



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 9, 2022

**Sponsor Testimony for HB 275 –
Environment – PFAS Chemicals – Prohibitions and Requirements
(George “Walter” Taylor Act)**

Chair Pendergrass, Vice Chair Pena-Melnyk, members of the Health & Government Operations Committee. I respectfully request a favorable report for HB 275 to regulate PFAS in firefighting foam, food packaging, and rugs & carpets. As is described below, PFAS are toxic chemicals that have adverse health effects and are found throughout Maryland. This bill seeks to stop some of the areas in which PFAS are entering our water and our bodies. The bill is named after George “Walter” Taylor, a firefighter at Air Naval Station Patuxent River.

WHAT ARE PFAS?

PFAS stands for Per- and Polyfluoroalkyl Substances. Basically, PFAS are a group of manufactured chemicals that create a barrier between a surface and grease or oil. As such, these chemicals have been used in Teflon, non-stick cookware, fire-fighting foam, food packaging, rugs & carpets, and much more.

PFAS are known as “forever chemicals” because they break down very slowly – if at all. There are approximately 9,000 chemicals that fall under the term PFAS. Thus, PFAS must be regulated as a class. According to scientists in this field:

“The approach of regulating only individual PFAS or a limited subset of PFAS has led to the replacement of those PFAS with other members of the class that have less well-characterized hazard profiles. These alternatives may even be worse, in some respects, than the PFAS being replaced, thus constituting a “regrettable substitution”. For instance, since the voluntary phase-out of the longer-chain PFAS in some regions, manufacturers have shifted to PFAS with six or fewer carbons, such as perfluorohexanoic acid (PFHxA) and other shorter-chain PFAS chemistries, which are less studied but have also been documented to display multiple hazard traits.” (Internal citations omitted)¹

¹ <https://ehp.niehs.nih.gov/doi/full/10.1289/EHP7431>

WHAT IS THE HARM FROM PFAS?

According to the EPA, “Current peer-reviewed scientific studies have shown that exposure to certain levels of PFAS may lead to:

- Reproductive effects such as decreased fertility or increased high blood pressure in pregnant women.
- Developmental effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes.
- Increased risk of some cancers, including prostate, kidney, and testicular cancers.
- Reduced ability of the body’s immune system to fight infections, including reduced vaccine response.
- Interference with the body’s natural hormones.
- Increased cholesterol levels and/or risk of obesity.”²

DO WE HAVE THEM HERE IN MARYLAND?

Yes! Quantifiable amounts of PFAS have been found in more than 75% of community water systems tested in Maryland so far.³ According to their report, MDE had tested 129 water treatment plants statewide. Those plants furnish drinking water to 4.3 million Marylanders, or 70% of the population.⁴ PFAS have been found at eight military installations in Maryland.⁵ PFAS have also been found in fish in Maryland, leading the MDE to issue a fish consumption advisory.⁶

WHAT IS BEING DONE ABOUT PFAS?

Because of the harm caused by PFAS, the EPA under both Trump and Biden Administrations, members of Congress, state legislatures, advocacy organizations, and companies are working to stem the use, hold manufacturers responsible, and educate the public.

- The **EPA** has an Action Plan to address PFAS.⁷
- Bills have been introduced in **Congress** for the last several years addressing PFAS.⁸
- Many **States** have considered and adopted legislation regulating PFAS. According to Safer States:
 - 30 states have considered 93 measures relating to regulating PFAS
 - 21 states have adopted 72 measures relating to PFAS⁹
- Many **companies**, recognizing the danger of PFAS, are no longer using or selling products containing PFAS (see below for examples in specific categories).
- **Lawsuits:** the most widely known lawsuit was against DuPont and is chronicled in the movie Dark Waters, described below. Currently, many states (including AK, DE, ME, MI, MN, NC, MH, NJ, NM, NY, OH, VT, WI) are suing manufacturers for contaminating water

² <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>

³ https://www.bayjournal.com/news/pollution/forever-chemicals-frequently-found-in-maryland-pennsylvania-drinking-water/article_783a8f0c-1707-11ec-ba7f-9f5e631d39c4.html; https://www.einpresswire.com/article_print/545277351/mde-issues-report-on-sampling-of-md-public-drinking-water-systems-for-pfas

⁴ https://www.einnews.com/pr_news/545277351/mde-issues-report-on-sampling-of-md-public-drinking-water-systems-for-pfas

⁵ <https://mde.maryland.gov/PublicHealth/Pages/PEAS-Landing-Page.aspx>

⁶ <https://mde.maryland.gov/PublicHealth/Pages/Piscataway-Creek-PFAS-Study.aspx>

⁷ <https://www.epa.gov/newsreleases/trump-epa-continues-aggressively-address-pfas-federal-state-and-local-level>; <https://www.epa.gov/pfas/epa-actions-address-pfas>

⁸ <https://www.law.nyu.edu/centers/state-impact/projects-reports/projects/pfas-federal-legislation-117th-congress>

⁹ <https://www.saferstates.com/toxic-chemicals/pfas/>

supplies and other resources.¹⁰ Here in Maryland, Prince George’s County is suing 3M, Dupont and other manufacturers over the “alarming” levels of PFAS found in Piscataway Creek.¹¹

PFAS has become such an important, nationwide topic that it has even entered pop culture:

- **Dark Waters** – a movie about the decades-long struggle by residents of a small town in West Virginia and their attorney against DuPont, maker of Teflon, for the poisoning of animals and residents. The movie shows how DuPont knew, and concealed, evidence of how poisonous PFAS were, and how they used their influence in the community, in the state, in Congress and even with the EPA to avoid regulation and liability.¹²
- **John Oliver** dedicated an entire piece to PFAS.¹³

WHAT HAS BEEN DONE IN MARYLAND?

