•FAST FASHION: HOW THE U.S. IMPLEMENTING STRICTER ESG REGULATIONS COULD SLOW GROWTH OF AN ENVIRONMENTALLY DAMAGING INDUSTRY

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ABSTRACT

Despite fast fashion companies like SHEIN and H&M being repeatedly called out for practices that cause environmental degradation and harm to garment workers, the industry continues to see substantial growth. This note examines how fast fashion brands in the United States engage in greenwashing to appear more sustainable, fail to disclose accurate environmental, social and governance (ESG) data, and evade import laws. It explores potential regulatory responses to these issues, drawing on measures adopted by the European Union and various European nations to regulate fast fashion practices.

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INTRODUCTION

Temu, the newest e-commerce powerhouse, skyrocketed their sales with its 2024 Super Bowl advertisement, which featured the tagline "shop like a billionaire" and flaunted its low prices and variety of products.[1] However, Temu's low price point tells only a part of the story, omitting allegations of forced labor in Xinjiang, China, the significant emissions generated by global shipping, and the millions of garments discarded after minimal use.[2] Despite widespread online information about the harms associated with Temu, the brand experienced explosive growth following its Super Bowl advertisement, with monthly app users increasing from 5.9 million to 77.5 million.[3]

This continued growth, despite public awareness of these issues, is not accidental but structural. A combination of legal loopholes allows fast fashion companies like SHEIN and Temu to operate with limited accountability and continue expansion. In particular, the United States lags behind other jurisdictions in both its Environmental, Social, and Governance ("ESG") regulatory frameworks and trade policies.[4] It maintains one of the highest de minimis value thresholds in the world, allowing companies that ship directly to consumers to bypass import duties.[5] At the same time, certain forms of greenwashing—misrepresenting a business's sustainability practices when advertising—can be deemed illegal by the Federal Trade Commission ("FTC") and state consumer protection laws. By contrast, other countries, such as

1 Catherine Edwards, *Temu: A Repetitious Super Bowl Ad Sparks Consumer Interest*, THE HARRIS POLL (Feb. 22, 2024), https://theharrispoll.com/briefs/temu-a-repetitious-super-bowl-ad-sparks-consumer-interest/ [https://perma.cc/3ZMX-7CCG].

2 Naman Bajaj, *Is Temu Ethical for People or Planet?*, COMMONS (Feb. 20, 2024), https://www.thecommons.earth/blog/is-temu-sustainable-the-environmental-and-ethical-costs [https://perma.cc/M22B-D3VV].

3 Edwards, *supra* note 1.

4 Coco Zhang & Maureen Schuller, *How the U.S. is Slowly Catching Up with Europe on ESG and Climate Policies*, ING (Apr. 3, 2023), https://think.ing.com/articles/esg-climate-us-eu-europe-environmental-social-governance-regulations-laws-ing/ [https://perma.cc/D863-9DGC].

5 Bill Chappell, *Temu Promises Cheap Goods. Here's How the Shopping App Does It*, NPR (Feb. 14, 2024, 5:01 ET), https://www.npr.org/2024/02/14/1230907159/temu-shopping-app-super-bowl-ads [https://perma.cc/3ZHW-4YHM].

France, have adopted targeted legislation that directly addresses greenwashing and the broader harms of the fast fashion industry.[6]

Fast fashion, enabled by this regulatory gap, continues to impose significant environmental and labor harms on both ecosystems and the workers who produce its garments.[7] As the industry continues to expand,[8] it becomes imperative for governments to take action to curb its growth, address the legal loopholes that allow companies to evade import laws, and avoid accurately disclosing the impact of their operations.

WHAT IS FAST FASHION?

The term "fast fashion" broadly refers to the sector of the fashion industry characterized by rapid production and delivery, the ability to

6 David Baay, Matthew Rawlinson & Kelsey Machado, *United States: Navigating the New Rise of Greenwashing Litigation*, GLOB. LITIG. NEWS (July 31, 2024), https://globallitigationnews.bakermckenzie.com/2024/07/31/united-states-navigating-the-new-rise-of-greenwashing-litigation/ [https://perma.cc/AU2B-7BBK]; Nazia Naheed Husain, *French Parliament Steps Up to Combat Environmental Impact of Fast Fashion*, INST. SUSTAINABILITY STUD. (Apr. 8, 2024), https://instituteofsustainabilitystudies.com/insights/news-analysis/french-parliament-steps-up-to-combat-environmental-impact-of-fast-fashion/ [https://perma.cc/XC7D-DY24].

7 *See* Emma Ross, *Fast Fashion Getting Faster: A Look at the Unethical Labor Practices Sustaining a Growing Industry*, GEO. WASH. INT'L L. AND POL'Y BRIEF (Oct. 28, 2021), https://studentbriefs.law.gwu.edu/ilpb/2021/10/28/fast-fashion-getting-faster-a-look-at-the-unethical-labor-practices-sustaining-a-growing-industry/ [https://perma.cc/UF6A-56MX]; *See also* Annie Kelly, *'Virtually Entire' Fashion Industry Complicit in Uighur Forced Labour, Says Rights Group*, GUARDIAN (July 23, 2020), https://www.theguardian.com/global-development/2020/jul/23/virtually-entire-fashion-industry-complicit-in-uighur-forced-labour-say-rights-groups-china [https://perma.cc/3G4L-YU5X]. While this note focuses on the environmental impact of fast fashion, there are also many labor concerns associated with the fast fashion industry, most relating to the conditions garment workers work in. This mostly concerns workers in the global South, most of whom are unable to earn living wages despite extremely long hours and unsafe conditions. Furthermore, several articles have alleged that cotton used in large fast fashion brands are produced in Uygur and Turkic Muslim labor camps in the Xinjiang region of China using tactics of forced labor to lower the cost of garments.

8 Alyssa Hardy, *Everything You Need to Know About Fast Fashion*, VOGUE (Apr. 24, 2024), https://www.vogue.com/article/what-is-fast-fashion [https://perma.cc/G78U-S2VJ]. Despite general awareness of sustainability in fashion, the fast fashion industry continues to "[grow] rapidly in volume and profit. According to research by CoherentMI, in the United States alone, fast fashion was worth '$41.5 Billion in the year 2023 and is anticipated to reach $59.5 Billion by 2030." This further supports that consumer awareness of poor practices in fast fashion will not cause it to decrease on its own without government regulation and oversight.

quickly respond to consumer demand, and shorter product life cycles than traditional "slow fashion" brands.[9] The current fast fashion model emerged in the 1970s, when the demand for Chinese-made garments skyrocketed and importing clothing overseas became cheaper due to the development of containerized shipping.[10] A fast fashion brand is characterized by a business model that includes rapid turnover of fashion "seasons," high-volume production in developing countries, and the imitation of luxury brand designs.[11] Unlike traditional labels, which operate on two primary seasons (Fall/Winter and Spring/Summer), pioneer fast fashion companies like Zara and Forever 21 introduced a weekly cycle of "micro-seasons."[12] This accelerated production cycle distinguishes fast fashion from traditional models and underpins the environmental and labor harms that existing regulatory frameworks have struggled to address.

Since the mid-2010s, fast fashion has expanded from the traditional brick-and-mortar stores such as H&M and Zara to include e-commerce brands.[13] These brands are often dubbed "ultra-fast fashion" brands, which are "marked by even faster production cycles, blink-and-you'll-miss it trends, and poor [labor] practices" [14] in comparison to traditional fast fashion companies. Ultra-fast fashion brands include SHEIN, Boohoo, and Cider, which are focused on responding to social media-driven microtrends as they evolve every few weeks.[15] Established fast fashion brands introduce several thousand items a year, but the "ultra-fast fashion" brands like SHEIN introduce as many as 1.3 million items

9 Eve Fraser & Hamish van der Ven, *Increasing Transparency in Global Supply Chains: The Case of the Fast Fashion Industry*, SUSTAINABILITY, 2022, at 1, 1.

10 Cu Fleshman, *A History of Fast Fashion: Ethical Issues, High Demand, and Outsized Influence on the US Clothing Market*, REALREAL (Oct. 14, 2024), https://realstyle.therealreal.com/a-history-of-fast-fashion/ [https://perma.cc/5BUT-X27J].

11 Hala Abdel-Jaber, *The Devil Wears Zara: Why the Lanham Act Must be Amended in the Era of Fast Fashion*, 15 OHIO ST. BUS. L.J. 234, 235 (2021).

12 Hardy, *supra* note 8.; *See also* Molly Flanagan, *Fast Fashion*, UNIV. PENNSYLVANIA ENV'T INNOVATIONS INST., https://environment.upenn.edu/events-insights/news/fast-fashion [https://perma.cc/9AZ8-MKME].

13 Taylor Brydges, *Fast to ultra-fast fashion: how to go from bad to worse*, UNIV. OF TECH. SYDNEY (Mar. 18, 2024), https://www.uts.edu.au/news/social-justice-sustainability/fast-ultra-fast-fashion-how-go-bad-worse#:~:text=Ultra%2Dfast%20fashion%20is%20marked,the%20concept%20of%20seasonal%20collections. [https://perma.cc/STQ7-TP9M].

