

SB0195-FAV-DTMG-1-28-21.pdf

Uploaded by: Bartlett, Olivia

Position: FAV



Olivia Bartlett, Co-Lead, DoTheMostGood Maryland Team

Committee: Education, Health, and Environmental Affairs

Testimony on: SB0195 - Environment – PFAS Chemicals – Prohibitions and Requirements

Position: Favorable

Hearing Date: January 28, 2021

Bill Contact: Senators Elfreth and Beidle

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 2500 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Poolesville east to Silver Spring and Olney. DTMG supports legislation and activities that keep all the members of our communities healthy and safe in a clean environment. DTMG strongly supports SB195 because PFAS “forever” chemicals in food packaging, rugs and carpets, and firefighting foam pollute our environment and are harmful to human health.

PFAS substances are a family of potentially thousands of synthetic perfluoroalkyl and polyfluoroalkyl chemicals. PFAS are known as “forever chemicals” because they are extremely persistent in the environment and in our bodies. PFAS chemicals have been used extensively in various industries because of their ability to repel oil and water. They can be found in Teflon nonstick products, stains and water repellants, paints, cleaning products, food packaging, and firefighting foams. PFAS chemicals can easily migrate into the air, dust, food, soil and water. People can also be exposed to them through food packaging and industrial exposure.

A growing body of science has shown that PFAS chemicals build up in our bodies and that very small doses of PFAS can cause liver damage, thyroid disease, decreased fertility, high cholesterol, obesity, hormone suppression, and several forms of cancer. Nearly all Americans, including newborn babies, have PFAS in their blood. Studies by the Environmental Working Group found PFAS contamination on at least 11 military bases in Maryland and in several drinking water sources. Several original forms of “long chain” PFAS chemicals were phased out, but recent studies by Auburn University of newer “short chain” replacements show that they may be even more dangerous, supporting scientists’ growing agreement that the entire class of PFAS chemicals is hazardous to human health.

SB0195 will protect all Maryland residents from these dangerous chemicals by prohibiting the use, manufacture, or sale of Class B fire-fighting foam, carpets and rugs, and food packaging that contain PFAS chemicals. In cases where fire-fighting foam containing PFAS is required by federal law, SB0195 will require that its use be documented and that it not be released to the environment through runoff and that it cannot be disposed by any method, such as incineration, landfills, or

other means that could release the PFAS to the environment or contaminate water supplies. Therefore, passage of SB0195 will prevent exposure of Maryland residents for further exposure to PFAS from three of the main sources of PFAS in our lives.

The federal Environmental Protection Agency (EPA) and the Food and Drug Administration have been slow to act on limiting dangerous PFAS chemicals. Other states have already proposed or enacted limits on PFAS. Michigan, New Jersey, Pennsylvania and other states have already proposed or enacted limits on PFAS in drinking water that are significantly lower than the EPA's advisory level. Washington and Maine have banned PFAS in food packaging and at least five states have restricted use of PFAS-based fire-fighting foam. California was the first state to require utilities to test tap water for PFAS and inform their customers.

SB0195 is a sound, science-based approach to limiting exposure of Maryland residents to this dangerous class of chemicals. Therefore, DTMG strongly supports SB0195 and urges a **FAVORABLE** report on this bill.

Respectfully submitted,

Olivia Bartlett
Co-lead, DoTheMostGood Maryland Team
oliviabartlett@verizon.net
240-751-5599

SB195 testimony pfas 2021.pdf

Uploaded by: Boyd, Linda

Position: FAV



THE EPISCOPAL DIOCESE OF MARYLAND

SUPPORT

SB 195

Environment – PFAS Chemicals – Prohibitions and Requirements
Education, Health and Environmental Affairs Committee

Good afternoon Chair Pinsky, Vice-Chair Kagan, members of the Education, Health and Environmental Affairs Committee, my name is Linda Boyd and today, I represent the Maryland Episcopal Diocese that represents 108 parishes and over 45,000 parishioners stretching from Western Maryland to Calvert County. We support SB 195.

This bill addresses the use of harmful chemicals known as PFAS. They are also known as “forever chemicals” because they do not break down in the environment. PFAs are dangerous to human health because their presence is linked to cancer, reproductive and developmental harms, and reduced effectiveness of vaccines. PFAS are used in non-stick cookware like pans, fabric stain-protective coatings, fast-food packaging, etc. PFAs have been found in the tap water of 49 states across the U.S.

This bill stops the use of PFAS in food packaging (following the lead of NY, WA, ME), as well as in rugs and carpets (like VT). It holds polluters accountable by ensuring that chemical manufacturers are legally and financially responsible for contamination of our waterways from PFAS. This bill also protects our air and water by banning the mass disposal of these chemicals by incineration (following NY lead).

We respectfully request a favorable report.

Maryland SB195 PFAS Protection Act Testimony 2021.

Uploaded by: Broder, Robin

Position: FAV



**SB195: Environment – PFAS Chemicals – Prohibitions and Requirements
PFAS PROTECTION ACT
Education, Health, and Environmental Affairs Committee
January 28th, 2021
Robin Broder, Waterkeepers Chesapeake**

FAVORABLE

Waterkeepers Chesapeake fights for clean water and a healthy environment by supporting Waterkeepers throughout the Chesapeake and coastal regions as they protect their communities, rivers, and streams from pollution. Waterkeepers Chesapeake has 17 Waterkeeper program members, representing thousands of residents in Maryland and the region.

Waterkeepers Chesapeake supports SB 195 to restrict the use and disposal of products that contain PFAS compounds. PFAS (per- and polyfluoroalkyl substances) is a class of over 9000 man-made chemical compounds that are used in various products from stain resistant carpets to food packaging materials commonly used in fast food chains, and firefighting foams used at airports and firefighting training grounds across Maryland and throughout the world. PFAS persist in the environment and in the human body, earning them the nickname “forever chemicals.” They are linked to cancer, hormone disruption, immune suppression, and reproductive problems. A CDC survey found PFAS in the blood of 97% of the participants. Unfortunately, EPA has yet to fully acknowledge the toxicity of all PFAS chemicals to humans nor has EPA issued toxicity standards; therefore, it is left up to states to protect their citizens from exposure of PFAS pollutants. SB 195 is a necessary first step in our fight against this public health risk.

What does this bill do?

- Stops the use of firefighting foam containing PFAS (Aqueous Film Forming Foam (AFFF)).
- Stops the use of food packaging products that contain PFAS.
- Stops the use of rugs and carpets that have PFAS in the product.
- Protects our air and water from the mass disposal of these products by incineration or landfill.

Why is this bill needed?

- Protects thousands of first responders in Maryland from the direct exposure of PFAS chemicals at 222 airports and over 900 fire departments. PFAS-free firefighting foams have been developed and are being used in many states.

- PFAS chemicals have been detected in surface water, groundwater, treated wastewater from sewage treatment plants and drinking water in Maryland. MDE is assessing public health risks from PFAS, but more must be done. This bill will protect public health by addressing sources of PFAS directly.
- Sampling of fish and water in Antietam Creek by Upper Potomac Riverkeeper showed incredibly high concentrations of PFAS in smallmouth bass. The level of the chemical in the Antietam Creek smallmouth bass plasma, tested in 2018, was at a minimum of 250,000 parts per trillion (PPT) while the EPA guidance for drinking water is 70 ppt. (<https://www.potomacriverkeepernetwork.org/troubling-findings-of-forever-chemicals-in-antietam-creek/>)
- Several articles in the Bay Journal chronicle how PFAS has been found in Maryland's fish and oysters, waterways, and drinking water. (<https://www.bayjournal.com/search/?l=25&sort=relevance&f=html&t=article%2Cvideo%2Cyoutube%2Ccollection&app=editorial&nsa=eedition&q=pfas>)
- The Agency of Toxic Substances and Disease Registry is conducting a nation-wide exposure assessment in PFAS in hotspot communities. This exposure assessment takes into account an individual's in-home exposure from toxic PFAS particles from carpets and furniture material. Major carpet retailers and textile companies are moving away from PFAS in their products, but not fast enough.
- PFAS chemicals are used in the packaging of foods from fast food restaurants to products in our grocery stores. PFAS compounds are used as a waterproofing in these products and can directly contaminate our food. McDonalds has recently announced the elimination of PFAS in all food packaging worldwide by 2025.
- When PFAS chemicals are incinerated, they pollute the air of surrounding communities because PFAS is not destroyed by incineration.
- When PFAS chemicals are landfilled, they can leach into our groundwater, putting our drinking water further at risk.
- The EPA has known of the environmental and human risk to our health for over 30 years and has been slow to respond with appropriate measures. It is up to each state's regulatory and legislative actions to properly protect its citizens.

What are the health risks of PFAS?

- Increased risk of kidney and testicular cancer.
- Hormone disruption and immune suppression.
- Reproductive deformities.
- Liver disease.
- Elevated cholesterol.
- Cancer.

Waterkeepers Chesapeake urges a favorable report.

Robin Broder
Deputy Director
robin@waterkeeperschesapeake.org

testimony for sb195.pdf

Uploaded by: Cardin, Nina

Position: FAV



Nina Beth Cardin
SB195 – Climate Solutions Now
Favorable
1.26.21

Dear Chairman Pinsky, Vice-Chair Kagan and Honorable Members of the Committee,

This bill should be one of your most non-controversial.

PFAs are “forever” and they are destructive.

They negatively affect the growth, learning, and behavior of infants and older children, interfere with the body’s natural hormones, affect the immune system, increase the risk of cancer and these are just some of the dangerous outcomes of ingesting PFAs.

Which we all do – for PFAs are found in our air, indoor dust, water, food.

But the good news is, there are healthier substitutes for PFAs. And the more PFAs are banned, the more healthy substitutes private industry will create.

I urge you to pass SB195.

Respectfully,

Nina Beth Cardin
Director, Maryland Campaign for Environmental Human Rights

Testimony In Support of SB 195 Reduction of PFAS J

Uploaded by: Ceruolo, Rich

Position: FAV

January 25, 2021

Maryland Senate
11 Bladen St.
Annapolis, MD. 21401

In Support of SB 195: Banning of the use of PFAS.

Good day members of the Education, Health and Environmental Affairs Committee.

I am writing to you today to support for reducing the use of PFAS across the state of Maryland.

PFAS is a chemical commonly used for many household items already in our homes. This group of chemicals is used in the production of a range of products including; lifejackets, non-stick pans, carpeting and fire fighting foams. They also exist in personal care products like sunscreens, shaving creams and cosmetics like mascara.

