



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Favor of HB 22
Environment - PFAS Chemicals - Prohibitions and Requirements

Chair Pendergrass, Vice Chair Pena-Melnyk, members of the Health and Government Operations Committee. I respectfully request a favorable report of HB 22, 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 Substances (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 children.¹ 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 PFAS 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. Testing by St. Mary’s River Watershed Association showed elevated levels of PFAS in oysters in St. Inigoes Creek² and groundwater near Andrews Air Force Base is reported to contain high levels of PFAS.³

In response to this nationwide crisis, many states are taking action to protect citizens from these chemicals. Several states have lower limits on the PFAS 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; New York has banned incineration of 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>

² <https://www.militarypoisons.org/contaminated-oysters--water-in-md.html>

³ https://www.militarypoisons.org/uploads/1/0/3/6/10362012/joint_base_andrews.pdf

Firefighting Foam

On firefighting foam this legislation will strictly prohibit the PFAS-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 last year you passed HB 619 and SB 420 to begin the process of ensuring that firefighting foam that contains PFAS chemicals was not used for testing or 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.

Rugs & Carpets

On rugs and carpets this legislation will strictly prohibit the sale or manufacturing of rugs that contain PFAS 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.”⁴

Food Packaging

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.⁵

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.

For the foregoing reasons, I respectfully request a favorable report of HB 22 to ensure that Marylanders and our environment are protected from exposure to toxic, “forever” PFAS chemicals.

⁴ <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/10/Product-Chemical-Profile-PFAS-Carpets-and-Rugs.pdf>

⁵ <https://www.discovermagazine.com/health/the-secret-ingredient-in-your-microwave-popcorn-pfas-chemicals> ; <https://saferchemicals.org/packaged-in-pollution> ; https://saferchemicals.org/wp-content/uploads/2018/12/saferchemicals.org_take_out_toxics_pfas_chemicals_in_food_packaging.pdf?x15132; <https://www.technologynetworks.com/applied-sciences/articles/harmful-pfas-only-come-from-old-food-packaging-right-wrong-333426>