Another proposal suggested reforming taxation and rewarding companies that design products with lower environmental impacts, while also penalizing those that fail to do so.¹²⁴ Although the government narrowly rejected these proposals, it has said that they are already taking action to deal with the fashion industry, and that more plans are currently in the works.¹²⁵ Already on track to begin in April of 2022 is the United Kingdom's tax on virgin plastics.¹²⁶ Some cross-party Members of Parliament proposed broadening this to include a tax on synthetic textile products, but this proposal was also rejected.¹²⁷

Sweden, which has often been regarded as the leading country for sustainability, is taking significant action to change the fashion industry.¹²⁸ The Swedish Fashion Council made a major statement regarding sustainability in the fashion industry by cancelling Stockholm Fashion Week in 2019 in order to focus on the country's sustainability objectives.¹²⁹ Sweden has acknowledged that although consumers need to change their habits and become more mindful, real change is not possible until sustainable products are easily accessible.¹³⁰ In May of 2020, the Swedish

¹²¹ *Id.*

¹²² Ellie Cullen, *Fast Fashion – Slow Government*, Ecologist, (June 18, 2019), <https://theecologist.org/2019/jun/18/fast-fashion-slow-government>.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ Parmar, *supra* 108.

¹²⁹ *Id.*

¹³⁰ *Id.*

government announced its plan to implement a chemical tax on footwear and clothing.¹³¹ This was supposed to begin in April of 2021, but its implementation has been postponed to January 1, 2022.¹³² This tax proposal hopes to begin a phase out of hazardous chemicals, thereby reducing the environmental impact from product manufacturing, washing, and waste.¹³³ This proposal will also help increase the overall quality of recycled garments.¹³⁴ The tax will not only apply to footwear and clothing produced in Sweden, but also products imported from other European Union countries.¹³⁵ Sweden also gives tax breaks to companies that are focusing on the restoration of garments for longer life cycles.¹³⁶

Also beginning January 1, 2022, Sweden is set to implement a new governmental policy of “Extended Producer Responsibility” legislation.¹³⁷ The Swedish government will begin phasing in licensed textile collection systems on January 1, 2024.¹³⁸ The goal is that at least 90 percent of the textile waste that has been collected will be either designated for material recovery or reused by the year 2028.¹³⁹ This Extended Producer Responsibility hopes to improve waste collection and management by shifting waste management’s cost and collection from Sweden’s local

¹³¹ Safeguards, *Update: Sweden Proposes Chemical Tax on Clothing and Footwear in 2022*, News Center, (March 3, 2021), <https://www.sgs.com/en/news/2021/03/safeguards-02621-update-sweden-proposes-chemical-tax-on-clothing-and-footwear-in-2022>.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ Karasz, *supra* note 105.

¹³⁷ Simon Glover, *Sweden to Introduce EPR for Clothing and Textiles*, Ecotextile News, (Dec. 14, 2020), <https://www.ecotextile.com/2020121427132/materials-production-news/sweden-to-introduce-epr-for-clothing-and-textiles.html>.

¹³⁸ *Id.*

¹³⁹ *Id.*

governments to the producers.¹⁴⁰ This will provide incentives to persuade producers to carefully consider the environmental design of the product throughout all stages of its life cycle.¹⁴¹

The United Nations has acknowledged the dire need to address the environmental damage caused by the fashion industry. The United Nations Alliance for Sustainable Fashion “is an initiative of United Nations agencies and allied organizations designed to contribute to the Sustainable Development Goals through coordinated action in the fashion sector.”¹⁴² This initiative’s purpose is primarily educational.¹⁴³ The United Nations Alliance for Sustainable Fashion simply identifies problems and potential solutions with member nation’s policies and presents their findings to the member nations’ governments with the hopes of encouraging policy in response.¹⁴⁴

IV. Solutions

In order for the United States to combat the fashion industry’s negative impact on the environment, major change is needed. At the very least, the United States should implement a sui generis copyright system that would aim to strengthen copyright protection specifically for fashion designs. This would weaken the fast fashion industry significantly because the essence of fast fashion is copying designs. By protecting fashion designs under their own independent legal classification, fast fashion producers would be deterred from copying designs in fear of being sued.

¹⁴⁰ IVL Swedish Environmental Research Institute, *Extended Producer Responsibility in Sweden: Towards Better Waste Management*, <https://smartcitysweden.com/best-practice/337/extended-producer-responsibility-in-sweden-towards-better-waste-management/>.

¹⁴¹ *Id.*

¹⁴² United Nations Alliance for Sustainable Fashion, *What is the UN Alliance for Sustainable Fashion*, <https://unfashionalliance.org/>.

¹⁴³ Press Release, *UN Alliance For Sustainable Fashion Addresses Damage of ‘Fast Fashion’*, United Nations Environment Programme (Mar. 14, 2019), <https://www.unep.org/news-and-stories/press-release/un-alliance-sustainable-fashion-addresses-damage-fast-fashion>.