PFAS are problematic because they are toxic to humans due to their very slow rate of decay and can remain in the planets ecosystem for decades before they begin to decompose in any way. Studies have shown that these chemicals have already entered the drinking supplies of major cities across the country including New York, and Chicago according to the Centers for Disease Control and many environmental watchdog groups.

Please support this legislation so that we can start the long process of removing this toxic substance from our everyday lives and hopefully work to remove it from our drinking water, waterways and our local ecosystem. Patchwork solutions seldom work well. We need policy that is bold, wide reaching, and can make a positive impact across the state. And maybe help to influence our regional neighbors, and their environmental policies.

Please vote to support SB 195 and return a favorable vote on this important bill.
Thank you for your time and considering of my testimony today.

Mr. Richard Ceruolo,
Parent and advocate for children with disabilities, Maryland families, and Maryland's environment.
Parent Advocacy Consortium

Sunrise Mvmnt -PFAS Testimony Submission.pdf

Uploaded by: Chladil, Jesse

Position: FAV



January 26, 2021

Testimony on SB 195
PFAS Protection Act
Education, Health, and Environmental Affairs

Position: Favorable

Sunrise Movement Baltimore supports SB195, the Environment – PFAS Chemicals – Prohibitions and Requirements.

Why PFAS must be regulated:

PFAS chemicals don't break down in the environment, earning them the nickname "forever chemicals." These are carcinogenic chemicals that build up in our bodies over time, a dangerous and potentially lethal combination. In Maryland, we know there is contamination in drinking water and near many military bases, including right here in Annapolis.¹ This Maryland State legislative session, we have an opportunity to act on this imminent and immediate [public health threat](#). We must act now to turn off the tap to these forever chemicals and treat them like the hazardous materials they are. We must regulate the continued introduction of PFAS into our state's drinking water and seafood.

As explained in the Bay Journal, "In the six-state Chesapeake Bay watershed, there are at least 18 sites where PFAS have been detected. That could mean that relatively few industrial facilities in the region have made or used PFAS — or it may mean that no one's looked very hard."²

PFAS are still widespread in both production and use. Safeguarding against PFAS chemicals as a class is the best way to protect human health. Trying to regulate one chemical at a time will only leave us in an endless game of whack-a-mole. Marylanders deserve the same public health protections from PFAS that we see in other states. Maryland firefighters shouldn't have to suffer from exposure to toxic chemicals, especially when there are safer alternatives.

¹ Environmental Working Group map of PFAS Contamination, https://www.ewg.org/interactive-maps/2019_pfas_contamination/map/

² Chesapeake states grapple with 'forever chemical' contaminating drinking water, Bay Journal, July 15, 2019, https://www.bayjournal.com/article/watershed_states_grapple_with_forever_chemical_contaminating_drinking_water



The youth support this bill:

As young people fighting for a more just, equitable and healthy Maryland, we urge you to endorse the PFAS Protection Act. In a state which has played such an influential role in this nation's rich democratic history, you must be proactive in not letting corporations run rampant over the safety of your constituents. We must treat PFAS as the hazardous chemicals that they are. We must prevent them from building up further in our environment and in our blood. We must pass the PFAS Protection Act.

As inheritors and the future stewards of this state, youth support for the Green New Deal type policies and creating a cleaner environment is overwhelming. Sunrise Movement is a youth-led grassroots organization fighting for such policies and we urge you to take this small step in preventing further damage to our food and water supply.

What's in the bill:

- Turns off the tap on new contamination: stops the use of PFAS in firefighting foam (like [WA](#), [NH](#), [CA](#)), food packaging (like [NY](#), [WA](#), [ME](#)), and in rugs and carpets. **In all of these areas there are safer alternatives to PFAS.**
- Protects our air and water by banning the mass disposal of these chemicals by incineration ([NY](#)) and landfilling ([CA](#)).

We encourage a FAVORABLE report for this important legislation.

SenElfreth_FAV_Sb195.pdf

Uploaded by: Elfreth, Sarah

Position: FAV

SENATOR SARAH ELFRETH
Legislative District 30
Anne Arundel County

Budget and Taxation Committee

Subcommittees

Education, Business and Administration

Chair, Pensions

Senate Chair

Joint Committee on Administrative,
Executive, and Legislative Review

Joint Committee on the Chesapeake and
Atlantic Coastal Bays Critical Area



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Sarah.Elfreth@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 28, 2021

Testimony in Favor of SB195
Environment - PFAS Chemicals - Prohibitions and Requirements

Chairman Pinsky, Vice-Chair Kagan, and members of the Education, Health, and Environmental Affairs Committee:

I respectfully request a favorable report of Senate Bill 195 which would ensure that Maryland, like so many other States, takes the necessary actions to protect Marylanders and our environment from exposure to toxic PFAs chemicals. This legislation will specifically focus on three different materials that pose the most risk for Marylanders to be exposed to these chemicals: firefighting foam, carpets, and food packaging.

Perfluoroalkyl and Polyfluoroalkyl chemicals (PFAs) are highly fluorinated industrial chemicals that have been linked to serious illnesses including: testicular, kidney, liver and pancreatic cancer; reproductive problems; and, low birth weights as well as weakened immunity amongst children¹. Furthermore, these chemicals remain in our bodies for years and rarely break down in the environment - which is why PFAs are often referred to as “forever chemicals.”

From Michigan to New Jersey - there are hundreds of instances of PFA contamination nationwide. Even right here in nearby Chincoteague Island, there is severe suspected contamination because of the use of PFAs at NASA’s Wallops Island Flight Test Facility - and there will be a years-long process to determine how much damage was truly caused.

In response to this nationwide crisis, many states are taking action to protect citizens from these chemicals. Several states have enacted lower limits on the PFA amount allowed in water than is currently required by the EPA, Washington and Maine have banned PFAs in food packaging, at least five states have banned the use of fire-fighting foam that contains PFAs, and California is the first state to require utilities to test tap water for PFAS. The Federal Government has also begun the process of addressing this problem by implementing a phase out of PFAs at military bases and most recently the FY21 National Defense Authorization Act made major strides in protecting the environment around military installations.

¹ The Environmental Working Group (<https://www.ewg.org/pfaschemicals/>)

On firefighting foam this legislation will strictly prohibit the PFA-based foam after January 2022, and require stringent oversight for instances where the use of this foam is required under federal law. This Committee is no stranger to this specific issue as we passed Senate Bill 420 last year to begin the process of ensuring that firefighting foam that contains PFAs chemicals was not used for training purposes. This bill will also ensure that this harmful foam is not disposed of in a landfill or through incineration, further ensuring the protection of our environment.

On rugs and carpets this legislation will strictly prohibit the sale or manufacturing of rugs that contain PFA chemicals. The 2018 California Environmental Protection Agency report summarizes the prevalence of PFAs in carpets: “carpets and rugs [are] sources of significant and widespread human and ecological PFAS exposures. Carpets and rugs constitute nearly half of all floor coverings in U.S. homes and workplaces. A large percentage of the PFAs produced worldwide are used to treat carpets, rugs, and other home textiles to confer stain-, soil-, oil- or water-resistance.”²

On food packaging this legislation will strictly prohibit the sale or manufacturing of food packaging that contain intentionally added PFA chemicals after January 2022. The use of PFAS in food packaging is wide-spread -- the inside of cans for canned goods, the inside of microwave popcorn bags, and in many instances, fast food packaging.

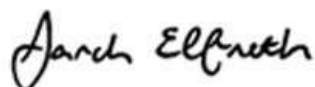
The market is reacting positively to the progress other states have achieved and, as you can read in Maryland PIRG’s testimony, many retailers have taken action to protect consumers from exposure to PFAS, including:

- Giant, Whole Foods, Trader Joe’s, Food Lion, Stop and Shop, Amazon, and Hannafords have all committed to eliminating PFAS from their packaging.
- McDonald’s, Chipotle, Taco Bell, Panera, Cava, and Sweetgreen have all made commitments to phase out PFAS food packaging.
- Home Depot and Lowes have announced their commitment to end sales of carpeting treated with PFAS and Staples has announced a policy to eliminate PFAS from stores.

Lastly, this legislation also includes uncodified language to require MDE to report on the work they are doing on this important issue as it relates to testing and remediation, as well as requiring MDE and MDH to develop an action plan to ensure that there is a plan moving forward to minimize exposure.

Once again, I respectfully request a favorable report of Senate Bill 195 to ensure that Marylanders and our environment are protected from exposure to toxic, “forever” PFA chemicals.

Sincerely,



² <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/10/Product-Chemical-Profile-PFAS-Carpets-and-Rugs.pdf>

Sarah Elfreth

Support SB0195 (Environment-PFAS Chemicals- Prohib

Uploaded by: Fine, Maureen

Position: FAV

Support SB0195 (Environment-PFAS Chemicals- Prohibitions and Requirements)
Sen. Elfreth Education, Health, and Environmental Affairs

Dear Senators,

My name is Maureen Fine, and I'm a grandparent writing to let you know that this bill is important to me. PFAS are a group of chemicals that persist in the environment and in our bodies---in our grandchildren's bodies. Exposure to these chemicals leads to adverse health effects. Let's do all we can to keep these chemicals out of the environment. Support SB0195 and let's get started!

Thank you,
Maureen Fine
2509 Knighthill Lane
Bowie, MD 20715
301-464-9306

SB195 PFAS Chemicals.pdf

Uploaded by: Hersey, Patricia

Position: FAV

Dear Members of the Education, Health and Environmental Affairs,

I am writing for a favorable report for SB195 PFAS Chemicals-Prohibitions and Requirements.

A recent review from the U.S. Centers for Disease Control and Prevention (CDC) outlines a host of health effects associated with PFAS exposure, including cancer, liver damage, decreased fertility and increased risk of asthma and thyroid disease.

Hundreds of industrial, aviation and military sites across North America are contaminated with PFAS. By one estimate more than 110 million people in the U.S. may be drinking PFAS-contaminated water.

I applaud Maryland for standing up against these “forever chemicals” as a powerful step to improve the environment and assure future generations a healthier planet.

Pat Hersey

9462 Farewell Rd.

Columbia, MD 21045

Sunrise Movement Maryland- PFAS ban(1).pdf

Uploaded by: Leas, Stephen

Position: FAV



Sunrise Movement Maryland

Committee: Education, Health, and Environmental Affairs
Testimony on: SB195 - PFAS Protection Act
Organization: Sunrise Movement Maryland (representing 7 hubs)
Person
Submitting: Stephen J Leas, Political Lead
Position: Favorable
Hearing Date: January 28, 2021

Position: Favorable

Dear Mr. Chairman and Committee Members,

Thank you for allowing our testimony today in support of SB195. Sunrise Movement Maryland is a coalition of seven Sunrise hubs (and growing) across the state of Maryland, including Silver Spring, Einstein, Rockville, Frederick, Howard County, McDaniel, and Baltimore. We are a youth led movement fighting for a Green New Deal that addresses the climate crisis on the scale that science demands, creates enough jobs in the green economy for all who need them, and addresses historical injustices in the process. We support SB195, the Environment – PFAS Chemicals – Prohibitions and Requirements.

