



New York State Department of Labor

David A. Paterson, *Governor*

M. Patricia Smith, *Commissioner*

September 15, 2008

Honorable Mr. David Paterson
Governor
The State of New York
Office of the Governor
The State Capitol
Albany, New York 12224

Dear Mr. Paterson:

In 2003, the Apparel Workers Fair Labor Conditions and Procurement Act was signed into law. It established a September Eleventh Bidders Registry that gave a public procurement preference to eligible apparel manufacturers impacted by the adverse business effects of the 2001 World Trade Center attacks. This Act sought to ensure that various public entities purchasing apparel and textiles did not purchase from any vendor unable or unwilling to certify that such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including but not limited to, child labor laws, wage and hour laws, and workplace safety laws.

In 2007, the New York State Legislature passed legislation (S. 4472/A. 6507) to amend these laws and make them permanent. This legislation was vetoed by Gov. Eliot Spitzer who directed the Department of Labor to undertake a review of the impact of the Apparel Bidders Registry on the apparel industry in New York State and to report back to the Governor and to the State Legislature as to whether the bidding preferences and other provisions in the law should be continued beyond the scheduled September 2008 sunset date.

Pursuant to Governor's Veto Message No. 64 of 2007, enclosed please find the Department's Report on the Impact of the September Eleventh Bidders Registry and the Apparel Workers Fair Labor Conditions and Procurement Act on State Procurement.

While the Report agrees that these provisions are laudable, the Department of Labor found that they fell short of their original intent. The Department recommends that the State develop improved policies and mechanisms to ensure that apparel and textiles purchased by state entities are manufactured under "sweatfree" conditions; i.e., in compliance with all applicable labor laws. A growing number of state and local governments have joined in a collaborative effort to facilitate "sweatfree" public procurement through a State and Local Government Sweatfree Consortium. The Department suggests that New York State determine whether joining the Sweatfree Consortium would be in the best interest of the state, or, alternatively, whether there are other approaches that would be better suited to the goal of insuring that state procurement is conducted in a manner that would not support sweatshops or other enterprises that do not comply with New York legal standards.

The Department looks forward to working with you to develop more effective and proactive approaches to achieving the goal of “sweatfree” procurement.

Sincerely,

A handwritten signature in black ink that reads "M Patricia Smith". The signature is written in a cursive style with a large, stylized initial "M".

M. Patricia Smith
Commissioner of Labor

Enclosure