¹⁴⁴ *Id.*

The United States government does not need to completely create its own solutions to the environmental problems caused by the fashion industry as a whole. Rather, it would be easy for United States legislators to adopt the laws and proposals from other countries. The best way to tackle this problem is by appointing somebody to oversee and lead a governmental body specifically created to address the fashion industry's environmental regulations, similar to France's unofficial "Minister of Fashion," Brune Poirson. The person in this position would focus on understanding the environmental harm caused by the fashion industry, regulating companies, and punishing those that do not comply with regulations.

Mirroring the European Union, the United States should implement a legal obligation to have separate collection methods for waste textiles. Although it may not be feasible to achieve this by the European Union's deadline of the year 2025 because we are already behind, legislators could plan for a 2030 deadline with immediate attention. As evidenced by the widespread support of and adoption by the European Union, this would likely receive bipartisan support in the United States.

Following the French anti-waste law, the United States should create a similar piece of legislation. The waste that is created by the fashion industry is a major problem that only continues to grow. By prohibiting destruction of unsold products, these items would hopefully have a long life cycle, rather than simply becoming waste before a consumer even enjoys them. The United States should create fines for companies that do not attempt to reuse or recycle their materials and products. This fine should be rather hefty in order to make it a real financial burden that will convince companies to comply. There should be no concern that companies will find it more economically sound to destroy their products in order to keep their value up and just pay the fine than it would be to put in the effort to reuse or recycle them. United States legislators should also

mimic the “Polluter Pays” Clause of the French anti-waste law. All companies that do not comply with the requirement to attempt to reuse or recycle their materials and products will be required to foot the bill for any destruction of waste that they need, on top of the fine. This requirement will take the burden off of municipalities and put it on to the producers. Additionally, this would be an effective way to prevent companies for overproducing products. The incoming requirement for French washing machines to contain filters that would catch microfibers should be followed as well.

Another French regulation that the United States should replicate is the phase out of all virgin, nonreusable, and nonrecyclable plastics. Switching to only reusable and recyclable plastics will allow us the opportunity to deal with all of the existing virgin, nonreusable, and nonrecyclable plastics without constantly replacing this with more plastic. Companies will turn away from the highly popular, cheap polyester that they currently use and instead turn to high-quality recycled polyester. This polyester is made out of discarded plastic bottles.¹⁴⁵ Turning to high-quality, recycled polyester would create a major demand for recycling bottles. It would also force the United States to invest in research for creating technology to recycle existing fabrics into new fabric. When implemented, there should be a steadfast deadline for companies to comply by.

Looking to the future and focusing on long-term change for the fashion industry, the United States should consider mimicking the United Kingdom and begin to educate young children in school about sustainability. This will allow the future generations to make mindful, educated choices as consumers. Consumers should understand that where they buy their clothing matters. As children, we should be taught about sustainability in regard to the fashion industry in particular

¹⁴⁵ Segran, *supra* note 96.

because besides food, it is what we purchase the most. Understanding the environmental impacts of our purchases and knowing our choices will likely make a huge difference.

Together, all of these changes would start to have a positive impact on the fashion industry's environmental harm. Although more is needed, these would be a good start for the United States. For even larger scale change, the United States should focus on three major things: greenwashing, a circular fashion economy, and tax implications.

A. Greenwashing

Greenwashing is a major problem in the fashion industry today. It seems that almost every store and website claims that they create their products to be “green,” “environmentally friendly,” “eco-conscious,” “ethically-sourced,” and “sustainable.” Yet, there is no industry standard definition for these terms, and thus no basis for these claims made by companies. In order to combat this, United States legislators must define these terms and hold these companies to strict industry standards.

The United Kingdom's “Green Claims Code” review and enforcement is set to begin January 1, 2022. This consumer protection law will be governed by the Competition and Markets Authority. The United States should create a code with industry standard definitions similar to the United Kingdom's. The code should be published a few months prior to the beginning of enforcement to allow companies to review their claims' compliance and either edit or delete them altogether. Similar to the United Kingdom, these guidelines should include green claims made both explicitly and implicitly. Any greenwashing terms used must be accompanied by the term's definition, an explanation of how the product falls within the definition, and describe the product's entire life cycle. Any false or misleading claims should be subject to harsh fines and prosecution. As the governing body over unfair business practices, the United States' Federal Trade

Commission should be the regulatory agency to lead this charge. Complying claims should be given certifications from the Federal Trade Commission to separate the truly sustainable companies from the misleading ones.