Why PFAS need to be regulated:

PFAS chemicals don't break down in the environment, earning them the nickname "forever chemicals." These are carcinogenic chemicals that build up in our bodies over time, a dangerous and potentially lethal combination. In Maryland, we know there is contamination in drinking water and near many military bases, including right here in Annapolis.¹ This Maryland State legislative session, we have an opportunity to act on this imminent and immediate [public health threat](#). We must act now to turn off the tap to these forever chemicals and treat them like the hazardous materials they are. We must regulate the continued introduction of PFAS into our state's drinking water and seafood.

¹ Environmental Working Group map of PFAS Contamination, https://www.ewg.org/interactive-maps/2019_pfas_contamination/map/



As explained in the *Bay Journal*, “In the six-state Chesapeake Bay watershed, there are at least 18 sites where PFAS have been detected. That could mean that relatively few industrial facilities in the region have made or used PFAS — or it may mean that no one’s looked very hard.”²

PFAS are still widespread in both production and use. Safeguarding against PFAS chemicals as a class is the best way to protect human health. Trying to regulate one chemical at a time will only leave us in an endless game of whack-a-mole. Marylanders deserve the same public health protections from PFAS that we see in other states. Maryland firefighters shouldn’t have to suffer from exposure to toxic chemicals, especially when there are safer alternatives.

What’s in the bill:

- Turns off the tap on new contamination: stops the use of PFAS in firefighting foam (like [WA](#), [NH](#), [CA](#)), food packaging (like [NY](#), [WA](#), [ME](#)), and in rugs and carpets. **In all of these areas there are safer alternatives to PFAS.**
- Protects our air and water by banning the mass disposal of these chemicals by incineration ([NY](#)) and landfilling ([CA](#)).

We encourage a FAVORABLE report for this important legislation.

² Chesapeake states grapple with ‘forever chemical’ contaminating drinking water, *Bay Journal*, July 15, 2019, https://www.bayjournal.com/article/watershed_states_grapple_with_forever_chemical_contaminating_drinking_water

SB195_PFAS.pdf

Uploaded by: Lewis, Bob

Position: FAV

Joe Anderson
President

January 16, 2021

Patricia Samford
Vice President

Subject: SB195: Environment – PFAS Chemicals – Prohibitions and Requirements
Education, Health, and Environmental Affairs Committee - January 28th, 2021

Larry O'Brien
Secretary

FAVORABLE

Chandler Wyatt
Treasurer

Melina Cavathas
Director

Dear Senator Pinsky and members of the Committee,

Captain Will Gates
Director

Without reservation, we strongly request a favorable finding for SB195, the
PFAS Protection Act.

John Giusti
Director

Here in southern Maryland, we find ourselves in the presence of two military
installations that have both used and spilled AFFF foams. The Navy has informed
the public via one public meeting (300 attendees) last March and one televised
presentation to our county commissioners this month. This notice has resulted in
a local public that is angry and scared. People here are aware of the threat and
are demanding regulatory action, product advisories, and accountability.

Emily Jackson
Director

Captain Paul Kellam
Director

David Lewis
Director

Our Association in partnership with the Public Employees for Environmental
Responsibility took it upon ourselves to test surface waters of the St. Mary's River
and a few of the aquatic animals caught in the river or nearby in the Potomac.
We made our findings and lab reports available to the Maryland Department of
the Environment. The waters tested positive for minute amounts of several PFAS
analytes. Seven oysters taken from waters throughout the tidal estuary tested
positive for several PFAS analytes as well and in amounts approximately fifty
times higher than the surface waters they were taken from. But most alarming
was a 23-inch striped bass caught nearby in Cornfield Harbor Potomac River that
tested 23,100 total parts per trillion of seven PFAS analytes. Smallmouth bass
tested near the mouth of Antietam Creek were 10 to 20 times higher than this
striped bass (500,000 ppt).

Bob Paul
Director

John Spinicchia
Director

Elaine Szymkowiak
Director

These findings are alarming and yet they also represent most of the testing
done in Maryland. We believe other tributaries to the Bay and the Bay itself
already have levels of PFAS that are a health concern. Clearly, there is a problem
in Maryland that needs to be addressed immediately—before any more PFAS
enters our environment.


The analytes we found in St. Mary's River waters, oysters, and the one crab came from one or more sources. We found nothing to support or refute that the military installation on our shores was responsible as a source. Our research for potential uses or sources of some of the analytes we found are sunscreens, landfill leachate, and agricultural runoff from land where municipal sludge was applied. We also know that PFAS is in many products we use every day.

It is our contention that PFAS is entering our system through numerous sources and that the combined accumulation of these chemicals is a critical health concern.

SB195 is a necessary first step to reduce the ongoing flow of PFAS chemicals into our environment. AFFF, food containers, carpets, and rugs are significant sources that *are not essential uses* of PFAS chemicals. The European Union has developed fire-fighting foams that do not contain PFAS. Carpets, rugs, and food containers do not require PFAS to function.

We need to take all means necessary to arrest PFAS pollution and rising concentrations of these PFAS chemicals in our environment and in our food. We request the Committee return a FAVORABLE report on SB195.

Respectfully,

A handwritten signature in black ink, appearing to read "Joseph Anderson". The signature is fluid and cursive, with a prominent loop at the end.

Joseph Anderson, president

SB195 PFAS Ban Testimony-KL .pdf

Uploaded by: Longabaugh, Katherine

Position: FAV



January 26, 2021

Testimony on SB 195
Environment – PFAS Chemicals – Prohibitions and Requirements.
Education, Health, and Environmental Affairs

Position: Favorable

My name is Katherine, a resident of Baltimore, District 43. I am a member of the Sunrise Movement Baltimore, a movement led by young people fighting against the climate crisis. This testimony represents my support for SB195, the Environment – PFAS Chemicals – Prohibitions and Requirements.

Why PFAS need to be regulated:

PFAS chemicals don't break down in the environment, earning them the nickname "forever chemicals." These are carcinogenic chemicals that build up in our bodies over time, a dangerous and potentially lethal combination. In Maryland, we know there is contamination in drinking water and near many military bases, including right here in Annapolis.¹ This Maryland State legislative session, we have an opportunity to act on this imminent and immediate public health threat. We must act now to turn off the tap to these forever chemicals and treat them like the hazardous materials they are. We must regulate the continued introduction of PFAS into our state's drinking water and seafood.

As explained in the Bay Journal, "In the six-state Chesapeake Bay watershed, there are at least 18 sites where PFAS have been detected. That could mean that relatively few industrial facilities in the region have made or used PFAS — or it may mean that no one's looked very hard."²

PFAS are still widespread in both production and use. Safeguarding against PFAS chemicals as a class is the best way to protect human health. Trying to regulate one chemical at a time will only leave us in an endless game of whack-a-mole. Marylanders deserve the same public health protections from PFAS that we see in other states. Maryland firefighters shouldn't have to suffer from exposure to toxic chemicals, especially when there are safer alternatives.

¹ Environmental Working Group map of PFAS Contamination, https://www.ewg.org/interactive-maps/2019_pfas_contamination/map/

² Chesapeake states grapple with 'forever chemical' contaminating drinking water, Bay Journal, July 15, 2019, https://www.bayjournal.com/article/watershed_states_grapple_with_forever_chemical_contaminating_drinking_water



Why I support this bill:

Toxic chemicals that cause health problems have no right existing in our daily lives and staying around in our environment. I worry about the future health effects to myself and other Marylanders like firefighters who will bear the brunt of the use of these chemicals when we can use safer alternatives. Please regulate PFAS and encourage the use of safer alternatives!

What's in the bill:

- Turns off the tap on new contamination: stops the use of PFAS in firefighting foam (like [WA](#), [NH](#), [CA](#)), food packaging (like [NY](#), [WA](#), [ME](#)), and in rugs and carpets. **In all of these areas there are safer alternatives to PFAS.**
- Protects our air and water by banning the mass disposal of these chemicals by incineration ([NY](#)) and landfilling ([CA](#)).

We encourage a FAVORABLE report for this important legislation.

Sincerely,

Katherine Longabaugh
317 E 30th St
Baltimore, MD 21218
District 43

Written Testimony of PEER.pdf

Uploaded by: Mercola, Monica

Position: FAV



SB195: Environment – PFAS Chemicals – Prohibitions and Requirements
Education, Health, and Environmental Affairs Committee
January 28th, 2021
Monica Mercola, PEER Legal Fellow

FAVORABLE

Public Employees for Environmental Responsibility, or PEER, is a nonprofit organization dedicated to protecting our environment and civil servants who safeguard it.

We support SB195 to restrict the use and disposal of PFAS chemicals. Prohibiting PFAS in firefighting foam, food packaging, and in rugs and carpets is necessary to protect our health and the environment. High levels of PFAS contamination are associated with suppressed immune function, thyroid disease, testicular and kidney disease, cancers, and liver damage.ⁱ Additionally, high levels of PFAS may decrease the effectiveness of the body to respond to vaccines or create a more severe reaction to COVID-19.ⁱⁱ Unless we act now, the problems associated with contamination will grow exponentially worse as PFAS build up in the environment.

Restricting PFAS as a class of chemicals, rather than individually, is essential to avoid a chemical whack-a-mole. The traditional approach of managing each chemical individually fails because the chemical industry routinely replaces old compounds with new PFAS that are just as toxic. The physicochemical, environmental, and toxicological properties of PFAS mean that PFAS all have a high persistence, accumulation potential, and similar known and potential hazards.ⁱⁱⁱ Restriction as a class in firefighting foam, food packaging, and rugs and carpets will help protect children and families from toxic chemicals while holding polluters accountable.

Maryland must take control as the Federal government has ignored PFAS contamination. The EPA does not regulate the more than 9,000 different types of PFAS.^{iv} The Toxic Substances Control Act (TSCA) investigates chemicals only after reports of harm. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) does not require manufacturers to disclose inert ingredients in their products. Neither the Resource Conservation and Recovery Act (RCRA) nor the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) consider PFAS hazardous. Maryland must fill this void by restricting the use and disposal of PFAS through SB 195.

