

Maryland PIRG



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Saving a National Treasure



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HB22: Environment – PFAS Chemicals – Prohibitions and Requirements

Health and Government Operations

February 2, 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 HB22 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.

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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.

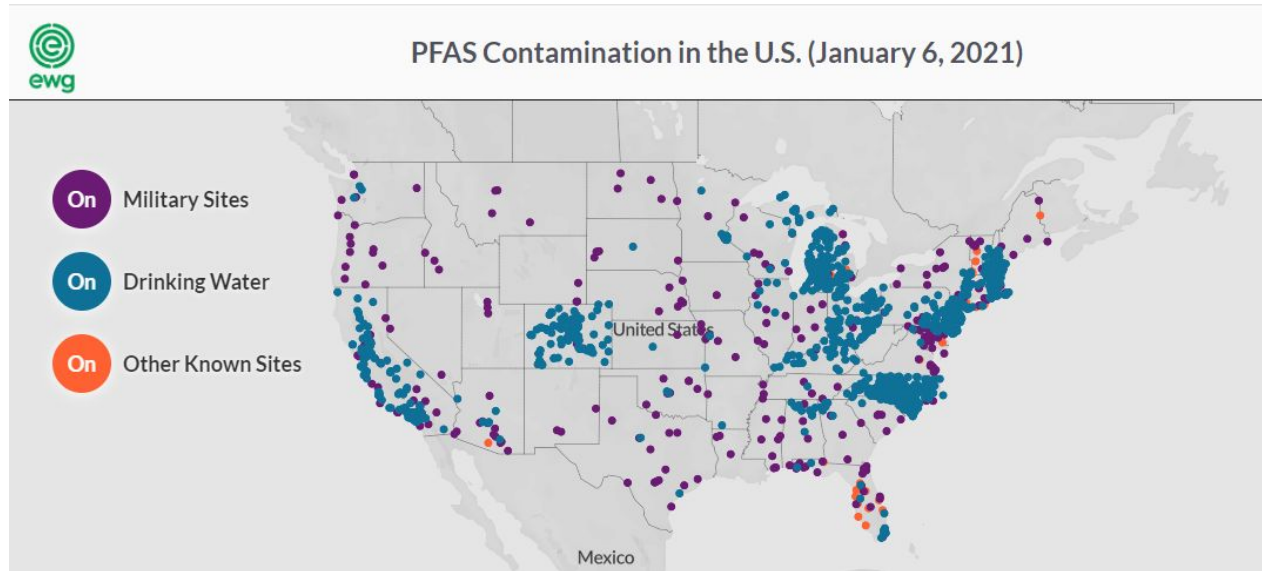
- Grocery chains including Giant, Whole Foods, Trader Joe's, Food Lion, Stop & Shop, Amazon, and Hannaford's have all committed to eliminating PFAS from their packaging.
- Fast food chains [McDonald's](#), Chipotle, Taco Bell, Panera, Cava, and Sweetgreen have all made commitments to phase out PFAS food 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	● ● ● ○ ○ ○ ○ ○ ○ ○ ○ ○	●	● ● ● ● ● ●	○ ○ ○ ○ ○ ○	● ● ● ● ●	●

I 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.



Giant



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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