14 *Id.*

15 *Id.*

annually, often at lower costs than traditional fast fashion brands.[16] SHEIN, which is currently one of the largest fast fashion retailers worldwide, releases up to 10,000 new items on its website daily, with an average cost of $10 per item.[17]

The growth of ultra-fast fashion brands reflects broader trends of overconsumption and waste caused by this sector of the fashion industry, which is marketed to young consumers who want to keep up with trends without investing in higher-quality, sustainably produced garments. The quick turnaround of trends on social media also renders the product quality less relevant, since these items are not intended for long-term use but instead match the styles that cycle in and out of popularity within weeks.[18] The business model of fast fashion is likely to continue evolving in response to consumers' demand, given the already existing trend of increasingly rapid turnaround times.[19]

The e-commerce sector of fast fashion has been able to rapidly grow in part because of the microtrends – a shorter trend cycle – and "style aesthetics" marketed on TikTok and other social media platforms.[20] These quickly evolving trends create strong opportunities for the capitalization of fast fashion companies, allowing consumers to buy

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16 *Id.*

17 Alina Selyukh, *America can't resist fast fashion. SHEIN, with all its issues, is tailored for it*, NPR (Oct. 13, 2023, 5:16 AM), https://www.npr.org/2023/10/13/1204983212/SHEIN-america-fast-fashion-legal-issues#:~:text=SHEIN%20drops%20up%20to%2010%2C000,as%20little%20as%2010%20days [https://perma.cc/P86D-S3TW]; Sachi Kitajima Mulkey, *SHEIN is officially the biggest polluter in fast fashion*, YALE CLIMATE CONNECTIONS (Sept. 19, 2024), https://yaleclimateconnections.org/2024/09/SHEIN-is-officially-the-biggest-polluter-in-fast-fashion-ai-is-making-things-worse/#:~:text=Although%20estimates%20vary%2C%20a%20new,price%20tag%20of%20roughly%20%2410 [https://perma.cc/STN9-Z73G].

18 Radoslav Radev, *Advantages and Disadvantages of Fast Fashion and Slow Fashion*, 12 IZVESTIA J. OF THE UNION OF SCIENTISTS 155, 157 (2023) (Bulg.). ("The reason for the low quality of fast fashion products can be found in the quality of the textile materials, the applied production technology and the various processes related to it." The rapid production requires textiles to be produced at faster rates, often also being produced in lesser quality.)

19 Ian Malcom Taplin, *Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself*, 18 COMPETITION AND CHANGE 246, 253 (2014) (explaining that technological innovations provided a shortened turnaround in the supply chain to reflect consumer demands, and that "[c]hanges in lifestyle and constantly varying consumer demands drive the fashion-sensitive retail sector to constantly reinvent itself.")

20 Anna Mikhaylyants, *TikTok Core: The Fashion World of Today*, THE HARV. CRIMSON (Mar. 9, 2023), https://www.thecrimson.com/article/2023/3/9/tiktok-aesthetics-microtrends-fast-fashion-style/ [https://perma.cc/5R8F-WKLU].

inexpensive garments that align with the current styles at a low cost. Because of the rapid evolution of microtrends, the items do not have to last long, as they will likely only be in style for a short period before customers move onto the next trend. Although the low cost and availability of items enables consumers to stay up to date on trends, they also accelerate the fashion industry's contribution to environmental degradation.

The Environmental Cost of Fast Fashion

Environmental degradation—the deterioration of the environment through resource depletion, ecosystem destruction, and wildlife extinction[21]—is at the forefront of nearly every stage of fast fashion, from textile production to the waste generated by the industry. The fashion industry (both fast fashion and non-fast fashion) produces an estimated 8-10% of global carbon emissions annually.[22] It is the second-most polluting industry, following only the oil extraction and production industry, and its pollution levels are unlikely to decrease in the near future.[23]

The trend towards ultra-fast fashion reflects increasingly unsustainable production patterns.[24] The life cycle of fashion has shortened over time, with the average number of times a garment is worn declining about 36% over 15 years.[25] The environmental impact of the fast fashion industry can be better analyzed when it is broken down by the life cycle of the item – the production of a garment, transportation to the consumer, and the waste produced by the industry.

Fast fashion requires garments to be made as quickly as possible and at high volumes, whether that be the quantity of a single design or the variety of designs created by a brand on a regular basis. This is an

21 *Environmental Degradation*, UNITED NATIONS ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA (2020), https://archive.unescwa.org/environmental-degradation#:~:text=Environmental%20degradation%20is%20the%20deterioration,and%20the%20extinction%20of%20wildlife [https://perma.cc/QM4V-6NUF].

22 Esme Stallard, *Fast fashion: How clothes are linked to climate change*, BBC NEWS (July 29, 2022), https://www.bbc.com/news/science-environment-60382624 [https://perma.cc/73MK-RVB2].

23 Tulin Dzhengiz, Teresa Haukkala, and Olli Sahimaa. *(Un)Sustainable transitions towards fast and ultra-fast fashion*, FASHION AND TEXTILES 1 (2023).

24 *Id.* at 2.

25 *Putting the brakes on fast fashion*, UN ENV'T PROGRAMME (last updated Jun. 28, 2021), https://www.unep.org/news-and-stories/story/putting-brakes-fast-fashion [https://perma.cc/3CJN-TT3X].

intensive process that generates carbon emissions and wastewater amongst other significant environmental concerns. About 90% of clothing sold in the United States is made with either cotton or polyester, both of which have significant environmental impacts.[26] Polyester is derived from oil, and its creation requires the emissions involved in oil production as well as the environmental cost of the textile production. Cotton, meanwhile, requires large amounts of water and often involves the use of agricultural pesticides in its cycle.[27] Approximately 20% of the global wastewater accumulated can be attributed to the fashion industry.[28] This wastewater is produced from agricultural cultivation, machinery use, textiles treatment, and more in the process of creating textiles—and over 19,000 chemicals may be involved in this process.[29] Dyeing textiles also increases the number of chemicals released into the wastewater, which may enter waterways untreated if the textiles are produced in nations without strict environmental regulations.[30]

As ultra-fast fashion companies continue to prosper, they have relied on Artificial Intelligence ("AI") software to predict consumer demand based on customer preferences.[31] While representatives for SHEIN and other companies allege that this makes the operations "more efficient," AI is an intensive technology that requires electricity and water among other resources, which has a disproportionate impact on communities residing near AI data centers.[32] While it is difficult to quantify the energy used by AI, it is estimated that by 2026 AI electricity usage will roughly equal Japan's total electricity consumption.[33] SHEIN reported in late

26 Rachel Bick, Erika Halsey, and Christine C.Ekenga, *The global environmental injustice of fast fashion*, ENV'T HEALTH, at 2 (2018).

27 *Id.*

28 Kerrice Bailey, Aman Basu, and Sapna Sharma, *The Environmental Impacts of Fast Fashion on Water Quality: A Systematic Review*, WATER, March 29, 2022 at 1.

29 *Id.* at 6.

30 Ngan Le, *The Impact of Fast Fashion on the Environment*, PSCI (July 20, 2020), https://psci.princeton.edu/tips/2020/7/20/the-impact-of-fast-fashion-on-the-environment [https://perma.cc/26A5-G5A4].

31 Mulkey, *supra* note 17.

32 Mulkey, *supra* note 17; Ali Rogin, Claire Mufson, and Andrew Corkery, *The big environmental costs of the rising demand for big data to power the internet*, PBS NEWS WEEKEND (Jun. 22, 2024, 5:35 PM), https://www.pbs.org/newshour/show/the-big-environmental-costs-of-rising-demand-for-big-data-to-power-the-internet [https://perma.cc/PS9R-HE46].

33 David Berreby, *As Use of A.I. Soars, So Does the Energy and Water It Requires*, YALE ENV'T 360 (Feb. 6, 2024), https://e360.yale.edu/features/artificial-intelligence-climate-energy-emissions [https://perma.cc/2HQC-7QVZ].

2024 that over five thousand suppliers "recently gained access to an AI software platform to analyze customer preferences—information that the company then uses to produce small batches of merchandise to match supply in real-time."[34] While this may in theory help SHEIN predict trends and better align inventory with demand, it will not decrease the brand's energy usage, particularly given that in 2023 the company recorded a carbon footprint of 16.7 million metric tons, which almost tripled the company's emissions over the prior three years.[35]

Manufacturing is not the only part of a garment's life cycle that contributes to environmental degradation. To reach the consumer, the products must be distributed either to the brands' warehouses or directly to consumers. This has an environment impact in the form of carbon emissions from transportation; although traditional transportation methods have relied on container ships, the recent increase in air transportation raised carbon emissions by up to 35%.[36] Furthermore, e-commerce brands will often avoid tariffs on shipments by drop-shipping directly to consumers in the United States.[37] This processes is called de minimis entry, which under Section 321 of the Tariff Act of 1930, "allows an importer to bring shipments into the United States without filing formal entry paperwork or paying taxes and duties so long as the total daily value of the importer's entries is below $800."[38] This tariff avoidance means that large brands can avoid fees by shipping directly to consumers; rather than sending a smaller number of large shipments to warehouses, they send smaller parcels directly to consumers.[39] Proposed tariff changes in 2025 by President Trump—including implementing 10% tariffs on Chinese imports, possibly suspending de minimis entry—

34 Astha Rajvanshi, *How AI Could Transform Fast Fashion for the Better—And Worse*, TIME MAG. (Sept. 20, 2024, 8:00 AM), https://time.com/7022660/SHEIN-ai-fast-fashion/ [https://perma.cc/8BTW-UEXJ].

35 *Id.*

36 Kirsi Niinimäki, Gret Peters, Helena Dahlbo, Patsy Perry, Timo Rissanen, and Alison Gwilt, *The Environmental Price of Fast Fashion*, 1 NATURE REV. EARTH AND ENV'T 189, 191 (2020).

37 Jessica Lynd, Allison Kepkay, and Ian Saccomanno, *United States Begins to Restrain Cross-Border E-Commerce*, WHITE AND CASE (Feb. 13, 2025), https://www.whitecase.com/insight-alert/united-states-begins-restrain-cross-border-e-commerce#:~:text=De%20minimis%20entry%20under%20Section,importer's%20entries%20is%20below%20%24800 [https://perma.cc/2FAE-PUZQ].