Therefore, the only way we can guarantee the safety of our environment, our children, and ourselves is to stop PFAS at their source.

Thank you.

Monica Mercola, PEER Legal Fellow
mmercola@peer.org

ⁱ <https://www.atsdr.cdc.gov/Toxfaqs/TF.asp?id=1116&tid=237>

ⁱⁱ <https://doi.org/10.1101/2020.10.22.20217562>

ⁱⁱⁱ <https://pubs.acs.org/doi/10.1021/acs.estlett.0c00255>

^{iv} https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster

SB0195 MD NARAL SUPPORT.pdf

Uploaded by: Philip, Diana

Position: FAV



SB0195 Environment – PFAS Chemicals – Prohibitions and Requirements
Presented to the Hon. Paul Pinsky and
Members of the Senate Education, Health, and Environmental Affairs Committee
January 28, 2021 11:00 a.m.

POSITION: MONITOR

NARAL Pro-Choice Maryland urges the Health and Government Operations Committee to issue a **favorable report on SB0195 - Environment – PFAS Chemicals – Prohibitions and Requirements**, sponsored by Senator Sarah Elfreth.

Our organization is an advocate for reproductive health, rights, and justice. Preventing harmful exposures to environmental chemicals is a priority for reproductive health professionals because exposure to PFAS and other chemicals can have serious, life-long and inter-generational impacts on reproductive and sexual health. SB0195 prohibits the manufacturing, selling, and use of certain products containing PFAS chemicals including fire-fighting foam, rugs and carpets, and food packaging. Pollution from PFAS chemicals can be found in water, air, soil, dust, and food and they are primarily absorbed through oral intake and inhalation.¹

Extensive research has demonstrated that chemical exposures, especially during critical and sensitive windows of development such as pregnancy, can lead to a myriad of health consequences that can manifest across individual's lifespan and potentially be transmitted to future generations. Chemical exposure during pregnancy can cross the placenta and accumulate in the fetus, exposing the fetus to pollutants before birth. Researchers have found a correlation between exposure to PFAS chemicals during pregnancy and adverse reproductive health outcomes including pregnancy-induced hypertension and preeclampsia, reduced birthweight, reduced fetal growth, and increased risk for thyroid disease in children.² These health outcomes can cause enduring mental and physical trauma to pregnant persons and the infants they deliver. Substantial research has shown that low birth weight infants may be more at risk for many health problems; some may become sick in the first six days of life or develop infections, others can suffer from long term problems such as delayed motor skills and social development or learning disabilities.³ Furthermore, [PFAS chemicals are persistent](#), remaining in the environment and posing risk to the health of humans for many years even after their production is discontinued.

By prohibiting the production, sale, and use of certain products containing PFAS chemicals, SB0195 seeks to mitigate the long-term adverse human health consequences associated exposure to PFAS chemicals as a result of water and air pollution. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0195**. Thank you for your time and consideration.

¹ Fei, Chunyuan et al. "Perfluorinated chemicals and fetal growth: a study within the Danish National Birth Cohort." *Environmental health perspectives* vol. 115,11 (2007): 1677-82. doi:10.1289/ehp.10506

² Wang, Aolin et al. "Environmental influences on reproductive health: the importance of chemical exposures." *Fertility and sterility* vol. 106,4 (2016): 905-29. doi:10.1016/j.fertnstert.2016.07.1076

³ Centers for Disease Control and Prevention. Reproductive and Birth Outcomes and the Environment. Retrieved <https://ephtracking.cdc.gov/showRbBirthOutcomeEnv>

TESTIMONY FOR SB0195 Environment - PFAS Chemicals

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR SB0195
ENVIRONMENT - PFAS CHEMICALS – PROHIBITIONS AND REQUIREMENTS**

Bill Sponsor: Senator Elfreth

Committee: Education, Health and Environmental Affairs

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0195 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

PFAS chemicals are used in firefighting foam, food packaging, rugs and carpets. They are polluting our drinking water and are accumulating in our bodies. They have been linked to cancer and other serious illnesses.

This bill, if passed, would prevent the mass incineration or landfilling of PFAS chemicals. It would also prohibit the manufacture, sale or distribution of products containing PFAS chemicals, such as rugs and carpets, food packaging and firefighting foam.

We are poisoning ourselves and our children. Think of the future effects of this poison as it continues to accumulate in our children. We must stop the use of these toxic chemicals immediately.

We support this bill and recommend a **FAVORABLE** report in committee.

1.28_SB195_PFAS Protection Act_Emily Scarr_MDPIRG

Uploaded by: Scarr, Emily

Position: FAV

Maryland PIRG



CHESAPEAKE BAY FOUNDATION
Saving a National Treasure



BLUE
WATER
BALTIMORE



Maryland Conservation Council
Protecting Maryland's Natural Heritage Since 1969



CLIMATE X CHANGE



**SB195: Environment – PFAS Chemicals – Prohibitions and Requirements
Education, Health, and Environmental Affairs Committee
January 28th, 2021
Emily Scarr, Maryland PIRG Director
FAVORABLE**

Maryland PIRG is a statewide, non-partisan, non-profit, citizen-funded public interest advocacy organization with grassroots members across the state. For forty years we've stood up to powerful interests whenever they threaten our health and safety, our financial security, or our right to fully participate in our democratic society.

We support SB195 to restrict the use and disposal of PFAS chemicals. PFAS chemicals are polluting our waterways and drinking water and putting public health at risk.

- This bill does not ban PFAS in all uses.
- This bill is based on existing laws in other states and market trends, catching Maryland up with some of our peers in addressing this growing crisis.
- PFAS chemicals are not essential in the products in this bill.
- Our nation's leading experts on PFAS exposure have called for [regulating these chemicals as a class](#) and stopping [non-essential uses](#) because of the risks they pose to public health.

Emily Scarr, Maryland PIRG Emily@MarylandPIRG.org
[@emilyscarr](#) [@marylandpirg](#)

We have an uphill battle in front of us to clean up PFAS from our communities and waterways. In order to address the problem, we need to stop new contamination, which this bill can help do. In the years to come, the state will be facing challenges to address PFAS contamination through testing and remediation, and this is a good start.

What's in the bill:

- Turns off the tap on new contamination: stops the use of PFAS in firefighting foam (like [WA](#), [NH](#), [CA](#)), food packaging (like [NY](#), [WA](#), [ME](#)), and in rugs and carpets. **In all of these areas there are safer alternatives to PFAS.**
- Protects our air and water by banning the mass disposal of these chemicals by incineration ([NY](#)) and landfilling ([CA](#)).

Seemingly every week we are hearing about more communities across the country who have been exposed to dangerous levels of PFAS in their drinking water. [In Maryland, we know there is contamination in drinking water and near many military bases, including right here in Annapolis.](#)¹ Recent testing has also found [alarming levels of PFAS in water and seafood](#).

As explained in the Bay Journal, “In the six-state Chesapeake Bay watershed, there are at least 18 sites where PFAS have been detected. That could mean that relatively few industrial facilities in the region have made or used PFAS — or it may mean that no one’s looked very hard.”²

PFAS are still widespread in both production and use. Safeguarding against PFAS chemicals as a class is the best way to protect human health. Trying to regulate one chemical at a time will only leave us in an endless game of whack-a-mole. Marylanders deserve the same public health protections from PFAS that we see in other states. Maryland firefighters shouldn’t have to suffer from exposure to toxic chemicals, especially when there are safer alternatives.

In 2022, we hope the legislature will take further action on PFAS. We need to ensure Maryland has the legal framework to hold polluting industries accountable for the pollution they produce and the harm they cause, we need robust water testing to identify the extent of the problem, and we need to clean up contamination where it exists.

Firefighting Foam

In particular, the use of firefighting foams containing PFAS, no longer makes sense. PFAS foam puts our water at risk. It also endangers our firefighters, who are at increased cancer risk due to exposure to PFAS. **In fact, cancer is the leading cause of death among firefighters in the United States**, according to the Firefighter Cancer Support Network and the International Association of Fire Fighters.

[There are already safer alternatives to PFAS foam on the market.](#) [Many states](#), the U.S. Military and the EU are already moving away from using PFAS fire fighting foam completely.

¹ Environmental Working Group map of PFAS Contamination, https://www.ewg.org/interactive-maps/2019_pfas_contamination/map/

² Chesapeake states grapple with 'forever chemical' contaminating drinking water, Bay Journal, July 15, 2019, https://www.bayjournal.com/article/watershed_states_grapple_with_forever_chemical_contaminating_drinking_water

Industry Movement

Due to public demand, major retailers are eliminating PFAS from key product lines, but there are laggards in the market. In order to ensure we protect the public it is time for state action.

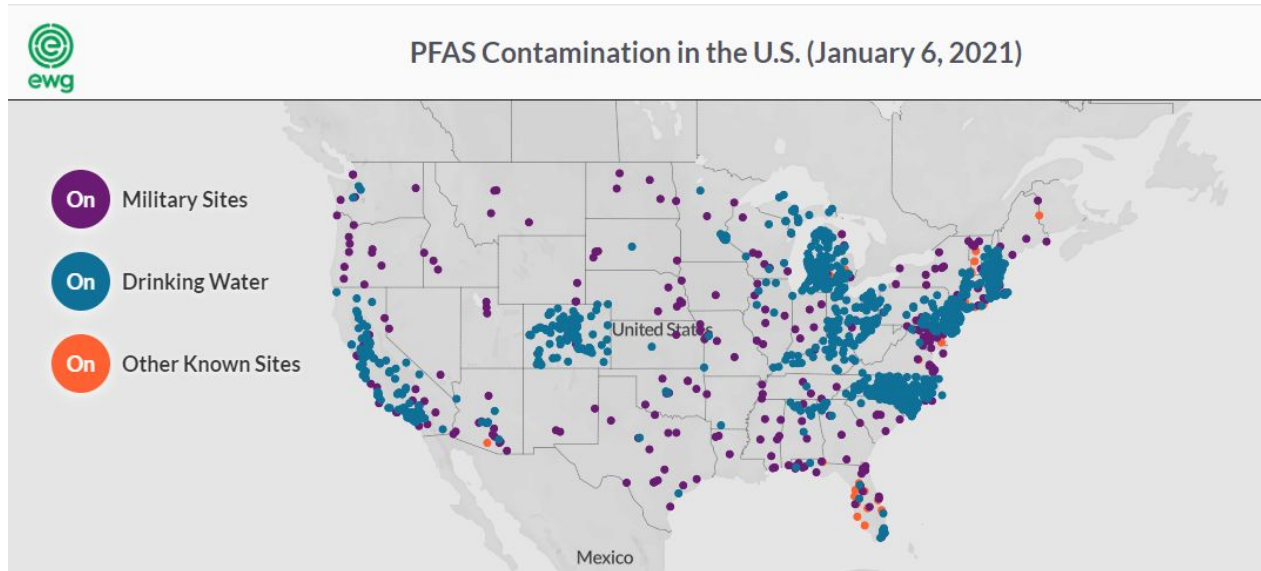
- Grocery chains including Giant, Whole Foods, Trader Joe's, Food Lion, Stop & Shop, Amazon, and Hannaford's have all committed to eliminating PFAS from their packaging.
- Fast food chains [McDonald's](#), Chipotle, Taco Bell, Panera, Cava, and Sweetgreen have all made commitments to phase out PFAS food packaging, and testing has confirmed that PFAS use is not universal in fast food food packaging.
- Home Depot and Lowe's have announced their commitment to end sales of carpeting treated with PFAS. And Staples has announced a policy to eliminate PFAS from stores.

