

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

(410) 576-6475

WRITER'S DIRECT DIAL NO.

(410) 576-6589

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TO: The Honorable Shane E. Pendergrass
Chair, Health & Government Operations Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB 570: Pesticides – Mosquito Control Products and PFAS Chemicals – **Support**

The Office of the Attorney General supports passage of HB 570. House Bill 570 would amend Sections 5-101, 5-105, 5-201 and add Section 5-405.2 to the Agriculture Article. Delegate Stein's bill proposes to require an affidavit stating whether a pesticide used to control mosquitos has been stored, distributed, or packaged in a fluorinated polyethylene container and contains a perfluoroalkyl or polyfluoroalkyl substance. The bill further proposes to prohibit the State, a local government, or a certified applicator from using a mosquito control product that contains PFAS chemicals, including a product that contains PFAS chemicals as an inactive or inert ingredient or as the result of contamination from a container or manufacturing.

Additionally, unless the Maryland Department of Agriculture (MDA) has certified that the mosquito control product does not contain PFAS chemicals, the State, a local government, or a certified applicator may not use the product. The exception to this prohibition is if (1) the mosquito control product is being used to address an arbovirus public health emergency declared by the Maryland Department of Health, (2) there is no reason to believe the product contains PFAS chemicals, and (3) there are no other mosquito control products available that have been certified by MDA and are as effective as, or more effective than, the mosquito control product to be used.¹

For the foregoing reasons, the Office of Attorney General urges a favorable report on HB 363.

cc: Members of the Health & Government Operations Committee

¹ Although this support letter is unequivocal, the bill would benefit from added explicit enforcement authority. Nonetheless, the Office of Attorney General supports greater clarity around the use of PFAS in mosquito control products.