



LEGISLATIVE POSITION:

Unfavorable

House Bill 275

Environment-PFAS Chemicals-Prohibitions and Requirements

House Health and Government Operations Committee

Wednesday, February 9, 2022

Dear Chairwoman Pendergrass 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 5,500 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

If passed, HB 275 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, 2023.

Fluorinated chemicals, otherwise known as per- and polyfluoroalkyl substances (PFAS), are a diverse family of chemistry that make possible the use of products that are central to our everyday lives such as: electronics, alternative energy, medical devices and building 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.

Unfortunately, the definition of PFAS as drafted in HB 275 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.

This legislation would take effect on January 1, 2023, 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. Additionally, in the absence of regulatory assessment on the performance of PFAS alternatives, there is no way to demonstrate that their replacement would be an improvement over the current product.

For these reasons, the Chamber respectfully requests an **unfavorable report** on HB 275.