We urge a favorable report. Thank you.

Maryland PIRG

Arundel Rivers Federation
Blue Water Baltimore
Chesapeake Bay Foundation
Climate Exchange
Environment Maryland
Food and Water Watch
Maryland Campaign for Environmental Human Rights
Maryland Conservation Council
Maryland League of Conservation Voters
Maryland Pesticide Education Network
Maryland United for Peace and Justice
Mom's Organic Market
Public Employees for Environmental Responsibility
Safe Skies Maryland
ShoreRivers
Strong Future Maryland
Sunrise Movement Baltimore
Trash Free Maryland
Unitarian Universalist Legislative Ministry of Maryland
Waterkeepers Chesapeake

EWG: MAP OF KNOW PFAS CONTAMINATION



2020 Report on PFAS in Food Packaging

Nearly half of tested food packaging items likely contained PFAS chemicals

	Number of samples that tested above the fluorine screening level out of the total number tested in each category		Burger or sandwich		Fries, other fried items, or desserts		Salads, warm bowls, or other meals	
			WRAPPER	CARDBOARD CONTAINER	PAPER BAG	PAPERBOARD CONTAINER	MOLDED FIBER BOWL	MOLDED FIBER TRAY
7,000+ ¹ stores	3	out of 8	● ○ ○ ²		● ●	○ ○ ○		
15,000+ ¹ stores	3	out of 9	○ ○ ○ ²	●	● ●	○ ○ ○		
6,000+ ¹ stores	1	out of 4	○ ²		●	○ ○		
100+ stores	4	out of 4	●		●		● ²	●
300+ ¹ stores	1	out of 2	○				● ²	
100+ stores	2	out of 2					● ● ²	
TOTAL	14	out of 29	● ● ● ○ ○ ○ ○ ○ ○ ○ ○ ○	●	● ● ● ● ● ●	○ ○ ○ ○ ○ ○	● ● ● ● ● ●	●

PFAS PROTECTION ACT



Toxic PFAS in our drinking water: PFAS chemicals have been found in seafood and drinking water in Maryland.

“Forever chemicals”

PFAS are a class of [more than 9000 chemicals](#) used to make products grease- or water-proof, most of which are still in use today.

These man-made chemicals don't break down in the environment, earning them the nickname “forever chemicals.” They also build up in our bodies over time, a dangerous combination.

Contamination and exposure

Maryland, like many states, does not require testing for PFAS in drinking water, but recent studies found high levels of PFAS chemicals in [seafood, drinking water](#), and at various [military sites in Maryland](#).

Marylanders are also exposed to PFAS in consumer products and in food packaging.

Firefighters, active military and their families, and children are most at risk of PFAS exposure, but everyone is at risk.

SB195 / HB22

Sen. Elfreth and Del. Love

This bill restricts the use and disposal of toxic PFAS chemicals:

- Turns off the tap on new contamination: stops the use of PFAS in firefighting foam (like [WA](#), [NH](#), [CA](#)), food packaging (like [NY](#), [WA](#), [ME](#)), and in rugs and carpets.
- Protects our air and water by banning the mass disposal of these chemicals by incineration ([NY](#)) and landfilling ([CA](#))

Protecting public health

Elevated levels of PFAS in blood has been associated with [health concerns](#), including:

- Cancer
- Hormone disruption,
- Immune suppression
- Reproductive problems.

According to an [August 2020 report from the nation and world's leading PFAS experts](#):

“Managing PFAS one-by-one is neither feasible nor cost-efficient. More comprehensive solutions are needed, given that traditional approaches have failed to control widespread exposures to PFAS and resulted in inadequate public health protection. We suggest class-based options to more comprehensively and efficiently reduce PFAS exposure.”

I PFAS PROTECTION ACT



Maryland restricts the use of PFAS foam for training purposes. It's time for a comprehensive restriction.

PFAS in firefighting foam

Firefighting foam for civilian and military use is a [major source](#) of PFAS contamination but safer PFAS-free foams already exist and have been adopted around the U.S. and the world.

The firefighting community have been top [supporters of moving away from PFAS foam](#).

PFAS in rugs and carpets

Rugs and carpets can be treated with PFAS to make them more stain resistant. The manufacture of rugs and carpets poses environmental, public health, and worker safety concerns. And the chemicals can leach into household dust putting our families at risk.

Major retailers, rug companies, and states are moving away from PFAS in rugs and carpets, but not fast enough.



[Home Depot](#) and [Lowe's](#) have both committed to stop selling rugs and carpets treated with PFAS because of the impact on the environment and public health. These bans are both in effect by the end of January, 2021.

PFAS in food packaging

PFAS chemicals are used in [food packaging](#) to make them grease and water resistant. From hamburger wrappers and salad bowls to egg crates and microwave popcorn wrappers, safer alternatives already exist.



Fast food and grocery chains are phasing out PFAS coated food packaging because it can leach into the food, and pollutes our environment when it is trashed.

Protecting our air and water

When PFAS chemicals are incinerated they pollute the surrounding communities and environment. When PFAS chemicals are landfilled, they can leach into our groundwater, putting our drinking water at risk.

To protect our air and water we need to prevent the mass disposal of PFAS chemicals in landfills and incinerators.

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[@marylandpirg](https://twitter.com/marylandpirg)

PFAS Individual Testimony.pdf

Uploaded by: Sherman, Molly

Position: FAV

January 26, 2021

Testimony on SB 195
PFAS Protection Act
Education, Health, and Environmental Affairs

Position: Favorable

As a member of the youth led Sunrise Movement and Maryland Resident, I support SB195, the Environment – PFAS Chemicals – Prohibitions and Requirements.

Why PFAS need to be regulated:

PFAS chemicals don't break down in the environment, earning them the nickname "forever chemicals." These are carcinogenic chemicals that build up in our bodies over time, a dangerous and potentially lethal combination. In Maryland, we know there is contamination in drinking water and near many military bases, including right here in Annapolis.¹ This Maryland State legislative session, we have an opportunity to act on this imminent and immediate [public health threat](#). We must act now to turn off the tap to these forever chemicals and treat them like the hazardous materials they are. We must regulate the continued introduction of PFAS into our state's drinking water and seafood.

As explained in the Bay Journal, "In the six-state Chesapeake Bay watershed, there are at least 18 sites where PFAS have been detected. That could mean that relatively few industrial facilities in the region have made or used PFAS — or it may mean that no one's looked very hard."²

PFAS are still widespread in both production and use. Safeguarding against PFAS chemicals as a class is the best way to protect human health. Trying to regulate one chemical at a time will only leave us in an endless game of whack-a-mole. Marylanders deserve the same public health protections from PFAS that we see in other states. Maryland firefighters shouldn't have to suffer from exposure to toxic chemicals, especially when there are safer alternatives.

Why I support this bill:

Chemicals in our waterways will inevitably impact all of us and the control of them are out of the hands of the people being effected. This legislation will put power back into the hands of the people. I am worried about the water my animals will be able to drink. I'm worried about staying in Maryland to raise a family and not knowing if it's safe for me and my loved ones to play in the water. I want to feel safe in my beautiful state. The natural world deserves to be free of

¹ Environmental Working Group map of PFAS Contamination, https://www.ewg.org/interactive-maps/2019_pfas_contamination/map/

² Chesapeake states grapple with 'forever chemical' contaminating drinking water, Bay Journal, July 15, 2019, https://www.bayjournal.com/article/watershed_states_grapple_with_forever_chemical_contaminating_drinking_water

chemicals and unhindered to perform it's already complex natural processes that care for us constantly. Companies are just making nature's job harder, your job harder to protect the people, and my job as a citizen harder to keep myself safe and healthy.

What's in the bill:

- Turns off the tap on new contamination: stops the use of PFAS in firefighting foam (like [WA](#), [NH](#), [CA](#)), food packaging (like [NY](#), [WA](#), [ME](#)), and in rugs and carpets. **In all of these areas there are safer alternatives to PFAS.**
- Protects our air and water by banning the mass disposal of these chemicals by incineration ([NY](#)) and landfilling ([CA](#)).

We encourage a FAVORABLE report for this important legislation.

SB195 - PFAS Chemicals-Prohibitions & Requirements

Uploaded by: Tulkin, Josh

Position: FAV



7338 Baltimore Ave
Suite 102
College Park, MD 20740

Committee: Education, Health, and Environmental Affairs

Testimony on: SB 195 “Environment – PFAS Chemicals – Prohibitions and Requirements”

Position: Support

Hearing Date: January 28, 2021

The Maryland Chapter of the Sierra Club supports SB 195, which, beginning in 2022, would prohibit use, manufacturing, and distribution of certain fire-fighting foam that contains intentionally added PFAS chemicals, as well as manufacture or sales of rugs, carpet, and certain food packaging that contain these chemicals. PFASs, per- or polyfluoroalkyl substances, are bioaccumulating, environmentally mobile, and environmentally persistent. Many of the compounds in this group of chemicals have been proved to be toxic to people and they threaten our bay and other waters, and the productive fisheries, tourism, and recreation they support.

The restrictions in the bill are practical steps to protect public and environmental health and are consistent with actions in other states and nations. Nationally, California, Colorado, Maine, New Hampshire, New York, and Washington State have implemented restrictive policies pertaining to PFAS, and approximately twenty other states have introduced policies.¹ Abroad, the Stockholm Convention on Persistent Organic Pollutants added two well studied PFAS compounds (PFOA and PFOS) to annex A elimination and annex B restriction, respectively.²

PFAS have been investigated for adverse immune, metabolic, carcinogenic, and developmental effects. PFAS compounds have characteristics under the United Nations Globally Harmonized System (GHS) of Classification and Labelling of Chemicals³ that include: “suspected of causing cancer,” “may damage the unborn child,” “may damage fertility or the unborn child,” “causes damage to organs through prolonged or repeated exposure,” “toxic to aquatic life with long-lasting effects,” and “toxic if swallowed.”

