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Date: February 2, 2023

Senate Bill 158 - Pesticide Registration - PFAS Testing - Requirements

Committee: Education, Energy and Environment

MGPA Position: OPPOSED

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA opposes Senate Bill 158 which would require testing for PFAS with results below certain thresholds and an affidavit attesting to the legitimacy of the PFAS test results for product registration in Maryland.

Pesticide regulation is a function of the U.S. Environmental Protection Agency (EPA) where a pesticide must undergo full disclosure of ingredients as well as a human health and environmental risk assessment prior to being registered. EPA has release a workplan in their Strategic Roadmap to addressing PFAS contamination by 2024. EPA has already taken several actions on PFAS in pesticides as it relates to fluorinated containers and inert ingredients. We believe addressing potential PFAS in pesticides is a function of EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and will be done when the science is advanced, and testing is available.

This bill would essentially ban pesticides in Maryland because the provisions of the bill for registration cannot be met by the manufacturers. SB 158 requires testing of all pesticides for PFAS. There are no validated methods for detecting PFAS in pesticides. Using methods not validated for the substance being tested can result in false positives or negatives, as seen in the testing of mosquito control pesticides by Maryland environmental advocacy organizations in 2021 which were later deemed inaccurate by EPA.

We fear this bill would lead to no manufacturers being able to meet the requirements for registration or willing to take the risk of registering pesticides in Maryland due to the lack of validated testing methods.

Farmers are stewards of our land and the original environmentalists. We understand and appreciate the need to avoid contributing unnecessary PFAS to the environment. However, this bill would put Maryland farmers at an unfair disadvantage. Without pesticides, many Maryland farmers would be unable to grow crops efficiently or implement certain conservation practices such as cover crops or no-till.

MGPA respectfully requests your unfavorable report on SB 158.