In addition to the greenwashing guidelines, the Federal Trade Commission should also implement requirements for transparency, defined as “the ability to make information (for example on product specifications, chemical inputs, materials used, and production practices) available to all actors of the supply chain (including users/consumers), allowing common understanding, accessibility, comparability, and clarity.”¹⁴⁶ There needs to be legislation that requires all companies to make public reports on their environmental impact. This would hold companies accountable for their environmental harm and allow consumers to make educated choices. It is very rare to find fashion companies that honestly report on their environmental data. Companies must be responsible for at least inconspicuously posting their supply chain information, the processes of how the products were made, and the materials used to create the products. Companies that fail to comply must be penalized similarly to those that do not comply with the greenwashing guidelines.

B. Circular Fashion

Possibly the most effective strategy to protect the environment from future harm caused by the fashion industry is to shift from a linear fashion economy to a circular fashion economy. A circular fashion economy allows a single item of clothing to repeatedly create value throughout its life cycle. This starts with sale, followed by resale or repeated rental, being returned, repaired, recycled, refurbished, and finally resold to start the cycle again.¹⁴⁷ Remaking clothing items would be an important part of a circular economy as well. Remaking a product is the “operation by which

¹⁴⁶ Ellen MacArthur Foundation, *supra* note 39.

¹⁴⁷ McKinsey & Company, *The State of Fashion 2021*, THE BUSINESS OF FASHION, 2021.

a product is created from existing products or components.”¹⁴⁸ Remaking can include “disassembling, re-dyeing, restyling, and other processes to improve physical durability.”¹⁴⁹

Implementing a circular fashion economy will cause producers in the fashion industry to create their products to last. A circular fashion economy is impossible without durable clothing. Companies should rethink their business models and try to focus on creating collections that are timeless and reject the already declining popularity of seasonal pieces.¹⁵⁰ According to the Ellen MacArthur Foundation, a circular economy is based on three principles: “eliminate waste and pollution, keep products and materials in use, and regenerate natural systems.”¹⁵¹ A circular fashion economy will actually allow the fashion industry to make up for the \$500 billion already lost due to clothing being trashed rather than recycled and re-worn.¹⁵² Clothing items and the materials used to make them must be designed to be taken apart in order to be recycled, remade, or reused. A circular fashion economy would reduce the need for virgin materials due to the use of already existing, more valuable materials. This would slow and eventually halt the fashion industry’s reliance on polyester. In turn, the harmful microfibers that are released from polyester would decrease.

A key component of a circular fashion economy is “reverse logistics.”¹⁵³ Reverse logistics would allow companies the opportunity to recover materials and products from secondary resale or disposal.¹⁵⁴ This would allow products to continue holding value and being desirable. Some companies have already begun this process by partnering with intermediaries.¹⁵⁵ For example,

¹⁴⁸ Ellen MacArthur Foundation, *supra* note 39.

¹⁴⁹ *Id.*

¹⁵⁰ McKinsey, *supra* note 147.

¹⁵¹ Ellen MacArthur Foundation, *supra* note 36.

¹⁵² Gueye, *supra* note 15.

¹⁵³ McKinsey, *supra* note 147.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

Patagonia has partnered with a start-up, Trove, to repurchase their own products and then sell them again at a reduced price.¹⁵⁶ Trove purchases, processes, prices, and photographs these products prior to listing them for Patagonia.¹⁵⁷ ThredUp, an increasingly popular online used-clothing store is in partnerships with a few companies, such as Amour Vert and Reformation, that allows customers to send used clothing from any brand in exchange for shopping credits to these retailers.¹⁵⁸ CaaStle, a logistics company based in the United States partners with companies to manage their entire reverse logistics process.¹⁵⁹ This includes customer service, warehousing, and cleaning the products for resale.¹⁶⁰ A leader in reverse logistics is the United Kingdom fashion label, Mulberry. Mulberry has kept an in-store stock of leather for repairing and refurbishing all of its items since opening in the 1970's.¹⁶¹ Mulberry has also implemented its own buy-back program that allows customers to resell their used products back to Mulberry in order to be repaired and resold.¹⁶²

Some other companies are ahead of the curve when it comes to adopting their own circular fashion economy principles as well. Swedish brand Filippa K is leading the way in sustainable practices by creating the “Collect programme” which offers a discount to consumers if they return clothing items that they no longer want. The brand aims to recycle, remake, and resell 100% of clothing items that they collect by 2030.¹⁶³ H&M, another Swedish fashion brand, has started

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Swedish Fashion Council, *Fast Fashion is Out - Circular Fashion is In. Sweden is In it for the Long Term.*, Making Fashion Sustainable, (Aug. 27, 2021), <https://sweden.se/culture/arts-design/making-fashion-sustainable>.

placing garment collection stations in their physical store locations in order to make recycling convenient for customers.¹⁶⁴