Fire-fighting foams. Aqueous film-forming foams (AFFF) used in firefighting have moved from predominately long-chained PFAS to short-chained PFASs in an effort to reduce pollution and toxicity. However, continuing research has found that both long and short-chained PFAS display toxic effects. The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 implemented a phase-out of AFFF in firefighting foams at military installations by 2024.⁴

¹ <https://saferchemicals.org/2020/02/05/state-legislatures-take-the-lead-on-turning-off-tap-on-toxic-chemicals/>

² PFAS are a group of man-made substances, PFOA and PFOS are part of this group of substances and have been studied extensively See also <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos>

³ The GHS of Classification and Labelling of Chemicals is the industry standard for communication on hazardous chemicals.

⁴ Public Law 116-92, Section 322. See also “Congress Confronts PFAS in National Defense Authorization Act – What You Need to Know,” Bloomberg Law, Jeffrey Dintzer, Gregory Berlin. The NDAA has several provisions
Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

Rugs and carpets. Consumer products treated with PFAS, such as rugs or carpets, can produce polluted dust that can be ingested or inhaled. Upon entering the body, PFAS accumulate. Major retailers Home Depot and Lowes banned PFAS from rug sales in 2019 and 2020, respectively.

Food packaging. PFAS are often added to food packaging and “can migrate from fluorochemical-treated food contact papers into food-simulants such as butter, water, vinegar, and water/ethanol mixtures, indicating a direct exposure route to humans.”⁵ Fast food industry leaders such as McDonald’s have made commitments to phase out PFAS food packaging,⁶ though its 2025 goal will fall short in states with bans on PFAS in food containers that will be implemented in 2022. Many other food retailers and grocery suppliers have made similar pledges, and the trend is expected to continue as public concern continues.⁷

PFAS mass waste. Disposal of PFAS-treated items leads to further concerns over expensive systems that should be maintained and monitored at taxpayer expense to prevent further pollution. Landfills are required to adhere to strict standards that include expensive leaching contamination liners, monitoring, and maintenance. Alternatively, incineration produces an extremely hazardous product – toxic gaseous hydrogen fluoride.

Though steps are being taken by industry due to consumer concerns and action on the federal level is hopefully on the horizon, Maryland should join other states in a leadership role and ensure reasonable protections are established. The Maryland Chapter of the Sierra Club urges a favorable report on this bill for its potential to reduce risks to human and environmental health.

Jessica Gebase
Volunteer, Maryland Chapter
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Josh Tulkin
Chapter Director
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that address PFAS, including requirements to promote monitoring of water supplies adjacent to military facilities for PFAS (Section 322)

⁵ *A Review of the Pathways of Human Exposure to Poly and Perfluoroalkyl Substances (PFAS) and Present Understanding of Health Effects.* Elsie Sunderland et al. November 23, 2018.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6380916/>

⁶ McDonald’s announces global ban of toxic chemicals in food packing, Safer Chemicals, Healthy Families, Stephanie Stohler January 13, 2021

⁷ The NDAA for FY 2020 bans use of PFAS in packaging of meals ready-to-eat packaging by October 1, 2021.

PRKN PFAS Protection Act written testimony.pdf

Uploaded by: Walls, Brent

Position: FAV



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www.prknetwork.org

January 25, 2021

**SB195: Environment – PFAS Chemicals – Prohibitions and Requirements
PFAS PROTECTION ACT
Education, Health, and Environmental Affairs Committee
January 28th, 2021
Brent Walls, Upper Potomac Riverkeeper**

FAVORABLE

Potomac Riverkeeper Network: Our mission is to protect the public's right to clean water in the Potomac and Shenandoah Rivers and their tributaries. We stop pollution to enhance the safety of our drinking water, protect healthy river habitats, and enhance public use and enjoyment.

Potomac Riverkeeper Network and the organizations below support SB 195 to restrict the use and disposal of products that contain PFAS compounds. PFAS is a class of over 9000 chemical compounds that are used in various products from stain resistant carpets to food packaging materials commonly used in fast food chains, and firefighting foams used at airports and firefighting training grounds across Maryland and throughout the world. Unfortunately, EPA has yet to fully acknowledge the toxicity of all PFAS chemicals to humans nor has EPA issued toxicity standards; therefore, it is left up to the States to protect its citizens from exposure of PFAS pollutants. SB 195 is a necessary first step in our fight against this new public health risk.

What does this bill do?

- Stops the use of firefighting foam containing PFAS (Aqueous Film Forming Foam (AFFF)).
- Stops the use of food packaging products that contain PFAS
- Stops the use of rugs and carpets that have PFAS in the product.
- Protects our air and water from the mass disposal of these products by incineration or landfill.

Why is this bill needed?

- Protects our 1000's of [first responders in Maryland](#) from the direct exposure of PFAS chemicals at 222 airports and over 900 fire departments. PFAS-free firefighting foams have been developed and are being used in many states.



Potomac Riverkeeper Network is trade name of Potomac Riverkeeper, Inc., a 501(c)3 tax-exempt nonprofit organization.
Recognized as "one of the best small nonprofits" by the Catalogue for Philanthropy
EarthShare # 87828 * CFC # 87828



- PFAS chemicals have been detected in surface water, groundwater, treated wastewater from sewage treatment plants and drinking water in Maryland. MDE is slowly taking action to assess public health risks from PFAS, but more must be done. This bill will protect public health by addressing sources of PFAS directly.
- [The Agency of Toxic Substances and Disease Registry](#) is conducting a nation-wide exposure assessment in PFAS in hotspot communities. This exposure assessment takes into account an individual's in-home exposure from toxic PFAS particles from carpets and furniture material. Major carpet retailers and textile companies are moving away from PFAS in their products, but not fast enough.
- PFAS chemicals are used in the packaging of foods from fast food restaurants to products in our grocery stores. PFAS compounds are used as a waterproofing in these products which directly contaminates our food. [McDonalds](#) has recently announced the elimination of PFAS in all food packaging worldwide by 2025.
- When PFAS chemicals are incinerated, they pollute the air of surrounding communities because PFAS is not destroyed by burning.
- When PFAS chemicals are landfilled, they can leach into our groundwater, putting our drinking water further at risk.
- The EPA has known of the environmental and human risk to our health for over 30 years and have been slow to respond with appropriate measures. It is up to each State's regulatory and legislative actions to properly protect its citizens.

What are the health risks of PFAS?

- Increased risk of kidney and testicular cancer.
- Hormone disruption and immune suppression.
- Reproductive deformities.
- Liver disease.
- Elevated cholesterol.

Potomac Riverkeeper Network urges a favorable report.

Brent Walls,
Upper Potomac Riverkeeper

SB0195-EHE_MACo_SWA.pdf

Uploaded by: Butler, Alex

Position: FWA



Senate Bill 195

Environment – PFAS Chemicals – Prohibitions and Requirements

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Health, and Environmental
Affairs Committee

Date: January 28, 2021

From: Alex Butler

The Maryland Association of Counties (MACo) **SUPPORTS SB 195 WITH AMENDMENTS**. The bill provides increased restrictions on the sale and use of class B fire-fighting foam that contains intentionally added per- and poly-fluoroalkyl substances (“PFAS chemicals”). MACo supports additional action to limit the spread of PFAS into the environment but believes the State should provide additional assistance to local fire departments to ease the financial burden of transitioning to “green” firefighting foam.

SB 195 prohibits the use or sale of PFAS foam after January 1, 2022 and outlines stricter disposal requirements. MACo is informed by local firefighting departments that the cost of foam without PFAS is becoming increasingly cost-competitive compared to foam with added PFAS chemicals. The bill also includes provisions that require manufacturers or retailers of PFAS foam to recall products purchased after January 1, 2021 at no charge to the consumer.

However, some firefighting departments have an existing stock of previously purchased foam that may not be used up prior to the implementation of the ban. One firefighting truck alone could currently house upwards of \$20,000 worth of foam. If properly maintained, that foam could last for several years. The State should provide assistance to these departments by either (1) creating a fund that would provide grants for fire departments to immediately transition to PFAS-free foam; or (2) establishing a waiver provision allowing the continued use of foam purchased prior to Jan 1, 2021.

PFAS chemicals are termed “forever chemicals” because they do not easily break down and can remain in humans and the environment for extended periods. SB 195 would restrict the use of class B firefighting foam with PFAS, but also place the burden on local fire departments to fund disposal and replacement of existing stores of PFAS foam. The State should provide assistance to limit the cost burden of local fire departments as they transition to PFAS-free foam. Accordingly, MACo urges the Committee to issue a report of **FAVORABLE WITH AMENDMENTS** for SB 195.

SB195 - Arkema - Testimony in Support w Amendments

Uploaded by: McDonough, Caitlin

Position: FWA



**The Honorable Paul Pinsky
Chair, Senate Education, Health and Environmental Affairs Committee
Miller Senate Office Building, 2 West
11 Bladen Street
Annapolis, MD 21401**

Senate Bill 195

Comments Submitted by Arkema Inc.

January 28, 2021

Arkema Inc. (“Arkema”) appreciates the opportunity to provide comments on Maryland Senate Bill 195. Arkema is a global chemical manufacturing company with operations in 22 states, including Pennsylvania where our North American headquarters is located. Arkema provides over 3,500 jobs in the U.S. and our presence is greatly important to the local communities that are home to our manufacturing and/or research facilities, as well as to the many customers that use our products. In particular, Arkema manufactures Kynar® PVDF fluoropolymers that are used in a variety of important applications, including in the processing of some plastic packaging applications manufactured by our customers. Other key applications for Arkema’s PVDF fluoropolymers include uses in lithium ion batteries, wire and cable jacketing, semiconductors, solar energy, water filtration, cool roofing and construction coatings.

As a general matter, we support the transition away from PFAS materials, but we believe the definition in this regard must be clear so that it does not unnecessarily include fluoropolymers made without the use of PFAS surfactants. Further, in the context of food packaging, we believe that restrictions should focus on the main scope of concern, which we understand is packaging made from paper or paperboard, for example, popcorn containers, pizza boxes, and French fry containers.

Arkema produces PVDF homopolymer and copolymer grades, which are used by some customers as additives (in the range of 100 to 2000 ppm) to improve the extrusion and recycling efficiency of some common plastics often used in packaging. Arkema has been a pioneer in the reformulation of these grades to be produced entirely **without the use of PFAS surfactants**. This extraordinary technical innovation required many years of dedicated R&D efforts. These innovative grades have now been fully industrialized and commercialized for several years. Arkema’s PVDF resins that are produced without the use of PFAS surfactants are marketed under the Kynar® FSF® PVDF trademark.