38 *Id.*

39 *Id.*

create uncertainty about the future of the issue.[40] Regardless, the environmental cost of transporting fast fashion packages is significant. As of 2022, Temu sent an estimated 1.6 million packages to consumers every day, driving high demand for air freight transportation and increasing packaging waste.[41] However, it is unclear what the environmental cost of Temu's shipping is—in large part because of the company's limited transparency regarding its environmental impact, even within its sister company's ESG reports.[42]

Once a customer receives their garments, the environmental impact of the clothing continues. When consumer wash the garments, especially during the first few washes, the textiles release microplastics.[43] Because fast fashion garments often contain mostly synthetic fibers and tend to wear out quickly, they account for a particularly high level of microplastic release into washing machines.[44] While waste water

40 *Id.* As of February 20, 2026, the U.S. Supreme Court issued ruled against tariffs imposed by President Trump under the International Emergency Economic Powers Act (IEEPA), finding that the Act does not authorize the President to impose tariffs in *Learning Resources Inc. v. Trump*. *See* Chirstopher T. Zirpoli, *Supreme Court Rules Against Tariffs Imposed Under the International Emergency Economic Powers Act (IEEPA)*, CONG. RSCH. SERV. (Feb. 23, 2026), https://www.congress.gov/crs-product/LSB11398 [https://perma.cc/8VXZ-9GUU]. The same day the ruling was announced, Trump imposed global tariffs of 10% on imports under the Trade Act § 122 (1974), which are temporary without Congressional approval to extend the tariffs; in March 2026, U.S. Trade Representative Jamieson Greer also opened trade investigations into almost eighty countries under § 301 of the Trade Act, which would allow the U.S. to impose tariffs upon the finding of unfair trade practices. *See* Dan Mangan, *Trump Says Justices Barrett, Gorsuch 'Sicken Me' After Supreme Court Tariff Ruling*, CNBC (Mar. 25, 2026), https://www.cnbc.com/2026/03/26/trump-supreme-court-tariffs-barrett-gorsuch-trade-ieepa-ruling.html [https://perma.cc/SJ8K-JTAL].

41 *The deals behind Temu: its environmental price and climate silence*, GREENPEACE (Jan. 8, 2024), https://www.greenpeace.org/international/story/64710/the-deals-behind-temu-its-hidden-environmental-price-and-climate-silence/ [https://perma.cc/23LL-5UVF]; Freya Zhang, Ed Sander, & Rui Ma, *What's up with…? – Part 1: Temu*, Tech Buzz China Insider (Dec. 22, 2023), https://techbuzzchina.substack.com/p/whats-up-with-part-1-temu?utm_campaign=post&utm_medium=web&triedRedirect=true [https://perma.cc/8PXB-EYKP] (the number of packages was further projected to increase above 2 million per day by the end of 2023).

42 GREENPEACE, *supra* note 41.

43 *Microplastics from textiles: towards a circular economy for textiles in Europe*, EUR. ENV'T AGENCY (last updated Feb. 10, 2023), https://www.eea.europa.eu/publications/microplastics-from-textiles-towards-a [https://perma.cc/TRL9-NX97].

44 *Id.*

treatment plants filter out most of the microplastics, it is still estimated that 35% of microplastics—about 13,000 tons of microfibers—released into oceans globally originate from synthetic textiles.[45] Marine microplastics present a health risk to marine life and humans alike, as small animals may consume the microplastics, which then move through the food chain.[46] These microplastics may also contain toxic chemicals including phthalates, bisphenol A, and other additives that are used in manufacturing textiles.[47] In opposition to fast fashion, so-called "slow fashion" brands focus on creating garments that last longer and use natural fibers that are created with less energy and are often recyclable.[48] Slow fashion therefore highlights the amount of resources used to create the garments by fast fashion brands, especially given that synthetic fibers use is highest among fast fashion brands such as Zara and SHEIN.[49]

This data reaffirms that fast fashion is contributing to environmental degradation at a faster rate than "slow fashion" garments made with non-synthetic materials.[50] Since fast fashion favors trendiness over durability, the garments created are not intended to last for long periods of use.[51] In the United States alone, nearly 3.8 billion pounds of clothing are thrown away annually, which is equivalent to about 85% of the clothing purchased each year.[52] The discarded clothing is often sent overseas to be sorted and compressed into bales, and clothing not sold in markets

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45 *Id.*

46 *Marine Microplastics*, WOODS HOLE OCEANOGRAPHIC INSTITUTION, https://www.whoi.edu/know-your-ocean/ocean-topics/ocean-human-lives/pollution/marine-microplastics/ [https://perma.cc/EHF8-97QN].

47 *Id.*

48 For more information about slow fashion versus fast fashion sustainability impacts, *see* Che Liu, Guanhua Liu, & Xiaorui Gong, *The Characteristics of Fast Fashion or Slow Fashion and Their Future Sustainability*, 2021 INTERNATIONAL CONF. ON ECON. MGMT. & CORP. GOVERNANCE 227 (2021).

49 Laurel Deppen, *Major fashion brands still rely on synthetic fibers: report*, FASHION DIVE (Sept. 17, 2024), https://www.fashiondive.com/news/fashion-brands-synthetic-fiber-use-report/727244/#:~:text=Meanwhile%2C%20fast%20fashion%20giant%20SHEIN,%2Dbased%20fabrics%2C%20mainly%20polyester [https://perma.cc/42WX-YBYP].

50 *See generally* Liu et al., *supra* note 48.

51 Fast fashion pieces last an average of ten wears before they fall apart or are thrown away, showcasing the lack of durability of the designs and manufacturing of the industry. Elaina Simonsen, *The Fast Fashion Epidemic*, UCLA SUSTAINABILITY (Feb. 16, 2024), https://www.sustain.ucla.edu/2024/02/16/the-fast-fashion-epidemic/#:~:text=Most%20fast%20fashion%20pieces%20only,as%20well%20as%20consumer%20money. [https://perma.cc/J4LG-W5PF].

52 Bick et al., *supra* note 26, at 2.

becomes waste either in landfills or overseas, where the method of disposing of garments may depend on the available municipal waste systems.[53] The decomposition of clothing contributes to greenhouse gas emissions and causes the chemicals used in the manufacturing process to leach into groundwater and soil.[54] When garments are incinerated as a form of solid waste disposal, similar greenhouse gases and chemicals are released, causing air pollution.[55]

The fast fashion industry significantly contributes to environmental degradation through the depletion of resources, microplastics released into the environment, and garment waste resulting from landfill disposals. Despite the data supporting this, fast fashion companies have continued to market their products as sustainable, even where such claims do not reflect the reality of the industry.

Greenwashing in Fast Fashion

Despite the overwhelming evidence that fast fashion has a negative impact on both the environment and the workers creating the garments, these brands continue to advertise their "responsible business practices."[56] A company will often engage in greenwashing by focusing on one positive aspect of its operations while ignoring the negative impacts that other practices will have, in order to present the business as more sustainable than it is.[57] This strategy is likely to appeal to the growing population of consumers concerned with the environmental

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53 *Id.* at 3.

54 Mukta Mithra Raj and Priti Bajpai, *Mathematical Analysis of the Environmental Impact of Throwaway Fashion*, 11 EUR. J. OF SUSTAINABLE DEV. 211, 212 (2022).

55 *Id.*

56 H&M and SHEIN are the two brands that discuss their sustainability measures the most. Both brands share reports that discuss the brand's commitments to fair wages and environmentally sustainable practices, despite the above reports of labor violations and environmental waste and degradation. *See Sustainability*, H&M GRP., https://hmgroup.com/sustainability/ [https://perma.cc/H7N6-G9DZ]; *See also 2023 Sustainability and Social Impact Report*, SHEIN GRP. (2023), https://www.SHEINgroup.com/wp-content/uploads/2024/08/FINAL-SHEIN-2023-Sustainability-and-Social-Impact-Report.pdf.pdf [https://perma.cc/6SNL-PMDV] (the term "responsible business practices" is used in this SHEIN report, where it is a subheading on the "Governance" section).

57 Julia Adamkiewicz, Eva Kochańska, Iwona Adamkiewicz, & Rafał M Łukasik, *Greenwashing and Sustainable Fashion Industry*, SCI. DIRECT at 3 (2022).

impact of the products they are buying.[58] Studies have shown that labeling clothing with an eco-label or certification can influence consumer perception, leading consumers to believe that the item is of higher quality and value.[59] One study reported that an estimated 39% of sustainability claims in the clothing and shoe industries could be false or deceptive.[60]

Despite most large brands boasting sustainability initiatives, only three percent of clothes are made from recycled materials, most of which are derived from plastic bottles.[61] Less than one percent of clothes are made from recycled textiles.[62] A report examined the sustainability collections of several brands and determined that both H&M's "H&M Conscious" line and Zara's "Zara Join Life" line made false sustainability claims.[63] This includes a variety of claims, including false certifications, lack of third-party verification on environmental measures, and misleading claims about the circular lifecycle of textiles among other greenwashing tactics.[64] Although Zara and H&M were named in this study, SHEIN and Temu have also come under scrutiny for greenwashing. In September 2024, the Italian Competition Authority launched an investigation into SHEIN's allegedly misleading sustainability advertisements,[65] including claims regarding environmental and social responsibility and the company's lack of transparency towards consumers.[66] Temu is a newer e-commerce company and has very little information available on their sustainability

58 Emma Sammons, *"Green" is the New Black: Enforcing Consumer Protection Laws Against Greenwashing in the Fashion Industry*, 38 EMORY INT'L L. REV. 192, 201 (2024).

