



Maryland Grain Producers Association
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Senate Bill 345 - Pesticides - PFAS Chemicals - Prohibition

Committee: Education, Energy and the Environment

MGPA Position: OPPOSED

Maryland Grain Producers Association (MGPA) Position on Senate Bill 345

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers across the state, representing those growing corn, wheat, barley, and sorghum. MGPA strongly opposes Senate Bill 345, which seeks to prohibit the registration and use of pesticides containing an active ingredient defined as a per- and polyfluoroalkyl substance (PFAS) starting June 1, 2027. Specifically, the bill defines PFAS as: *“A class of fluorinated chemicals that contain at least one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances.”* This proposed legislation would effectively ban many pesticides without an individual evaluation of their risk.

While the exact number of pesticides that would meet this definition is unclear, estimates suggest it could range between 66 and 90 active ingredients across over 1,100 pesticide products. This lack of clarity, combined with the broad nature of the definition, poses a significant threat to the availability of essential tools for Maryland’s farmers.

The definition of PFAS in this bill is inconsistent with the working definition used by the U.S. Environmental Protection Agency (EPA), specifically the EPA’s Office of Pesticide Programs, which is responsible for regulating pesticides at the federal level. Additionally, the definition conflicts with the one used in the Toxic Substances Control Act. This discrepancy is concerning because the term “PFAS” does not inherently convey whether a compound is harmful—it only indicates that the compound contains a fully fluorinated methyl or methylene carbon atom.¹ Simply containing a fluorinated carbon does not communicate risk to human health or the environment. Therefore, banning pesticides based solely on this broad definition would remove critical tools from farmers’ arsenals for controlling pests and weeds, ultimately undermining the production of food, fuel, and fiber.

Pesticide regulation in the U.S. is governed by the EPA, where every pesticide must undergo a rigorous risk assessment for both human health and environmental impact before it can be registered for use. In addition, these chemicals are re-evaluated every 15 years or whenever new scientific data becomes available. Pesticides must meet stringent safety standards to remain in use, ensuring they do not pose “undue risk to human health or the environment.” The regulation of potential PFAS-related risks in pesticides should remain under the purview of the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Upon reviewing the pesticides affected by this legislation, Maryland’s grain farmers have determined that losing many of these herbicides and pesticides would severely hinder their ability to effectively control pests and weeds. For example, nearly 50% of the pre-emergent herbicides currently available for soybean weed control would be banned. Even though alternative products may remain, herbicide rotation is crucial to prevent resistance. This bill would further limit the options available to farmers,



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thereby exacerbating existing challenges in pest management.

Furthermore, this committee commissioned a study in 2023, involving the Maryland Departments of Agriculture, Environment, and Health, along with the EPA, to examine the issue of PFAS in pesticides. The recommendation of that study did not call for banning pesticides based on the one-carbon definition of PFAS. If this committee seeks to further address this issue, we urge you to rely on the expertise of these state and federal departments to ensure sound, science-based decisions.

Maryland farmers do not wish to be passive receivers of PFAS of concern. However, the definition proposed in this bill does not achieve this goal effectively. Moreover, regulating pesticides at the state level creates an unfair disadvantage for Maryland farmers, who would be limited in their ability to use important tools that remain available to farmers in surrounding states.

Farmers are stewards of the land and the original environmentalists. We understand and appreciate the need to minimize unnecessary PFAS in the environment. However, this bill would place Maryland farmers at an unfair disadvantage, limiting their ability to grow crops efficiently or implement critical conservation practices, such as cover crops and no-till farming, on a broad scale.

For these reasons, the MGPA respectfully requests an unfavorable report on Senate Bill 345.

1. "Reconciling Terminology of the Universe of Per- and Polyfluoroalkyl Substances: Recommendations and Practical Guidance." The Organisation for Economic Co-operation and Development (OECD) 2021