Arkema supports the move away from PFAS-containing products that may impact human health and the environment. We are concerned, however, that the proposed legislation uses an overly broad definition of PFAS that could unnecessarily capture fluoropolymers themselves.



We believe, instead, the PFAS surfactants¹ commonly used to produce certain fluoropolymers are in fact the target of concern. **We believe that fluoropolymers made without the use of PFAS surfactants should not be restricted in any way.**

High molecular weight fluoropolymers are sometimes grouped as “polymeric PFAS”, including Arkema FSF® PVDF, even though this product is made without PFAS surfactants. This PFAS categorization is misleading, as FSF® PVDF meets the definition of polymers of low concern (“PLC”), which is internationally well established, based on the Organization for Economic Co-operation and Development (OECD) set of criteria. PLC are deemed to have insignificant environmental and human health impacts. Further, PVDF itself is not listed in the US EPA toxic release inventory database of PFAS substances <https://www.epa.gov/toxics-release-inventory-tri-program/list-pfas-added-tri-ndaa> (updated January 8 2021).

The use of these FSF® PVDF materials (produced without the use of PFAS surfactants) in the industrial production of flexible film packaging is a sustainable, green solution that:

- Saves energy (by producing higher quantities for energy expenditure);
- Simplifies and improves recycling (the processed polymers are easier to recycle on standard equipment);
- Reduces the amount of commodity plastic produced (the PVDF materials enable thinner films, thereby reducing the resultant weight of plastic produced).

In short, Arkema’s FSF® PVDF polymer additives help optimize energy consumption, improve recyclability, and minimize plastic production volumes. And, they are produced entirely without the use of PFAS surfactants.

Thank you, in advance, for your consideration.

¹ Examples of PFAS surfactants are PFOA, PFOS, and their replacement “short chain” PFAS surfactants.

² <https://setac.onlinelibrary.wiley.com/doi/full/10.1002/ieam.4035>

MITA -- SB195.pdf

Uploaded by: Beugelmans, David

Position: UNF

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January 28, 2021

VIA ELECTRONIC FILING

The Honorable Paul G. Pinsky
Education, Health, and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, MD 21401

Re: Senate Bill 195

Dear Chairman Pinsky:

This letter is written on behalf of the Maryland Industrial Technology Alliance (“MITA”), a non-profit trade association representing industrial, manufacturing, and supporting businesses operating in Maryland **opposing Senate Bill 195**, which would prohibit certain fire-fighting foams, rugs, and food packaging containing PFAS chemicals. MITA opposes this bill and requests an Unfavorable Report for the following reasons:

- Maryland enacted similar legislation last legislative session banning various flame-retardant chemicals (HB424/SB447), which has not yet gone into effect. This legislation will address several areas addressed in SB195.
- SB195 defines “food package” broadly to include virtually all food packaging and component parts, as well as plastic disposable gloves used in commercial or institutional food service. This broad definition may have unintended consequences by banning materials that are otherwise safe.
- As drafted, SB195 would ban the sale and distribution of food packaging or any product in a food package to which PFAS chemicals were intentionally added on and after January 1, 2022. This is exceptionally fast phase-out and may harm producers and businesses that rely on these products.

For these reasons, MITA respectfully request that you give SB 195 an **Unfavorable Report**.

Very truly yours,

/s/

Todd R. Chason

cc: Education, Health, and Environmental Affairs Committee Members

SB 195_PFAS Chemicals_Prohibitions and Requirement

Uploaded by: Griffin, Andrew

Position: UNF



LEGISLATIVE POSITION:

OPPOSE

Senate Bill 195

**Environment-PFAS Chemicals-Prohibitions and Requirements
Senate Education, Health and Environmental Affairs Committee**

Thursday, January 28, 2021

Dear Chairman Pinsky and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

If passed, SB 195 would prohibit the use, manufacturing, or knowing sale or distribution of products, including fire-fighting foam, carpet/rugs and food packaging, that contain intentionally added PFAS chemicals. The bill would require this prohibition to take effect on January 1, 2022, or what amounts to less than one year after its potential enactment.

Fluorinated chemicals, otherwise known as per- and polyfluoroalkyl substances (PFAS), are a large and diverse family of chemistry that make possible the use of products that are central to our everyday lives including, but certainly not limited to: electronics, aircraft, alternative energy, medical devices and building/construction materials.

However, not all PFAS are created equal. Each individual chemistry has its own unique properties and uses. Fluoropolymers, for example, are a distinct class within the broad PFAS group. High molecular weight fluoropolymers are highly stable, too large to be bioavailable, and do not have the potential to become widespread in the environment. Data shows that the properties of fluoropolymers present low health and environmental hazards, and the scientific community considers these materials to be inert.

Unfortunately, the definition of PFAS as drafted in Senate Bill 195 is extremely broad and amounts to an all-out ban, without considering the differences in chemical classes, some of which have been widely recognized as having low health and environmental risk. Product bans often result in a myriad of unintended consequences that should be further explored.

In addition, the legislation would take effect on January 1, 2022, less than one year after its potential enactment. It proposes to do this without an established regulatory process and

timeline. As a result, it would be unrealistic to assume that manufacturers, distributors, and retailers will have the alternatives and tools required to comply with the law, particularly in such a short period of time. As well, in the absence of regulatory assessment on the performance of PFAS alternatives, there is no way to demonstrate that their replacement would represent an improvement over the current product.

For these reasons, the Chamber respectfully requests an **unfavorable report** on Senate Bill 195.



MCA_Ltr in Opposition to SB 195.pdf

Uploaded by: MANIS, NICK

Position: UNF



January 26, 2021

The Honorable Paul G. Pinsky, Chair
Senate Education, Health and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Dear Mr. Chairman and Members of the Committee:

We are writing on behalf of our client the American Chemistry Council (ACC) to advise you of their opposition to **SB 195 Environment – PFAS Chemicals – Prohibition and Requirements**. We along with Steve Wise and Frank Boston represent ACC and we are relinquishing our time to testify at the hearing on January 28, 2021 so that you and the committee members can hear from representatives from ACC, experts as it relates to fire protection and PFAS, Maryland and national companies, and others that are and would be directly impacted by this mandate.

We will be in contact with you and should you have any questions or further information is needed, please do not hesitate to contact us.

We appreciate your consideration and ask that you **OPPOSE SB 195 Environment – PFAS Chemicals – Prohibition and Requirements**.

Sincerely,

Nick Manis

John Favazza

CC: Senators Sarah Elfreth and Pamela Beidle
Steve Wise
Frank Boston

SB195_unfavorable_MRA.pdf

Uploaded by: Price, Sarah

Position: UNF



**SB195 Environment – PFAS Chemicals – Prohibitions and Requirements
Education, Health, and Environmental Affairs Committee
January 28, 2021**

Position: Unfavorable

Background: SB195 would prohibit the sale of certain materials and items, including rugs and food packaging, that contain intentionally added PFAS chemicals.

Comments: The Maryland Retailers Association has concerns about the far-reaching language of SB195. The term “PFAS chemicals” includes hundreds if not thousands of different chemical compounds which have a variety of uses and some of which are critical for the functionality of a multitude of products that we all use every day. If the proponents of the bill are seeking to ban specific chemical formulations due to potential risks, the bill language should refer to those specific chemicals rather than capturing every chemical compound found in the PFAS family.

In addition to the broad-sweeping aspect of the use of “PFAS chemicals”, the inconsistency of the language in SB195 also presents issues for the retail business community. SB195 prohibits an entity from “knowingly” selling, distributing, or otherwise offering fire-fighting foam that includes PFAS chemicals, but the bill as drafted omits “knowingly” where it prohibits the sale of other items that contain PFAS chemicals later in the proposal. Retailers are not typically in the practice of knowing or examining every single ingredient or material used in every single product they sell, particularly multi-department retailers that provide thousands of items to the public. As such, we would urge that “knowingly” be added to the language referring to the sale of rugs or food packaging products.

Thank you for your consideration, and we would urge an unfavorable report on SB195 as written.

WL Gore Testimony SB 195 HB 22 (1).pdf

Uploaded by: Ratchford, Michael

Position: UNF



Legislative Position: Oppose

Maryland HB 22 and SB 195

Senate Bill 195

Environment – PFAS Chemicals – Prohibitions and Requirements

Senate Education, Health and Environmental Affairs Committee

Thursday, January 28, 2021

Dear Chairman Pinsky and Members of the Committee

We are writing to you to express our opposition to SB 195 for the following reasons;

- The definition of PFAS (per- and poly-fluoroalkyl substances) is overly broad and includes high molecular weight fluoropolymer such as polytetrafluoroethylene (PTFE), which are highly stable, too large to be bioavailable, and do not have the potential to become widespread in the environment.
- The procedures and timeline for transitioning certain retail products, January 1, 2022, is unrealistic and does not allow adequate time to develop a regulatory process to evaluate chemistries used in consumer products.
- The proposed definition of food package found in 9-1901 is very broad and could be interpreted to cover a wide range of durable food processing equipment, such as tubing, refrigerators, ovens and refrigerated rail cars.

W. L. Gore & Associates – A Maryland Manufacturer

W. L. Gore & Associates is a privately held company employing more than 2,900 people working in 13 manufacturing facilities in Cecil County Maryland. Gore has been a presence in Maryland since 1973 and we are the largest private sector employer in Cecil County. We use high molecular weight fluoropolymers such as polytetrafluoroethylene ("PTFE") to manufacture a wide variety of products of high societal value including implantable medical devices, GORETEX membranes, filtration and venting used in emission controls, fuel cell components, products used in the pharmaceutical industry, and aerospace cables and aircraft sealing.

PFAS (per- and poly-fluoro alkyl substances) Definition

The PFAS group includes thousands of different substances with very different properties, and different PFAS are used in a wide variety of products. While we do not make or sell firefighting foam, carpet or food packaging, we are concerned about the potential for unintended restriction of fluoropolymers associated with legislation based on broad definitions of PFAS.