Another important aspect of a circular fashion economy is large-scale rental. In an ideal circular fashion economy, consumers would be able to rent their clothing items from companies and then return them to be used by another consumer. According to the Ellen MacArthur Foundation, “One piece of trendy, durable clothing can be used by up to forty different people.”¹⁶⁵ A company that has recognized the value of renting clothing is Rent the Runway, an online clothing rental service particularly focused on high-end clothing for special events. Rent the Runway’s mission statement is “Buy Less. Wear More. We’re disrupting a centuries old industry and powering a new frontier for fashion. One in which women buy less, wear more and contribute to a more sustainable future.”¹⁶⁶

Rent the Runway also repairs the clothing that they rent out.¹⁶⁷ Since 2018, they have performed about four million garment repairs.¹⁶⁸ According to the Rent the Runway website, eighty-nine percent of their customers have reported that since joining Rent the Runway, they have shifted their habits and now buy fewer clothes than they did before.¹⁶⁹ Their website also estimates that over the past decade, their rental model has prevented the production of 1.3 million garments through lowering demand for these items.¹⁷⁰ This adds up to having saved “sixty seven million gallons of water, enough electricity to power 12,657 households for a year, and carbon dioxide emissions equivalent to 47,737 roundtrip flights between Newark, NJ and Dallas, TX.”¹⁷¹ A major

¹⁶⁴ Karasz, *supra* note 105.

¹⁶⁵ Gueye, *supra* note 15.

¹⁶⁶ Rent the Runway, *supra* note 16.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

contributing factor to their success is their presence on social media. Presence on social media is so valuable today because altogether, Millennials and Gen Z make up \$350 billion of the consumer market in the United States alone.¹⁷² Rent the Runway has seen large-scale success with its unique rental business model. In 2019, Rent the Runway was valued at over \$1 billion.¹⁷³

The European Innovation Council adopted a new Circular Economy Action Plan in March of 2020 as a main component to the European Green Deal, which aims to grow European sustainability.¹⁷⁴ In adopting a circular fashion economy, the European Innovation Council acknowledged just how imperative it is for the fashion industry to make changes in order to meet the President of the European Commission's 2050 climate neutrality target for the European Green Deal.¹⁷⁵

In order to shift to a circular fashion economy, local governments must implement collection infrastructure that will facilitate the reuse of clothing through grants from the federal government. This money should come in part from the tax collected on fast fashion items that are imported into the United States, as well as from tax collected from companies that do not comply with supply chain and packaging material requirements. Local governments will need to partner with companies to help make collection accessible by having local collection stations, and even weekly home pick-ups. This would not only help the environment, but also provide more jobs in every community.

¹⁷² Gueye, *supra* note 15.

¹⁷³ Danny Parisi, *Can Fashion Rental's Recovery Carry Rent the Runway to a Successful IPO?*, GLOSSY, (Jul. 20, 2021), <https://www.glossy.co/fashion/can-fashion-rentals-recovery-carry-rent-the-runway-to-a-successful-ipo/>.

¹⁷⁴ European Innovation Council, *supra* note 79.

¹⁷⁵ *Id.*

C. Higher Tax

A regulatory approach that would very likely help solve this problem is placing higher taxes on items from the fashion industry that are not sustainably made. Companies that thoughtfully design their products should receive tax benefits as a reward. Having the greenwashing certifications guide industry standards will be helpful because it will allow companies to know the requirements that they need to meet in order to receive these tax benefits, while also providing the government with standards to determine which companies must be taxed more heavily.

In regard to fast fashion items that are typically imported to the United States from other countries, there needs to be an especially high tax on these imports. The additional tax money collected from the fashion industry should be invested in environmental research and solutions to change the fashion industry. The tax implications would not end with imports, however. They should extend to companies that do not use recycled plastic for packaging throughout the supply chain, that use virgin plastic rather than high-quality polyester, and for using any materials that are not sustainably sourced.

V. Conclusion

The need for the fashion industry to be held accountable and work to make drastic efforts toward sustainability is dire. It is not enough to make small changes and label things as “eco-friendly.” The fashion industry as a whole needs a completely new design. This needs to start with the fashion industry changing their marketing technique of promoting the ideology that a new outfit is needed for every single day.

Although the facts and statistics regarding the environmental harm caused by the fashion industry may make change seem hopeless, our society appears to be changing for the better.

Consumers seem to care a lot about the environmental impact of their purchases and want to make better choices. One hopeful statistic is that by 2028, the secondhand market is projected to grow one and a half times the size of the fast fashion market.¹⁷⁶ It is not enough, however, for consumers to be the ones that care about the environmental harm caused by the fashion industry. Real change relies on the fashion industry acknowledging their impact and taking the necessary steps to lessen their harm to the environment. These proposed solutions would help ease the burden that the fashion industry has placed on our planet. Urgent reform within the fashion industry is needed to save our planet.

¹⁷⁶ Gueye, *supra* note 15.