59 Adamkiewicz et al., *supra* note 57, at 3.

60 *The E.U. Strategy for Sustainable and Circular Textiles*, SUSTAINABLE BRAND PLATFORM (Dec. 27, 2022), https://www.sustainablebrandplatform.com/articles/the-eu-strategy-for-sustainable-textiles#:~:text=A%20recent%20screening%20of%20sustainability,about%20products'%20durability%20and%20repairability [https://perma.cc/222V-8KMV].

61 Helle Abelvik-Lawson, *Fashion Greenwash: How Companies are Hiding the True Environmental Costs of Fast Fashion*, GREENPEACE UK (Apr. 24, 2023), https://www.greenpeace.org.uk/news/fashion-greenwash-report-companies-hiding-true-environmental-costs-fast-fashion/ [https://perma.cc/QF6Y-DEBK].

62 *Id.*

63 *Id.*

64 *Id.*

65 Mark Segal, *Italy Launches Greenwashing Investigation into SHEIN Environmental Claims*, ESG TODAY (Sept. 26, 2024), https://www.esgtoday.com/italy-launches-greenwashing-investigation-into-SHEIN-environmental-claims/ [https://perma.cc/27W4-94P2].

66 *Id.*

initiatives, but has stated that it has an "ongoing commitment to environmental sustainability" and has partnered with Trees for the Future, which plants trees in sub-Saharan Africa.[67] However, it is unlikely that this partnership alone will sufficient offset the environmental damage caused by its estimated 600,000 packages shipped to the United States daily.[68] It seems likely that, as Temu continues to grow as an e-commerce brand, there will be more scrutiny of its environmental impact and related marketing claims.[69]

SHORTCOMINGS OF UNITED STATES FAST FASHION REGULATIONS

As fast fashion sales have grown, there has become a clearer gap between how European Union ("E.U.") member states and the United States have attempted to advance sustainability laws and address greenwashing in the fashion sector.[70] Two types of regulations showcase this: the difference in environmental, social, and governance (ESG) reporting standards and national laws governing greenwashing in advertisements. Additionally, the high de minimis value threshold in the United States further enables e-commerce brands to avoid import taxes by shipping directly to customers. By reviewing the current state of the United States regulations in comparison to stricter regulations in E.U. member states, it becomes clear that the United States could do more to curb the rampant environmental degradation caused by fast fashion.

67 Solene Rauturier, *How Ethical is Temu? Why We Rate the Brand 'We Avoid'*, GOODONYOU (last visited Apr. 24, 2024), https://goodonyou.eco/how-ethical-is-temu/ [https://perma.cc/AB92-6QBZ].

68 *Id.*

69 Scrutiny increased with Temu's popularity, extending not only to environmental concerns but also labor concerns because of the Chinese manufacturing of Temu (as well as SHEIN), which has led to allegations of forced labor, trade loopholes, and intellectual property theft as well. Michelle Toh and Nathaniel Meyersohn, *'Too Good to be True?' As SHEIN and Temu Take Off, So Does the Scrutiny*, CNN BUSINESS (Apr. 24, 2023), https://www.cnn.com/2023/04/23/tech/temu-SHEIN-us-concerns-intl-hnk/index.html [https://perma.cc/288R-VNJW].

70 Laura Husband, *Week in Review: Can US Afford to Fall Behind E.U. on Green Fashion Legislation?*, JUST STYLE (Sept. 25, 2023), https://www.just-style.com/comment/week-in-review-can-us-afford-to-fall-behind-eu-on-green-fashion-legislation/?cf-view [https://perma.cc/JM24-AGSD]. While this article does point out the sustainability initiatives of the E.U. that are further advanced than the US, it also does note that the US has "led the way in terms of tackling forced [labor] within its fashion supply chain, specifically from the Xinjiang region."

ESG Regulation Comparisons

ESG regulations are used globally to evaluate companies' sustainability performance and efforts, though the term is broadly used to describe the standards, goals, and risks of a company's behavior.[71] The term ESG emerged in 2004 from the Who Cares Wins Report, which was created by the United Nations Global Compact ("UNGC"). This report focused on sustainability recommendations and the integration of environmental, social, and corporate governance issues.[72] ESG was then incorporated into the Principles for Responsible Investment Report in 2006, when just over sixty investment companies had signed on to incorporate ESG factors into their reporting practices.[73] Since then, ESG factors have been increasingly reported and are understood to have a positive impact on companies' financial performance.[74]

More than 90% of S&P 500 companies have ESG reports.[75] Most of the growth of ESG has involved the environmental component, but the social component has been gaining prominence in recent years as well.[76] These reports are based on criteria that serve as "a compass, guiding organizations toward responsible and sustainable practices that extend far beyond financial considerations."[77] Companies assess their practices on various ESG-related issues and share them in these reports. The environmental component of ESG includes reports on greenhouse gas emissions (direct and indirect), the use of natural resources, and climate risk resilience. The social component includes metrics like fair wages and community impact in the areas where the company operates, while the governance components refer to corporate governance and include

71 Elizabeth Pollman, *The Making and Meaning of ESG*, 14 HARV. BUS. L. REV 403, 405 (2024).

72 *Id.* at 412-3.

73 Kaileigh Mallin, *Government-Mandated ESG Disclosure: It's Not Easy Being Green.*, 61 HOUSTON L. REV. 855, 861 (2024).

74 *Id.*

75 S&P 500 is used as a benchmark as it is a stock market index that tracks the 500 largest stock companies. It can be used in this instance to show the Lucy Pérez, Vivian Hunt, Hamid Samandari, Robin Nuttall, and Krysta Biniek, *Does ESG really matter—and why?* MCKINSEY QUARTERLY, at 1-2 (August 2022).

76 *Id.* at 2.

77 *Press Release: SEC Votes to End Defense of Climate Disclosure Rules*, U.S. SEC. & EXCH. COMM'N (Mar. 27, 2025), https://www.sec.gov/newsroom/press-releases/2025-58 [https://perma.cc/EX5M-LQN9].

leadership incentives, stakeholder expectations, and internal controls for transparency and accountability.[78]

United States's ESG Regulations

ESG regulations in the United States are set by the Securities and Exchange Commission ("SEC") and were most recently updated in May 2025.[79] The 2025 disclosure requirements follow a trend of the SEC rolling back ESG disclosure requirements that began in 2024.

In 2022, the SEC proposed requirements for ESG disclosure requirements aimed at decreasing greenwashing and increasing transparency for investors.[80] This proposed legislation would require public companies to provide "climate-related financial data, and greenhouse gas insights," which would include disclosure of Scope 1, 2, and 3 emissions.[81] Scope 1 emissions are direct greenhouse gas emissions, while Scope 2 emissions are indirect emissions from purchased energy used in production, and Scope 3 emissions are all other indirect emissions from the supply chain.[82]

In March 2024, the SEC adopted rules that would standardize disclosures, which were less intensive than the proposed 2022 legislation.[83] This rule mandates that public companies disclose material climate risks, including those that are likely to have an impact on the results of their operations or financial conditions; any processes that the registrant has for identifying, assessing, and managing material climate-related risks; and information about their climate-related targets or goals that have materially affected their business or financial considerations,

78 Kyle Peterdy, *ESG (Environmental, Social, & Governance)*, CORPORATE FINANCE INSTITUTE, https://corporatefinanceinstitute.com/resources/esg/esg-environmental-social-governance/ [https://perma.cc/6NJQ-9MZL].

79 Mallin, *supra* note 74, at 855.

80 *Id.* at 857.

81 *Id.* at 864.

82 *What are scope 1, 2, and 3 carbon emissions?*, NATIONALGRID (last visited 2024), https://www.nationalgrid.com/stories/energy-explained/what-are-scope-1-2-3-carbon-emissions#:~:text=Essentially%2C%20scope%201%20are%20those,owned%20or%20controlled%20by%20it.

83 *SEC Adopts Rules to Enhance and Standardize Climate-Related Disclosures for Investors*, U.S. SEC. & EXCH. COMM'N (Mar. 6, 2024), https://www.sec.gov/newsroom/press-releases/2024-31 [https://perma.cc/BKH8-SMB5].

among other disclosure requirements.[84] Unlike the 2022 proposed legislation, companies are not required to disclose Scope 3 greenhouse gas emissions and the required financial disclosures are less intensive than the proposed requirements.[85] In March 2025, the SEC voted to end its defense of disclosure requirements for climate-related risks and greenhouse gases, in what SEC Acting Chairman Mark T. Uyeda asserted will "cease the Commission's involvement in the defense of the costly and unnecessarily intrusive climate change disclosure rules."[86]

Going forward, companies "are expected to undergo significant adaptations in their approach to ESG initiatives."[87] While globally this includes predictions of increasing industry collaboration and corporate governance becoming a more critical issue, this seems unlikely to happen during the second Trump administration. While companies will still be required to disclose information in other jurisdictions outside of the U.S., those who are still disclosing material climate risks within the U.S. are doing so through inconsistent regulations absent the climate-related ESG disclosure rule.[88] Since the 2024 election, the Department of Energy has also decreased federal funding of renewable energy initiatives by canceling clean energy grants and has increased subsidies for fossil fuels.[89] Efforts to reduce environmental protections have began in March 2025 following the beginning of Trump's second term, with the

84 *Id.* The goal of these disclosures is to "provide investors with consistent, comparable, and decision-useful information, and issuers with clear reporting requirements . . . . They will also require that climate risk disclosures be included in a company's SEC filings, such as annual reports and registration statements . . . which will help make them more reliable."

85 *Executive Summary of the SEC's Landmark Climate Disclosure Risk*, 31 DELOITTE HEADS UP 1 (Apr. 8, 2024), https://dart.deloitte.com/USDART/home/publications/deloitte/heads-up/2024/sec-climate-disclosure-requirements-ghg-emissions-executive-summary [https://perma.cc/6RUQ-VAC5].

