



Maryland Department of Agriculture

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BILL NUMBER: HB 386/SB 345
SHORT TITLE: Pesticides – PFAS Chemicals - Prohibitions
MDA POSITION: INFORMATION

HB 386 would alter and amend Title 5, Subtitle 2, Pesticide Applicator's Law, by requiring the Department of Agriculture to develop and maintain a list of certain registered pesticides that list PFAS chemicals as an active ingredient on the labeling accompanying the pesticide; prohibiting a person from using, for certain purposes and beginning on certain dates, certain PFAS pesticides; and prohibiting, beginning on a certain date, the Department from registering certain PFAS pesticides for sale in the State.

The bill would add a section to § 5-210.6 to the pesticide applicators law to prohibit the selling and application of a pesticide formulation with an active ingredient that meets the following definition: “...a class of fluorinated chemicals that contain at least one fully fluorinate carbon atom, including perfluoroalkyl and polyfluoroalkyl substances” and “...a pesticide that has PFAS chemicals listed as an active ingredient on the labeling.” EPA has a PFAS roadmap to address PFAS concerns in the environment from various contamination sources, which includes an extensive review process for the approval of new active ingredients in new formulations of pesticides. The agency is also reviewing PFAS under a new rule in the TSCA (Toxic Substances Control Act), and has published a definition in the Federal Register, Vol. 88, No. 195, pp. 70516 – 70559, Section III, A, 1.

Pesticides have a finite half-life in soil, water, vegetation, and in animal metabolism. These half-lives are much shorter than PFAS/PFOA in the environment, animals, and humans. The half-life of these compounds is between a few hours and 4-5 months, on average. Many of these are not mobile in the environment and will not leach into the water table. They also have a low volatility, which means they will not move from where they are applied once they reach the target, i.e., soil, plant material, etc. These pesticides have gone through rigorous testing for toxicity, environmental impact, etc., that the USEPA reviews before granting a registration.

The control of weeds, mosquitoes, spotted lantern flies, rodents, and other pests will be impacted as valuable tools are removed from the tool kit. There are currently 1,063 registered pesticide products that would be impacted by this legislation. The bill will impact home and pet owners,

farmers, lawn and turf professionals, structural pest management, etc. 73 of the products are rodenticides utilized by pest control companies throughout the state for effective eradication of rodents. 653 insecticides, 205 of which contain Bifenthrin, an insecticide used for mosquito control, flea and tick treatment, etc. The bill may have an initial unintended impact on public health. Response to emerging pests that enter Maryland will be hindered by the exclusion of these compounds from use until alternative, equally effective products are identified.

Additionally, there are 261 herbicides and 76 fungicides would be impacted by this legislation. Weed control programs fall into two areas of focus: eradication and management. The control of bull thistle, Canada thistle, Johnson grass, musk/knocking thistle, palmer amaranth, plumeless thistle, shattercane, and tall water hemp is important. Bull thistle can invade almost any type of disturbed area, such as forest clear cuts, riparian areas, and pastures. Canada thistle invades cropland, pastures, rangeland, roadsides, and other industries. It poses an economic threat to the agriculture industry. It reduces crop yields by competing for light, moisture, and nutrients. It reduces forage production in pastures and rangeland, degrades wildlife habitat, and can hinder reforestation and landscape efforts.

Johnson grass can hinder afforestation and reforestation by competing with tree seedlings for light, moisture and nutrients. It can out compete many other species for nutrients and over-top them to compete for sunlight. Musk/knocking thistle can be found in disturbed sites, such as former agricultural lands and roadsides, and can be challenging in areas that are newly planted in with tree seedlings. It can spread rapidly and can crowd out native species. Palmer amaranth has widespread resistance to some compounds. The weed competes aggressively with crops. The plants can grow over an inch per day during summer months and commonly reach a height of 6-8". Corn and soybean losses were up to 91% and 79%, respectively. Plumeless thistle can be found in former agricultural land, roadway rights-of-way, pastures, and edge habitats at the margins of woodlands. Lack of diversity can also increase pest and weed resistance when you take the variability of products off the market. These are just a few of the weeds that the Department regulates.

The MDA appreciates the consideration of the above information in the Committee's deliberations.

If you have additional questions, please contact Rachel Jones, MDA Director of Government Relations at Rachel.Jones2@maryland.gov or (667) 408-0134.