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Testimony of Anastasia Swearingen, Executive Director, American Chemistry Council Center for Biocide Chemistries

RE: Maryland Senate Bill 158, Pesticide Registration—PFAS Testing—Requirements

The American Chemistry Council appreciates the opportunity to provide testimony on Senate Bill 158, which creates annual PFAS testing requirements for the registration of all pesticides in Maryland. ACC's Center for Biocide Chemistries represents manufacturers of antimicrobial pesticides, including preservatives, disinfectants, industrial biocides, and antifouling paints. These antimicrobial products are critical for protecting public health, increasing the sustainability of everyday products and construction materials, and preventing contamination in industrial processes. This legislation risks the availability of these important products to Maryland consumers, hospitals, schools, and businesses.

ACC is opposed to this legislation as drafted. Antimicrobial registrants submit significant amounts of data to the U.S. Environmental Protection Agency and state pesticide regulatory authorities before any registration is approved. These include environmental and human health toxicity data, exposure information, and any required efficacy data against public health pathogens. Registrants must also disclose all ingredients in their formulations to regulatory authorities. These important reviews help ensure that the antimicrobial products on the market in Maryland and across the U.S. are safe to use as directed.

Requiring registrants to submit annual PFAS testing results will pose a significant burden on antimicrobial registrants. **There are no approved test methods for testing the presence or levels of PFAS in antimicrobial products**, which come in a variety of forms from wipes to granules to liquids. We also note that the proposed PFAS levels are extremely low and do not have toxicological significance. Further, the presence of fluorine is not necessarily indicative of the presence of PFAS, and therefore would be an inappropriate test standard.

Even if appropriate test methods for the presence of PFAS in antimicrobial substances were developed, the bill requires that the test occur in an EPA or Maryland Department of Environment-approved laboratory. Lab capacity would need to expand exponentially to allow for annual testing of not just antimicrobials, but all registered pesticides in Maryland. Likely, there would be a significant backlog of testing, which could result in critical antimicrobial products used in hospitals, schools, industrial facilities, and homes being pulled from the Maryland market. No other state requires such testing for pesticides.

This new testing requirement will particularly impact small businesses, especially those with





only one or two products registered in Maryland. Rather than comply with the additional testing burden, costs, and associated delays, it is likely that many registrants decline to sell these products in Maryland. For larger companies, they may choose to reduce the amount of variety in antimicrobial products registered in Maryland.

Further, we are not aware of existing concerns with PFAS in antimicrobial pesticides. Rather, this bill could significantly hamper the availability of antimicrobials to kill germs, keep factories running smoothly, and ensure the sustainability of products. We urge the committee members to oppose this legislation.