86 U.S. SEC. & EXCH. Comm'n, *supra* note 77.

87 Natalie Runyon, *ESG in 2025: Significant Adaptation in Sustainability Emerges as Business-as-Usual*, THOMSAN REUTERS INSTITUTE (Jan. 3, 2025), https://www.thomsonreuters.com/en-us/posts/esg/2025-predictions/ [https://perma.cc/8SCV-UPSN].

88 Brian Tomlinson, *What Remains in the Wreckage of the Climate Disclosure Rule*, ERNST & YOUNG GLOB. LTD. (Oct. 14, 2025), https://www.ey.com/en_us/insights/esg-reporting/esg-and-sec-climate-disclosure-rule-update [https://perma.cc/XPF4-NNZP].

89 Ari Phillips, *Trump Cancels Billions in Clean Energy Grants While Increasing Subsidies for Oil and Gas*, OIL & GAS WATCH: ENV'T INTEGRITY PROJECT (Oct. 16, 2025), https://news.oilandgaswatch.org/post/trump-cancels-billions-in-clean-energy-grants-while-increasing-subsidies-for-oil-and-gas [https://perma.cc/2PZ8-D8MT].

Environmental Protection Agency ("EPA") targeting several policies to either weaken or eliminate protections related to energy and air pollution.[90] This leaves the future of recent ESG regulations in a loophole of uncertainty. It is anticipated that Donald Trump will continue to take an anti-ESG approach and roll back the regulations put in place in or before 2024. By the end of 2025, this already included Executive Orders directing the Department of Justice to challenge state ESG laws, the EPA proposing ending greenhouse gas emissions reporting (which was finalized in February 2026), and the disbanding of climate-focused offices in the Federal Reserve.[91]

To counteract this, some states have enacted carbon disclosure and other regulatory frameworks to increase corporate governance.[92] In December 2024, the California Air Resources Board began work to implement previously enacted climate disclosure legislation titled the Climate Corporate Data Accountability Act, which requires "U.S.-based entities with more than $1 billion in annual revenue doing business in California to annually report" Scope 1, 2, and 3 emissions, similar to the proposed 2022 SEC legislation.[93] While this is an important step for states seeking to strengthen ESG regulations, it represents a departure from federally mandated rules, which may also allow some states' anti-ESG

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90 Michael Copley, Jeff Brady, and Camila Domonoske, *EPA Announces Dozens of Environmental Regulations it Plans to Target*, NPR (Mar. 12, 2025), https://www.npr.org/2025/03/12/nx-s1-5326354/trump-epa-environmental-rules-rollback-deregulation [https://perma.cc/FB3K-EHFJ].

91 Jon Dunn, *ESG-Related Policy During the First Year of the Second Trump Administration*, BALLOTPEDIA NEWS (Jan. 30, 2026), https://news.ballotpedia.org/2026/01/30/esg-related-policy-during-the-first-year-of-the-second-trump-administration/ [https://perma.cc/M4JA-8HLS]. In February 2026, the EPA finalized the proposal to end greenhouse gas emissions reporting by rescinding the Greenhouse Gas Endangerment Finding under the Clean Air Act, which had provided the EPA the authority to set standards for greenhouse gas emission standards and require engine and vehicle manufacturers to measure, control, and report emissions to the EPA. *Final Rule: Recission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, U.S. Env't Prot. Agency (last updated Mar. 4, 2026), https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-rescission-greenhouse-gas-endangerment [https://perma.cc/VEX3-XMXL]. This is a prime example of the Trump administration's aggressive rollbacks on climate change-focused regulations.

92 Runyon, *supra* note 87.

93 CAL. AIR RES. BD., *Information Solicitation to Inform Implementation of California Climate-Disclosure Legislation: Senate Bills 253 and 26 as amended by SB 219* (Dec. 16, 2024), https://ww2.arb.ca.gov/sites/default/files/2025-01/ClimateDisclosureQs_Dec2024_v2.pdf, [https://perma.cc/DQ4F-PHPF].

regulations to continue progressing.[94] Prior to the 2024 SEC disclosure rules, several states—Idaho, North Dakota, Arizona, Florida, Indiana, Kentucky, and Mississippi—took action to "prohibit or discourage public entities from considering ESG factors when investing state resources."[95]

While laws like these do not impact fast fashion, as they are mainly aimed at state investing and not private investing, they nonetheless signal that ESG regulation is unlikely to improve across the United States without federal action. Under the 2024 SEC disclosures, fast fashion brands would be required to disclose climate risks and share information about climate-related goals, which will no longer be the case if these regulations are rolled back. State regulations are not equivalent to federal regulations—and the United States is already lagging behind the E.U. where support for ESG disclosures is strong.[96] ESG disclosures have increased supply chain transparency, which has a material effect on company stocks, with share prices dropping when labor and environmental issues arise.[97] Without federal guidelines, transparency regarding supply chains may diminish, leaving customers and investors to make potentially misguided decisions unless the state they are in requires stronger disclosures. This is a stark contrast from the E.U., which has consistently advanced ESG reporting and similar corporate governance measures.

E.U. ESG Regulations

The European Union has lead environmental law initiatives for decades and is now at the forefront of global ESG regulation.[98] These

94 *See* Leah Malone, Emily Holland & Carolyn Houston, *ESG Battlegrounds: How the States are Shaping the Regulatory Landscape in the U.S.*, HARV. L. SCH. F. ON CORP. GOVERNANCE (Mar. 11, 2023).

95 *Id.*

96 *Id.*

97 *See Fast Fashion and ESG: The Textile Industry Unravelled*, COMGEST (Dec. 2020), https://www.comgest.com/-/media/files/investment-letters/en/il_fast-fashion-and-esg_dec2020.pdf?la=de&hash=9167B8F0B34DC99DB635CD9162F0FD0DC318DD7A [https://perma.cc/64L8-LFZ8]. While ESG disclosures do not stop labor and environmental harm, they provide investors with transparency required to make informed decisions. A prime example of this is the 40% drop in Boohoo's share price after the retailer revealed sweatshop conditions in Leicester, U.K. factories. The brand faced pressure from investors and the public resulting in a promise to increase transparency and standards of governance in their production line. Since ESG regulations have grown, H&M and other brands have also announced environmental goals in response to consumer priorities about the impact of fashion brands.

98 Yébenes, *supra* note 77, at 90.

regulations not only focus on fostering ESG investments and encouraging investors to consider ESG factors, but also on ensuring corporate "compliance [with] ESG commitment[s] [while meeting…] the Paris Accord milestones."[99] This approach shows that the E.U. is focused on transparency in disclosures as well as improving the sustainability practices through ESG regulation. E.U. ESG regulations focus not only on green infrastructure and other public initiatives, but also on boosting corporate social responsibility ("CSR") performance.[100]

One aspect of the E.U.'s regulations is the Sustainable Financial Disclosure Regulation ("SFDR"), which aims to address greenwashing in corporate transparency reports. This includes requirements for corporations to disclose material sustainability risks, provide due diligence statements regarding those risks, integrate sustainability factors in their policies, and ensure transparency regarding adverse sustainability impacts at the both the corporate and product level.[101] Additionally, the E.U. has implemented a requirement that all ESG ratings provided within the E.U. must be authorized and supervised by European Securities and Markets Authority ("ESMA").[102] ESMA is the E.U.'s financial market regulator and supervisor, and created these guidelines to "ensure that investors are protected against unsubstantiated or exaggerated sustainability claims in fund names, and to provide asset managers with clear and measurable criteria to assess their ability to use ESG or sustainability-related terms in fund names."[103] These guidelines require a minimum threshold of 80% of investments to align with environmental or other ESG objectives.[104]

As a part of the "European Green Deal," E.U. law requires large businesses to disclose risks relating to social and environmental issues—

99 Rocío Redondo Alamillos & Frédéric de Mariz, *How Can Europe Regulation on ESG Impact Business Globally?*, 15 J. RISK FIN. MGMT. 291, 295 (29 June 2022).

100 *Id.* at 298-99.

101 *Id.* at 301.

102 Harvey Greer, *EU Sets Rules to Regulate ESG Ratings, Crack Down on Greenwashing*, RESOURCEWISE (Feb. 9, 2024), https://www.resourcewise.com/environmental-blog/eu-sets-rules-to-regulate-esg-ratings-crack-down-on-greenwashing [https://perma.cc/6EBP-QGMR].

103 *ESMA Guidelines establish harmonized criteria for use of ESG and sustainability terms in fund names*, EUR. SEC. & MKT. AUTH. (ESMA) (May 14, 2024), https://www.esma.europa.eu/press-news/esma-news/esma-guidelines-establish-harmonised-criteria-use-esg-and-sustainability-terms [https://perma.cc/3RRX-VUZ7].

104 *Id.*

leading to the Corporate Sustainability Reporting Directive ("CSRD"), which began in 2024.[105] While the first reports were originally set to be released in 2025, the European Commission and E.U. Member States agreed on amending the CSRD to relieve companies from complex administrative burdens, with the hope of reducing compliance burdens while meeting the goals of the CSRD;[106] these proposals began in December 2025 and were not finalized by the end of the year, but businesses are advised to "continue to prepare detailed sustainability reports accordingly."[107]

Following initial compliance by large businesses, small and medium-size companies will also have to report under the CSRD beginning in 2027.[108] Under CSRD, companies will be required to report data across environmental, social, and governance categories.[109] CSRD also introduces "double materiality," a reporting system that includes both financial information as well as non-financial information about the impacts of the company's practices.[110] Companies must identify the most significant ESG issues in two ways: (1) "the extent necessary for an understanding of the company's development performance and position" and how it affects company value; and (2) "environmental and social

105 Directorate-General for Financial Stability, *Corporate Sustainability Reporting*, EUR. COMM'N (last updated Feb. 7, 2025), https://finance.ec.europa.eu/capital-markets-union-and-financial-markets/company-reporting-and-auditing/company-reporting/corporate-sustainability-reporting_en [https://perma.cc/M5L6-248T].