Fluoropolymers are a distinct class within the broad PFAS group. High molecular weight fluoropolymers like PTFE are highly stable, too large to be bioavailable, and do not have the potential to become widespread in the environment. While these fluoropolymers do contain one or more fully fluorinated carbon atoms, data show that their properties present low health and environmental hazards.ⁱ The scientific community considers these materials to be inert. The inertness of PTFE has already been recognized in the Maryland regulations:

"Fluoropolymer material (FPM) means an inert fluorinated chemical that includes polytetrafluoroethylene or similar materials and is processed with other materials to produce products that are temperature resistant, chemically inert, and weather durable." COMAR 26.11.19.30B(5)

Because they are large, immobile and inert materials, fluoropolymers like PTFE are different from the PFAS that are the source of environmental concern. The current legislative definition of "PFAS Chemicals" in 6-1601 is not overbroad, because it is limited to a small number of PFAS used in fire-fighting foam. The proposed amendment, however, would broaden the definition of PFAS Chemicals to cover all PFAS, including fluoropolymers. We suggest that the definition of "PFAS Chemicals" exclude high molecular weight fluoropolymers such as PTFE, or that it be narrowed to cover the classes of PFAS typically used in carpet treatments and food packaging treatments.

To exclude fluoropolymers, the definition of PFAS Chemical in 16-160(D) and 19-1901(H) could be drafted as follows:

"PFAS chemicals" means the group of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom but excludes high molecular weight inert fluoropolymers such as PTFE, FEP, ETFE and PFA."

Procedures and Timelines for Transitioning Retail Products

We note that for rugs and carpets (6-1604.1(B)) and for food packaging (9-1902(D)), the legislation is proposed to go into effect on January 1, 2022. In the absence of a regulatory assessment on the performance of alternatives, there is no means to demonstrate that any replacements for the PFAS will provide the necessary performance or represent an improvement over the current product. Also, without regulatory guidance on how to establish compliance (e.g. appropriate analytical methods), manufacturers, distributors and retailers will lack the tools that they need to comply, especially in such a short time frame. If the intention is to improve the environmental profile of certain consumer products, Gore believes a better approach would be to develop legislation that establishes a regulatory process to evaluate chemistries used in consumer products. One recent example of such a regulatory program is "Safer Products for Washington" established in 2019 by the "Pollution Prevention for Healthy People and Puget Sound Act." <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Safer-products>



Food Packaging Definition

The proposed definition of food package found in 9-1901 is very broad and could be interpreted to cover a wide range of durable food processing equipment, such as tubing, refrigerators, ovens and refrigerated rail cars. Because of their inertness and purity, fluoropolymers such as PTFE are authorized for use in articles intended to come into contact with food. 21 CFR 177.1550.

It is our understanding that the PFAS typically used in single use consumer food packaging (e.g. microwave popcorn bags, fast food wrappers) are not fluoropolymers. As discussed above, due to the complexity of this topic, we believe the legislation should seek to establish a regulatory program rather than effect a legislative ban. In addition to narrowing the definition of PFAS, we suggest that the food package definition be narrowed to focus on high volume food packaging that is typically thrown away after a single short-term use. We are not experts in this area, but think the language could be modified along the following lines to achieve the distinction between disposable packaging and durable products:

9-1901(c) "Disposable or Single Use Food Package" means a package or packaging component that is designed for a single short term direct food contact use, such as food wrappers and bags, bottles, straws, disposable cups, and lids, disposable cutlery, plates and takeaway containers, including: . . ."

Summary

Our concerns with S 195 include;

1. Not all PFAS are the same and the definition of PFAS in these bills is overly broad and could lead to unintended consequences.
2. Gore has 2,900 Associates working in 13 plants in Cecil County manufacturing products of high-societal value using a type of fluoropolymers (ePTFE/PTFE) that are considered to present low health and environmental hazards.
3. The bills' procedures and timelines for transitioning retail products are unrealistic. In the absence of a regulatory assessment on the performance of alternatives, there is no means to demonstrate that any replacements for the PFAS that will be an improvement over the current product. Also, without regulatory guidance on how to establish compliance, manufacturers, distributors and retailers will lack the tools they need to comply, especially in a short time frame.
4. The proposed definition of food packaging found in 9-1901 is very broad and could be interpreted to cover a wide range of durable food processing equipment such as tubing, refrigerators, ovens and refrigerated rail cars.

ⁱ Henry BJ et al., 2018. A Critical Review of the Application of Polymer of Low Concern and Regulatory Criteria to Fluoropolymers. Integrated Environmental Assessment and Management Volume 14, Number 3, pp. 316-334.

HB195_MDE_LOI.pdf

Uploaded by: abbott, tyler

Position: INFO



January 28, 2021

The Honorable Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 195 – Environment – PFAS Chemicals – Prohibitions and Requirements

Dear Chairman Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed **SB0195** and the legislation's implications on State Per- and polyfluoroalkyl substance (PFAS) management. The Department would like to provide some additional information about this legislation.

These bills comprehensively regulate PFAS associated with firefighting foam, carpeting and food packaging. MDE shares the concern of Senator Elfreth about the unacceptable potential public health risks posed by PFAS. PFAS pose complex challenges that are especially daunting given the over 4,000 PFAS which likely exist in commerce or in the environment since their use in a wide spectrum of products began in the 1940's.

Over the past two years, MDE's strategy has been to focus its efforts on investigating the occurrence (e.g. in drinking water, fish tissue and oysters) of PFAS in order to identify any site-specific unacceptable risks. Moreover, these efforts have also provided the data and science to inform decisions regarding the need for regulatory actions to reduce public health exposure and risk.

MDE's leadership and work with the MD Department of Natural Resources, MD Department of Health, and MD Department of Agriculture in the PFAS Interagency Workgroup is helping us better understand Maryland's PFAS "footprint". This collaborative effort improves the Department's ability to make robust decisions regarding the need for regulatory actions. We will continue to use the information and science we are gathering to focus efforts on those actions which provide the greatest human health benefit.

Among our many PFAS-related activities, by the end of February 2021 MDE will have:

1. Sampled 137 PWS treatment systems for a list of eighteen (18) PFAS compounds under EPA Method 537.1.
2. Taken action at (at least) 2 PWS treatment systems to stop the continued use of drinking water containing PFAS and PFOA at concentrations above 70 ppt. Additional efforts are underway to identify the source of PFAS at these locations.
3. Required semi-annual monitoring of PFAS compounds for at least 2 Community Water Systems.
4. Collected fish tissue samples at 10 locations, with 2 different species collected at 9 of those locations. At one location, where high concentrations of PFOS were observed, MDE has begun to develop a more comprehensive follow-up study.
5. Included PFAS in the states existing 5-year rotating basin fish tissue sampling plan, sampling PFAS at about 12 sites annually.
6. Completed a pilot study in the St. Mary's River to evaluate the potential for PFAS contamination in oysters and surface waters near the Patuxent Naval Air Station Webster Field Annex

7. Included reporting and stormwater management requirements in the Departments draft Multisector Industrial stormwater general permit.

In 2021, among our many PFAS-related activities MDE expects to complete its Report on the first phase of Public Water System (PWS) monitoring, decide on the need for sampling at additional PWS, and, complete any additional PWS sampling. In addition, MDE is planning to initiate a follow-up study of the occurrence of PFAS in fish tissue in a tributary to the Potomac River, complete fish tissue monitoring at an additional 12 locations in the State, make decisions on how to best approach the assessment of the occurrence of PFAS in WWTPs and biosolids, and, if resources allow begin those assessments.

Determining needed regulatory actions at the State level is particularly challenging in light of the complexity of the PFAS issue and the uncertainty surrounding the nature and timing of federal PFAS action, particularly with the change in federal administrations. For example, just last week, USEPA announced that it would be moving forward to declare PFOA and PFOA hazardous substances and to develop drinking water Maximum Contaminant Levels (MCLs) for PFOA and PFOS. The former action has important implications for the clean-up of PFAS contamination in the State, including those clean ups under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The latter action, establishing MCLs for PFOA and PFOS under the Safe Drinking Water Act, would serve to increase the amount of monitoring data available for these compounds in Public Water Systems and limit the amounts of these compounds in the water people drink from public water systems. Also last week, EPA signed the fifth Unregulated Contaminant Monitoring Rule (UCMR5), expected to be published in December 2021, where between 2023 and 2025 nationwide monitoring will occur at Public Water Systems for 29 PFAS compounds. We also know that the federal Toxic Substances Control Act provides EPA with broad and comprehensive authority to regulate nationally the manufacture, processing, distribution commerce, use and disposal of toxic substances such as certain PFAS; what we don't know is how that authority will be exercised moving forward or when such actions might be undertaken.

In light of the complex challenges associated with PFAS and the uncertainty regarding federal action, MDE respectfully suggests that rather than take action this session to regulate PFAS in the manner described in this legislation, that the sponsors consider requiring MDE to complete a study to determine, based on available science and a consideration of expected federal actions, the need for, nature of, and timing of State regulatory controls on PFAS.

The study could be required of an "advisory panel" created and chaired by MDE with representatives from government, academia, environmental/public health NGOs, and business interests. This study, to be completed by the end of December 2021, could serve as the foundation for future legislative considerations.

Thank you for your consideration. We will continue to monitor Senate Bill 195 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

SB0195_DNR_LOI EHEA 1-28-2021-2.pdf

Uploaded by: McKitrick, James

Position: INFO



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

January 28, 2021

The Honorable Paul G. Pinsky
Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

The Honorable Cheryl C. Kagan
Vice Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

Re: Letter of Information – Senate Bill 195 – Environment – PFAS Chemicals – Prohibitions and Requirements

Dear Chair, Vice Chair, and Committee Members:

The Maryland Department of Natural Resources provides the following information on Senate Bill 195. This bill prohibits a person from using, manufacturing, or knowingly selling or distributing rugs or carpets, fire-fighting foam, and food packaging that contain intentionally added PFAS chemicals.

The PFAS family of chemicals and the policy conversation surrounding SB 195 is of great interest to DNR. The department manages several areas where PFAS chemicals impact natural resources including wildfire fighting efforts, the Maryland seafood industry and the health of our underground aquifers. While DNR no longer uses fire-fighting foam containing PFAS, multiple units across the department are coordinating with sister agencies including the Maryland Department of the Environment and the Maryland Department of Health to determine the potential for significant impacts.

Best available science indicates that PFAS does not break down in water and is not filtered through any traditional wastewater treatment systems. Water contaminated with PFAS subsequently gathers and remains in fish tissues, shellfish, and drinking water. The extent of human health concerns is still unknown, though the State has developed a multi-agency taskforce to make further scientific determinations to guide policymakers.

Thank you for allowing the department to submit this information on SB 195 for the committee's careful consideration.

Respectfully submitted,

James W. McKittrick
Director, Legislative and Constituent Services

Contact: James McKittrick, Director, Legislative and Constituent Services
JamesW.McKittrick@maryland.gov ♦ 443-510-5013