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Date: March 2, 2022
House Bill 570 – Mosquito Control Products and PFAS Chemicals
Committee: Health and Government Operations

DMAA Position: OPPOSED

Delaware-Maryland Agribusiness Association (DMAA) represents agricultural retailers and manufacturers operating in Maryland. DMAA is opposed to House Bill 570 which would require distributors of mosquito control products to submit an affidavit stating whether the product has ever been stored in a fluorinated container and conduct laboratory testing stating whether the product contains Perfluoroalkyl or Polyfluoroalkyl substance.

We believe this bill is in response to testing conducted over the summer by an independent organization claiming that products used by the Department of Agriculture for mosquito control contained PFAS. Upon further testing of the samples by MDA and the U.S. Environmental Protection Agency, the products were found to in fact not contain PFAS. A full report on their finding can be viewed [here](#)ⁱ.

EPA also released a testing methodology for oily substances including pesticides and tested numerous pesticide samples, none of which were above the level of detection. It is unclear whether testing methodology outlined in the bill and thresholds for detections are compatible and consistent with the EPA approved testing methodology.

Currently, EPA is undergoing rulemaking and implementation of their Strategic Roadmap to address PFAS. Part of that rulemaking will include PFAS definitions. We are concerned that the definition utilized in the bill: “A class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom including Perfluoroalkyl or Polyfluoroalkyl substance” is too broad and will ultimately be inconsistent with the definition approved by EPA. This broad definition could bring in classes of chemicals that are not PFAS substances of concern.

Pesticides registered by EPA go through a full review and risk assessment process which includes disclosure of active and inert ingredients. This bill puts additional requirements on distributors, potentially in conflict with the pending rulemaking by EPA, which we believe would ultimately deter registrants from registering their mosquito control products in the State of Maryland due to uncertainty and liability. We expect EPA to complete rulemaking on PFAS this spring and hopefully sufficiently address the concerns that motivated this bill.

DMAA urges your unfavorable report on House Bill 570.

ⁱ <https://www.epa.gov/pesticides/updates-epa-efforts-address-pfas-pesticide-packaging>