106 Directorate-General for Financial Stability, *Commission Welcomes Political Agreement on Omnibus I Simplification Package**, EUR. COMM'N (last updated Dec. 8, 2025), https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2981 [https://perma.cc/SF7J-352H].

107 *Id.*; *Navigate Changing CSRD Requirements*, CSRD Resources, https://www.csrdreadiness.com/?utm_term=corporate sustainability reporting directive [https://perma.cc/H54L-49SM] (last visited Mar. 31, 2026).

108 Noor Veenhoven, *Why the New CSRD EU Legislation is Also Important for Small Fashion Brands*, IMPACTBYTES, https://www.impactbytes.io/post/csrd-eu-legislation-important-for-fashion-brands [https://perma.cc/J4B5-WFV6] (last visited April 6, 2026).

109 *Id.* Environmental reports will cover topics of climate, pollution, water and marine, biodiversity and ecosystems, and resources and circular economy. Social reporting data includes information about workforce, workers in the value chain, affected communities, and customers and end-users. The governance category covers business conduct data. Companies are not required to report on all topics and can choose to focus on different areas of each sector.

110 *Id.*

impact of the company's activities on a broad range of stakeholders."[111] The data reported will reflect both the impact of sustainability on the company as well as the impact of the company on sustainable development.[112] CSRD builds on existing ESG legislation and requires that companies will identify areas for improvement in their ESG initiatives in line with the Paris Agreement.[113]

While CSRD is not aimed directly at fast fashion companies, they will be required to comply with the ESG reporting because of their size. Companies who do not meet the CSRD disclosure requirements face consequences including large fines and penalties; while not specified in the E.U. regulations, member states can enact national laws that set penalties, and the fines are enforced through other E.U. directives related to annual financial disclosures.[114] Along with CSRD reporting beginning in 2024, the E.U.'s Corporate Sustainability Due Diligence Directive ("CSDDD") entered into force in July 2024.[115] This is another initiative to "foster sustainable and responsible corporate [behavior] in companies' operations and across their global value chains" and requires companies to identify human rights and environmental impacts of their actions both within and outside of the E.U.[116] The CSDDD imposes several obligations, including integrating due diligence policies, identifying social and environmental impacts and taking steps to prevent or mitigate them, monitoring effectiveness of measures, and providing remediation, among other efforts.[117] Companies will also be required to make their

111 Carol A. Adams, Abdullah Alhamood, Xinwu He, Dr Jie Tian, Le Wang, and Yi Wang, *The Double Materiality Concept: Application and Issues*, QUEEN'S UNIV. BELFAST 1, 5 (2021).

112 *Id.* at 5.

113 Melissa Wijngaarden, *Upcoming Legislation in the EU Explained: The End of Fast Fashion?*, PROJECT CECE (Mar. 25, 2024), https://www.projectcece.com/blog/634/eu-legislation-sustainable-fashion-summary/ [https://perma.cc/JF2J-DUNA].

114 Ben Russell, *CSRD Fines & Penalties for Non Compliance*, COREFILING (Aug. 19, 2024), https://www.corefiling.com/2024/08/19/csrd-fines/#:~:text=Companies%20that%20fall%20short%20of,and%20accountability%20in%20corporate%20operations.[https://perma.cc/M4XN-4FTN].

115 *Corporate Sustainability Due Diligence* (2024), https://commission.europa.eu/business-economy-euro/doing-business-eu/sustainability-due-diligence-responsible-business/corporate-sustainability-due-diligence_en [https://perma.cc/B3A9-LQWD].

116 *Id.*

117 Anke C. Sessler, Sarah Johnen, and Lea Niedling, *Corporate Sustainability Due Diligence Directive: What Companies in Germany Need to Know*, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP AND AFFILIATES (July 25, 2024),

operations consistent with the Paris Agreement to limit global warming.[118]

CSDDD applies to E.U.-based companies with over 1,000 employees and a net turnover of over €450 million, as well as non-E.U. companies generating €450 million within the E.U.[119] Based on this criteria, ultra-fast fashion companies including SHEIN and Temu are subject to these regulations.[120] Under CSDDD, these businesses can be held liable for environmental and human rights violations in their production process, and are required to investigate their supply chain and take measures to eliminate and prevent risks.[121] E.U. Member States must designate an authority to supervise and enforce CSDDD rules; this function is coordinated through the European Network of Supervisory Authorities to standardize enforcement across the E.U.[122] CSDDD must be made into national law for Member States by July 2026, with smaller companies required to disclose information between 2027 and 2029 (depending on company size).[123]

CSDDD is a significant effort from the E.U. to require businesses to make environmental and social improvements in their supply chains which is especially relevant to the fast fashion industry. In many of these businesses, there are not only substantial concerns in connection to resource consumption and waste, but also regarding ongoing labor that remains insufficiently addressed under existing ESG frameworks.[124]

Possibilities for ESG Progress in the United States

In the E.U., both CSRD and CSDDD implement ESG frameworks that are expected to have lasting impacts on limiting supply chain harms, including in the fast fashion industry. Additionally, these frameworks

https://www.skadden.com/insights/publications/2024/07/corporate-sustainability-due-diligence-directive [https://perma.cc/DF7D-7GT6].

118 *Id.*

119 *CSDD, Explained: the Corporate Sustainability Due Diligence Directive*, NORMATIVE (Last updated Mar. 4, 2025), https://normative.io/insight/csddd/ [https://perma.cc/R6XK-T43Z].

120 Krijt, *supra* note 118.

121 *Id.*

122 *Id.*

123 Floris Krijt, *Is the "Anti-Look-Away Law" (CSDDD) the Answer to (Ultra) Fast Fashion?* FRUYTIER LAW IN BUS. (Nov. 26, 2024), https://www.flib.nl/en/is-the-csddd-the-answer-to-ultra-fast-fashion#:~:text=The%20Corporate%20Sustainability%20Due%20Diligence,as%20Alibaba%2C%20Temu%20and%20SHEIN. [https://perma.cc/VD6X-SAD5].

124 *See* Bick et. al, *supra* note 26; *See also* Ross & Kelly, *supra* note 7.

incorporate third-party verification processes when gathering ESG data. This varies greatly from the ESG regulations in the United States, especially considering that the SEC rescinded climate-related disclosure requirements during the second Trump administration.

There are three practices that the United States could implement to make progress in ESG regulation; and, in turn, increase sustainability efforts and transparency in business practices, including fast fashion companies. These practices include requiring third-party verification for ESG reports, implementing a double materiality requirement, and enacting a similar program to the CSDDD that encourages companies to limit the harm caused by their operations.

Third-party verification is completed in the E.U. by requiring that all ESG reports be supervised by ESMA.[125] This is distinct from the practices of the United States, where third-party verifications are becoming more common in as corporations voluntarily hire independent auditing firms rather than relying on government oversight.[126] Having an outside verification process increases transparency and accuracy in ESG reports and leads to greater credibility because of the reduced risk of bias by the report's author.[127] This increases the effectiveness of ESG regulations because noncompliance with environmental practices is more likely to be identified by an independent reviewer, and third-party verifiers generally have rigorous standards and a standardized methodology for data collection.[128] The United States' lack of a centralized verification system comparable to the E.U. means that it is left to individual businesses to decide whether to engage in third-party verification at their own expense. By contrast, the E.U. requires that reports be supervised by a government agency, meaning that all companies are subject to the same level of verification and that oversight is not dependent on corporate discretion. This is a straightforward step to

125 Greer, *supra* note 103.

126 Kelly Bourbon, Joe Donnelly, *Companies are Realizing the Benefits of Third-Party ESG Data Assurance*, BAKER TILLY (Aug. 11, 2023), https://www.bakertilly.com/insights/companies-are-realizing-benefits-of-third-party-esg-data-assurance [https://perma.cc/GKJ6-BZWQ] Large companies are enlisting verification companies to meet compliance with the SEC regulations and to increase reputation and trust with the public, both of which can lead to financial benefits and greater capital access through proof of ESG commitments.

127 *What are the Benefits of Third-Party Verification in Environmental Reporting?*, SBN Software (Nov. 9, 2024), https://sbnsoftware.com/blog/what-are-the-benefits-of-third-party-verification-in-environmental-reporting/ [https://perma.cc/PD3Y-TYX9].

128 *Id.*

increasing ESG transparency that the United States could take to improve its current regulatory framework.

The double materiality assessment requirement of the CSRD ensures that ESG regulations are focused not only on the financial performance but also on how corporate practices impact the environment and society.[129] These reports are more extensive than those required by the SEC in the United States, which does not have a double materiality element. While double materiality can pose difficulties for disclosures because of the challenges of quantifying the impacts of business practices, reporting on the impact can demonstrate improvements over time.[130]

This incentivizes companies to adopt better practices to report improvements and can inform investors on whether a company is committed to sustainability. Having a double materiality standard in the United States would increase the transparency of ESG reporting and provide not only financial data, but also greater insight into environmental and social impacts, thereby drawing attention to high-impact industries such as fast fashion. Double materiality thus serves as a stronger accountability mechanism than just reporting limited to financial ESG metrics.