- The Maryland Department of Environment has been addressing PFAS for several years, including convening a scientific roundtable in 2020, testing water, and research.¹⁴
- In 2020, Maryland banned the use of firefighting foam with intentionally added PFAS for testing and training purposes. (SB 420)¹⁵
- In 2021, Maryland banned the use of certain chemicals, including PFAS, in cosmetics. (HB 643)¹⁶
- In 2021 the General Assembly, through the Budget, directed MDE to report on various measures they are taking relating to PFAS.

WHAT DOES HB 275 DO?

HB 275 seeks to stop some of the PFAS from entering our waterways and our bodies. There are 5 parts of the bill:

1. **The bill bans the use of intentionally added PFAS in firefighting foam and requires manufacturers of personal protective equipment to notify the purchaser if the PPE contains PFAS.**
 - Other states that have done this include: CA, CO, IL (foam ban), ME (foam ban), NH, NY, VT, WA.¹⁷
 - National Foam announced that it would discontinue the sale of all PFAS-based foam concentrates into the State of Maryland effective March 1, 2021.¹⁸
 - Many international airports have banned this foam (Australia, Dubai, London, Paris).
 - This bill is named after George “Walter” Taylor, a Maryland firefighter, who died from PFAS-related cancer.

¹⁰ <https://www.saferstates.com/toxic-chemicals/pfas/>

¹¹ <https://thedailyrecord.com/2022/01/21/pg-county-sues-3m-dupont-over-forever-chemicals-in-waterways/>

¹² <https://www.focusfeatures.com/dark-waters>

¹³ <https://www.youtube.com/watch?v=9W74aeuqsiU>

¹⁴ <https://mde.maryland.gov/PublicHealth/Pages/PFAS-Landing-Page.aspx>

¹⁵ <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0420?ys=2020RS&search=True>

¹⁶ <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0643?ys=2021rs>

¹⁷ <https://www.saferstates.com/toxic-chemicals/pfas/>

¹⁸ <https://www.fireengineering.com/apparatus-equipment/national-foam-to-discontinue-sale-of-pfas-foams-in-md/#gref>

2. **The bill requires containment of discharge of any foam with intentionally added PFAS and prohibits the incineration or landfilling of such foam.**
 - Other states that have done this include: NY.

3. **The bill prohibits the sale or distribution of rugs & carpets with intentionally added PFAS.**
 - Other states that have done this include: ME, VT.
 - Companies that have reported they will no longer sell these products include: Home Depot, IKEA, Lowe's, Office Depot, REI, Staples, Target.
 - The EPA issued a final rule in June 2020 relating to PFAS and certain products. According to the EPA, “[t]his final rule strengthens the regulation of PFAS by requiring notice and EPA review before the use of long-chain PFAS that have been phased out in the U.S. could begin again. Additionally, products containing certain long-chain PFAS as a surface coating and carpet containing perfluoroalkyl sulfonate chemical substances can no longer be imported into the United States without EPA review. Today’s action means that products like ski wax, carpet, furniture, electronics, and household appliances that could contain certain PFAS chemicals cannot be manufactured, imported, produced, or sold in the U.S. unless EPA reviews and approves the use or puts in place the necessary restrictions to address any unreasonable risks.”¹⁹

4. **The bill prohibits the sale or distribution of food packaging with intentionally added PFAS.**
 - Other states that have done this include: CA, CT, ME, MN, NY, VT, WA.
 - Denmark has banned PFAS from food packaging.
 - Companies that have reported they will no longer sell these products include: CAVA, Chipotle, Freshii, McDonalds, Panera bread, Sweetgreen, Taco Bell, Wendy’s; Food Lion, Albertsons grocery chain, Trader Joe’s, Whole Foods; 7-11, Amazon, Office Depot, Rite Aid, Staples, TJ Maxx.²⁰

5. **The bill requires the Maryland Department of the Environment to report to the General Assembly on testing of waters for PFAS and plans to educate Marylanders on PFAS, minimize Marylanders’ exposure to PFAS, assess environmental justice and health equity as they relate to PFAS, clean up historical release of PFAS, and minimize future releases of PFAS.**
 - MDE must continue and expand its work on PFAS to ensure the health and safety of all Marylanders.

For the foregoing reasons, I respectfully request a favorable report on HB 275.

¹⁹ <https://www.epa.gov/newsreleases/epa-takes-action-stop-use-certain-pfas-products-and-protect-american-consumers>

²⁰ <https://saferchemicals.org/retailers-committing-to-phase-out-pfas-as-a-class-in-food-packaging-and-products/>