



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

Senate Bill 158

Pesticide Registration - PFAS Testing - Requirements

Date: February 2, 2023
To: Senate Education, Energy,
and Environment Committee

Position: Support
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Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 158 which would, beginning in 2024, prohibit the Secretary of Agriculture from registering certain pesticides for use against mosquitos unless the distributor provides documentation that the pesticide has passed a laboratory test for the presence of Perfluoroalkyl or polyfluoroalkyl substances, commonly referred to as PFAS. The bill would expand the scope of required PFAS testing to all pesticides beginning in 2026.

PFAS are an urgent public health and environmental issue facing communities across the United States. PFAS are a group of synthetic chemicals that continue to be released into the environment throughout the lifecycle of manufacturing, processing, distribution in commerce, use, and disposal. Each action in this cycle creates environmental contamination and human and ecological exposure. Their persistence in the environment has earned them the label “Forever Chemicals”. Their ubiquitous use in many products over the years contributes to the concerns of increasing concentration.

These chemicals have become so much of a concern that EPA has created an expedited action plan to study their effects, reduce or eliminate them from the waste stream and remediate damages.¹ Key findings from Dr. Vicki Blazer, US Geological Survey, who studies wide ranging chemical contaminants in native fish include:

- **USGS utilized archived plasma from adult smallmouth bass from sample locations at 4 sites in Chesapeake Bay watershed collected from 2013 to 2019.** Two sites were in the Potomac drainage (mouth of Antietam Creek and South Branch Potomac near Moorefield) and two were in the Susquehanna (Pine Creek and West Branch Mahantango Creek).
- PFAS compounds were found in every smallmouth bass plasma sample collected, at the four sites with differing land use patterns.
- PFOS was the compound detected at the highest concentrations at all sites.
- Higher concentrations of the 4 PFAS compounds were found in plasma of fish from watersheds with highest proportions of developed and agricultural land. “PFOS and total PFAS were positively correlated with total pesticide application in the immediate catchment (area immediately surrounding the site)...”

¹ Caprio, Paul, P.G., Vice President, Director, Chemicals and Contaminants of Emerging Concern, [EPA PFAS Strategic Roadmap Timeline](#), EA Engineering, Science and Technology Inc., October 2021.

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- Lymphocyte function in the fish, which produces antibodies, was negatively impacted by PFAS exposure. CBF has received reports of similar concerns through studies in humans, that PFAS exposure negatively impacts the immune and vaccination response.

PFAS chemicals can have an outsized effect on marine life. Lethal effects on some freshwater and marine fish and invertebrates have been documented at concentrations as low as 10 ppm (which equals 10,000,000 ppt) and developmental effects at 1.5 ppm (which equals 1,500,000 ppt). Even lower concentrations can lead to chronic effects such as inhibition of growth and cell function.²

Alternative mosquito control pesticides that do not include PFAS are available. This legislation will empower the Department of Agriculture to limit additional, unnecessary exposure to PFAS through routine testing and certification.

CBF urges the Committee's FAVORABLE report on SB 158.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

² Summarized from Table 7-1 of the Interstate Technology Regulatory Council PFAS Fact Sheet. [ITRC PFASSection7.2-TablesEcotoxicologydatasummary-Aug2021.xlsx \(live.com\)](#)