Perhaps the most impactful ESG practice the United States could implement based on E.U. measures is a due diligence directive such as CSDDD. This measure goes beyond basic ESG reporting to require companies to investigate their practices and identify ways to decrease environmental and social harm.[131] Under CSDDD, companies that generate revenue above a set threshold within the E.U. are required to make plans to remediate environmental and social harm and adopt more sustainable practices.[132] This has a more concrete impact than merely requiring ESG disclosures. Neither the current CSRD disclosures in the E.U. nor the SEC-set U.S. requirements require a business to implement

129 Veenhoven, *supra* note 106.

130 Ron Bundy, *Get Ready to Hear the Term "Double Materiality." Here's What it Means for Investors*, MORNINGSTAR SUSTAINALYTICS (Jan. 7, 2025), https://www.sustainalytics.com/esg-research/resource/investors-esg-blog/get-ready-to-hear-the-term-double-materiality-what-it-means-for-investors [https://perma.cc/4RMM-FU4A] ("[T]he blast effects, or impact, are still legendarily hard to measure, so impact materiality is a very new frontier. Fortunately, a lot in the ESG financial materiality data is extremely meaningful and comparable when it comes to addressing this investor desire to measure impactful performance.")

131 European Commission, *supra* note 113.

132 *Id.*

substantive changes in their supply chains, but rather focus on disclosures that enable investor pressure and informed decision-making. CSDDD, in contrast, requires businesses to both disclose ESG practices and develop and implement plans to advance sustainability efforts.

While it seems unlikely that the United States will fully align with the E.U.'s approach to ESG disclosures, the difference between the E.U. and United States ESG regulations demonstrate that comprehensive legal frameworks can produce more transparent disclosures and furthermore can require companies to alter their supply chain practices in order to operate within a given market. As the United States is one of the largest consumers of fashion,[133] implementing not only double materiality and third-party verifications but also requiring fast fashion companies to identify and address their most environmentally damaging practices would may lead to meaningful changes in how the industry functions. Although the precise effects of such reforms are uncertain, increasing transparency in these ways could reduce waste and resource consumption and improve worker conditions. Strengthening ESG regulations would therefore have positive impacts on the fast fashion industry by demanding more disclosures and reducing the effectiveness greenwashing advertisements, as companies would have fewer opportunities to mislead consumers.

FURTHER INITIATIVES FOR FAST FASHION TO BECOME MORE COMPLIANT

While enhancing ESG regulations is an important step toward ensuring that fast fashion brands disclose accurate information, it does not specifically prevent the growth of harmful industries like fast fashion. However, there have been efforts to address this outside of ESG frameworks that could be further explored and applied in the United States and other major importers of fast fashion. This includes efforts to outlaw greenwashing marketing and a French bill that specifically targets the fast fashion industry. Furthermore, there is also a major loophole in U.S. law that allows fast fashion imports to continue not only at a large rate but also while avoiding import duties: the de minimis value limit. Addressing this loophole may be one of the most direct ways to target the root causes of the fast fashion industry. The following measures could be considered more widely to address fast fashion past increasing ESG transparency.

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133 *Global Fashion Industry Statistics*, FASHION UNITED (2022), https://fashionunited.com/statistics/global-fashion-industry-statistics [https://perma.cc/9RCY-CKPM].

Outlawing Greenwashing

While ESG initiatives are based on disclosing information, they are also primarily directed at investors than at the average consumer. However, many fast fashion brands have faced allegations not only of a lack of transparency but also of engaging in misleading or false advertising regarding their sustainability initiatives – a process commonly known as greenwashing. This practice can violate false advertising laws in the United States.[134] While there are no specific rules addressing greenwashing in the fast fashion industry, consumer awareness of the practice has led to litigation against major fast fashion titans that advertise green initiatives that may not be entirely accurate.[135] Multiple class-action lawsuits have been brought against H&M for false and misleading advertising, although most of these have been dismissed or withdrawn by plaintiffs as of 2025.[136] These lawsuits alleged that

134 Under U.S. federal law, the Lanham Act "allows businesses to sue competitors for false or misleading advertising, including greenwashing." These claims require that the claim is actually false or misleading, influenced consumers' purchasing decisions, and that the misleading claim caused harm. *Greenwashing in Advertising: Legal Implications and U.S. Framework*, STRUCTURE L. GRP. LLC (Jan. 31, 2025), https://www.sanjosebusinesslawyersblog.com/greenwashing-in-advertising-legal-implications-and-u-s-framework/#:~:text=The%20Lanham%20Act%20allows%20businesses,influenced%20consumers'%20purchasing%20decisions%3B%20and [https://perma.cc/5JTW-KQ5S].

135 David Baay, Matthew Rawlinson and Kelsey Machado, *United States: Navigating the New Rise of Greenwashing Litigation*, GLOB. LITIG. NEWS (July 31, 2024), https://globallitigationnews.bakermckenzie.com/2024/07/31/united-states-navigating-the-new-rise-of-greenwashing-litigation/ [https://perma.cc/842J-ZXLN].

136 A suit in 2022 was brought against H&M for false advertising but later dismissed by the court because the statements brought to court were accurate in that the materials in H&M's "Conscious Choice" line are more environmentally beneficial than the use of non-organic materials. Tiffany Ferris, Joseph Lawlor, and Emily Ketterer, *Guidance for 'sustainable' claims after dismissal of H&M 'greenwashing' class action*, REUTERS (Jun. 2, 2023), https://www.reuters.com/legal/legalindustry/guidance-sustainable-claims-after-dismissal-hm-greenwashing-class-action-2023-06-02/ [https://perma.cc/S7WJ-JPMX]. In a separate lawsuit, plaintiffs dropped the claim voluntarily after bringing complaints about a recycling program allegedly promoted by H&M. *Plaintiffs Withdraw Greenwashing Lawsuit Against H&M*, Common Share News (Dec. 20, 2023), https://news.commonshare.com/blog/plaintiffs-withdraw-greenwashing-lawsuit-against-h-m [https://perma.cc/LF8F-H3JD]. In 2024, a lawsuit for false sustainability marketing was filed in New York on the claim that H&M is "deceptively capitalizing on the growing segment of conscious consumers by creating an extensive marketing scheme to greenwash its products." This claim is still active. Brittany Sierra, *H&M is Being Sued for*

H&M misrepresented how sustainable its products are.[137] Although the lawsuits in the United States have yet to succeed, H&M nonetheless removed information regarding their Higg Sustainability Index data, which it had been using to promote its "sustainable" efforts.[138] The Higg Sustainability Index compiles date on the environmental impacts of different materials so that development teams can chose materials based on sustainability efforts.[139] Although this data has been widely used to promote sustainability initiatives, Norway banned its use in marketing because it lacked sufficient transparency.[140] The Norwegian Consumer Authority, who handles greenwashing claims in advertising for the nation, warned H&M (and similar brands using Higg Sustainability Index) that using this data was misleading and had to be removed, which may explain why H&M removed this information from the site despite the dismissal of the case.[141]

Greenwashing claims being brought as class-action lawsuits in the United States highlight that there is not sufficiently stringent enforcement against greenwashing. While the SEC has increased enforcement of false advertising laws related to greenwashing, there is not a broader rule explicitly prohibiting greenwashing.[142] Much like ESG disclosures, the E.U. has advanced consumer protection in this area beyond the United

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"Misleading" Sustainability Marketing. What Does This Mean for the Future of Greenwashing?, Sustainable Fashion Forum (Aug. 17, 2024), [https://www.thesustainablefashionforum.com/pages/hm-is-being-sued-for-misleading-sustainability-marketing-what-does-this-mean-for-the-future-of-greenwashing [https://perma.cc/NR6S-2THB].

137 Sierra, *supra* note 91.

138 *Id.*

139 *An Introduction to* MSI, HOW TO HIGG (2023), https://howtohigg.org/higg-msi/an-introduction-to-msi/ [https://perma.cc/7MFE-YYW2].

140 *Sierra,* supra note 91. The Higg Sustainability Index was used to promote sustainability internationally on H&M's website before the US lawsuits initiating. However, the Norwegian Consumer Authority (NCA) banned the use of using the Higg Sustainability Initiative because of a lack of transparency and progress in climate policies. The NCA warned the H&M brand to remove Higg Index marketing when it was used in Norway after this ban. Jenna Adrian-Diaz, *The Fashion Industry's Powerful—and Controversial—Sustainability Rating System, Exposed*, SURFACE MAG. (June 17, 2022), https://www.surfacemag.com/articles/fashion-higg-index-controversial/# [https://perma.cc/DQP3-RY4F]

141 Diaz, *supra* note 138.

142 Jon McGowan, *EU Greenwashing Law Is Waring to US Companies To Be Diligent in Environmental Claims*, FORBES (Jan. 23, 2024, 3:38 PM), https://www.forbes.com/sites/jonmcgowan/2024/01/23/eu-greenwashing-law-is-warning-to-us-companies-to-be-diligent-in-environmental-claims/ [https://perma.cc/HY9T-9X28].

States.[143] The European Parliament introduced the Directive on Empowering Consumers for the Green Transition, which "will ban exaggerated and unfounded claims relating to a company's environmentally friendly actions, including carbon neutral claims," in February 2024, and enforcement is set to begin in September 2026[144] This legislation represents the E.U.'s broader effort to address greenwashing, which is also reflected in its ESG regulations. Unlike ESG regulations, which focus on investors, this measure specifically targets consumer-facing transparency, enabling consumers to make decisions based on environmental information without concern about greenwashing.[145] A law like this would make it explicitly illegal for companies to engage in greenwashing, rendering them liable for misleading or false claims in ways that general business laws have not achieved.[146] Adopting a law like this in the United States would further transparency efforts in marketing and enhance consumers' ability to make informed decisions.

France has pushed even further than this E.U. law by introducing a bill that specifically recognizes fast fashion's environmental impacts and aims to reduce sales within the sector.[147] The legislation focuses on how fast fashion's "reliance on cheap materials and labor, coupled with its emphasis on rapid turnover and constant consumption, has led to a cycle of overproduction and waste."[148] This bill is a productive step toward directly curbing fast fashion, rather than just changing marketing rules. It builds on the E.U.'s broader efforts to regulate pollution by addressing not only the advertising but also the production line and consumer behavior.[149] The legislation incentivizes businesses to adopt more sustainable practices and allocates funding for garment repairs, consumer awareness, and waste management caused by the industry.[150] This would encourage French residents to repair and continue to use their garments and reduce reliance on fast fashion consumption. Further, the legislation would penalize the businesses by annually increasing the cost per

143 *Id.*

144 *Id.*; *Sustainable Consumption*, EUR. COMM'N (Sept. 25, 2025), https://commission.europa.eu/topics/consumers/consumer-rights-and-complaints/sustainable-consumption_en [https://perma.cc/D3XD-FQZ6].

145 *Id.*

146 *Id.*

147 *France Tackles The Environmental Impact of Fast Fashion*, IFA PARIS (Apr. 4, 2024), https://www.ifaparis.com/the-school/blog/france-tackles-environmental-impact-fast-fashion [https://perma.cc/8HYV-6V9X].

148 *Id.*

149 *Id.*

150 *Id.*

garment by up to €10 per item, which would further disincentivize purchases driven by low price points.[151] The bill passed the French Senate in June 2025 with 337 votes for it and only one dissenting vote.[152] The next step to implementing this law is for the executive power to apply the law voted on by the legislature.[153] It also has some limitations, such as the possibility that French consumers could get circumvent increased costs by ordering from another country in the E.U. and then having it shipped to France.[154] However, the E.U. has also adopted several sustainable textile legislative acts to address issues of waste and greenwashing.[155] This could indicate a trend that the E.U. will continue to regulate fast fashion, hopefully leading to a future where fast fashion is far less pervasive.

Despite a lack of federal efforts, some U.S. states, including California and New York, have made similar efforts to address the fast fashion industry. California enacted the Responsible Textile Recovery Act in October 2024, which requires apparel businesses (as well as bedding and other companies) to fund a statewide recycling program.[156] New York has also introduced the Fashion Act, which would require due diligence policies similar to CSDDD and supply chain mapping to increase transparency.[157] Similar to the French proposal, these would advance sustainability initiatives, although these are more in line with

151 Jessica Binns, *Does France's Anti-Fast Fashion Bill Have Legs?* VOGUE BUS. (Mar. 19, 2024), https://www.voguebusiness.com/story/sustainability/does-frances-anti-fast-fashion-bill-have-legs [https://perma.cc/JL5L-F2ST].

152 Chloe Williment, *SHEIN & Temu: Will New French Laws Change Fast Fashion?* Sustainability Mag. (June 16. 2025), https://sustainabilitymag.com/articles/shein-temu-will-new-french-laws-change-fast-fashion [https://perma.cc/BE7S-GLUA].

153 *France Bans Ultra-Fast Fashion Advertising*, WORLD WITHOUT FOSSIL AIDS, https://www.worldwithoutfossilads.org/listing/france-bans-ultra-fast-fashion-advertising/ [https://perma.cc/2DRQ-Z7CF] (last visited Mar. 31, 2026).

154 IFA PARIS, *supra* note 147.

155 *Fast Fashion: EU Laws for Sustainable Textile Consumption*, Eur. Parliament (Sep. 9, 2025), https://www.europarl.europa.eu/topics/en/article/20201208STO93327/fast-fashion-eu-laws-for-sustainable-textile-consumption#eu-legislation-for-more-sustainability-in-fashion-10 [https://perma.cc/CP2K-8LRS].

156 Sabrina Hoàng-Lan Jones, *California Enacts First-of-its-Kind Clothing Recycling Law*, Jones Day (Oct. 2024), https://www.jonesday.com/en/insights/2024/10/california-enacts-firstofitskind-clothing-recycling-law [https://perma.cc/95XW-5ZPX].

157 Anthony V. Lupo, Eva J. Pulliam, Angela M. Santo, Dan Jasnow, *New York State Fashion Act Would Put Fashion Industry Under the Spotlight*, NAT'L L. REV. (July 17, 2023), https://natlawreview.com/article/new-york-state-fashion-act-would-put-fashion-industry-under-spotlight [https://perma.cc/2LFW-WGRH].

ESG-style disclosure frameworks than repair-based initiatives. The California and New York proposals can provide a productive way to counteract possible rollbacks of federal guidelines and create more stringent rules. Implementing financial penalties to increase consumer cost and incentives to encourage garment repair would take these state actions a step further toward a more sustainable fashion industry. Additionally, a federal bill similar to these state initiatives could have a stronger impact, since companies could likely circumvent the state-level regulations by shifting operations across state jurisdictions.

Closing the De Minimis Exception Loophole

Perhaps the most straightforward adjustment the United States could make to stop the growth of the fast fashion industry is to lower the de minimis value for import tax purposes. Packages worth over $800 are subject to import taxes, which is higher than in many other countries, with the average in Europe being packages over $190.[158] The associated import taxes help support the rising costs across the globe and assist in "navigat[ing] complex supply chains."[159] The de minimis exception allows shippers to be exempt from import fees as well as duties, including reporting requirements related to supply chain data, which can allow shipments that violate trade laws to enter into the United States.[160] While the de minimis limit may help small businesses and individual shipments by exempting them from import taxes, this has become a common tactic for e-commerce fast fashion brands to evade import taxes by shipping directly to consumers (also known as "drop shipping").[161] Temu and SHEIN are especially large users of this practice and are "likely responsible for more than 30% of all packages shipped to the United States daily under the de minimis provision, and likely nearly half of all de minimis shipments to the U.S. originate from China."[162] Beyond avoiding import taxes, this practice is also used to "avoid bearing

158 *De Minimis Value—Express Shipment Exemptions*, INT'L TRADE ADMIN., http://trade.gov/de-minimis-value [https://perma.cc/79TS-SBS8].

159 *De Minimis: A Vital Tax Exemption*, NAT'L FOREIGN TRADE COUNCIL (2025), https://www.nftc.org/de-minimis-a-vital-tax-exemption/ [https://perma.cc/L79U-ADSU].

160 Cristopher A. Casey, *Imports and the Section 321 (De Minimis) Exemption: Originas, Evolution, and Use*, LIBR. OF CONG. (Jan. 31, 2025), https://www.congress.gov/crs-product/R48380 [https://perma.cc/EE3A-YYLB].

161 The Select Committee on the Chinese Communist Party, *Fast Fashion and the Uyghur Genocide: Interim Findings*, FREEDOM HOUSE, at 2 (2023).

162 *Id.*

responsibility for compliance with the UFLPA and other prohibitions on forced labor."[163]

This is one area that may be addressed by the second Trump administration, given that President Trump signed an executive order to end the de minimis exception in February 2025,[164] and continued the suspension of duty-free de minimis exceptions for all countries under the International Emergency Economic Powers in February 2026 (after the Supreme Court overturned the tariffs imposed by the executive branch).[165] This has caused challenges: after the first executive order was signed, more than a million packages were stopped at John F. Kennedy International Airport, and the executive order was reversed within days.[166] Furthermore, a lawsuit challenging the suspension of the de minimis exemption is able to proceed after the Supreme Court's ruling against Trump's tariff authority, once again raising the question of whether suspending the de minimis exemption is within the executive branch's authority.[167] This approach is not as proactive as strengthening ESG regulations or implementing targeted fast fashion legislation, but it could limit the ability of companies to circumvent both labor laws and import taxes, even if President Trump's actions did not appear motivated by environmental concern.

CONCLUSION

The fast fashion industry is incredibly harmful to the environment as well as to workers in the industry. This is clear from the data and has not been regulated in order to address the root problem. However, the

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163 *Id.* UFLPA is the Uyghur Forced Labor Prevention Act, which means that shipments under the de minimis exception "all but guarantees" that shipments contain products made with forced labor, including labor from Uyghur Muslim camps.

164 Laura Gottesdiener and Stephen Stephen Eisenhammer, *Tump Closed a Loophole for Low-Cost Importants—Until All Hell Broke Loose*, REUTERS (Feb. 14, 2025), https://www.reuters.com/world/us/trump-closed-de-minimis-import-loophole-until-all-hell-broke-loose-2025-02-14/ [https://perma.cc/NRD8-2UX8].

165 *Continuing the Suspension of Duty-Free De Minimis Treatment for All Countries*, THE WHITE HOUSE (Feb. 20, 2026), https://www.whitehouse.gov/presidential-actions/2026/02/continuing-the-suspension-of-duty-free-de-minimis-treatment-for-all-countries/ [https://perma.cc/NYP4-U8JZ].

166 Gottesdiener and Fisenhammer, *supra* note 164.

167 Zirpoli, *supra* note 40; Max Garland, *De Minimis: Case Aiming to Revive Exemption Can Proceed, Court Rules*, SUPPLY CHAIN DIVE (Mar. 10, 2026), https://www.supplychaindive.com/news/de-minimis-exemption-lawsuit-case-status/814329/ [https://perma.cc/Q6G7-MUQQ].

E.U. is taking measures to address the deeper issues of fast fashion beyond advertising. By implementing a combination of ESG disclosure regulations, banning greenwashing, and enacting bills like France's that promote sustainability and increase the cost for fast fashion businesses more to sell into the country, it may be possible to stop the continued growth of an industry that is so detrimental.

The United States has yet to adopt similarly stringent measures to follow in the E.U.'s footsteps. Furthermore, existing initiatives may be rolled back even more by the Trump administration in the remainder of his second term. However, the progress being made by the E.U. offers a model for what the United States could follow—a future where sustainability is valued to the extent that it constrains the growth of fast fashion titans and, in turn, their environmental impact. Even if such measures are not implemented in the current administration, it is imperative that the United States—one of the largest consumers of fast fashion—addresses the unethical practices that are central to fast fashion business models, particularly as climate change continues to intensify.