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Senate Bill 158 - Pesticide Registration - PFAS Testing - Requirements
Committee: Health and Government Operations
DMAA Position: **OPPOSED**

Delaware-Maryland Agribusiness Association represents agricultural retailers and manufacturers operating in Maryland. DMAA opposes House Bill 319 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.

Addressing per- and polyfluoroalkyl substances (PFAS) contamination has been a priority for the U.S. Environmental Protection Agency (EPA). In 2021, EPA published a [Strategic Roadmap](#) to addressing PFAS contamination. The first step in the roadmap is research: “Invest in research, development, and innovation to increase understanding of PFAS exposures and toxicities, human health and ecological effects, and effective interventions that incorporate the best available science.” While we can agree and appreciate the need to address PFAS contamination, doing so needs to be based on science and the science to investigate PFAS in pesticides is not yet fully developed.

There are no validated testing methods for PFAS in pesticides. The EPA interim standard 1633 cited in the bill is validated for wastewater, ground water, surface water, landfill leachates, biosolids, sediments, soils, fish (low and high fat), oysters, clams, and crab; NOT pesticides. The Maryland Department of Health Division of Environmental Sciences Laboratory participated in the validation of this method and does not use Method 1633 for pesticides.

Further, not all fluorinated polymers are PFAS of concern. The total organic fluorine analysis cited in the bill does not distinguish between fluorinated polymers which are not of biological concern and PFAS of concern therefore, not yielding a true PFAS concentration in a substance.

In 2021, lab tests ordered by advocacy organizations claimed to find levels of PFAS in pesticides exceeding the EPA interim drinking water standard. Upon further investigation, the test used was EPA method 1633 which is not validated for pesticides. EPA and the Maryland Department of Agriculture submitted samples of the same products to a lab at Fort Meade using the oily-matrix method and EPA released a statement **confirming no detection of PFAS contamination in multiple samples.** The oily-matrix method however is not applicable for testing of all pesticide formulations. The testing methodology has to be specific to the substance being tested so even a validated method for one pesticide will not be applicable to all pesticide formulations.

The bill also requires an affidavit attesting to the legitimacy of the PFAS test. No commercial lab, nor manufacturer, will attest to the legitimacy of test results derived from a testing method not validated for the substance being tested.

The investment in testing methodology is costly and validation takes time. Validation of the EPA 1633 method took almost two years. Then, investment in commercial lab equipment by testing facilities must be made.

This bill would result in no pesticides being registered in Maryland not due to PFAS contamination but due to the inability of manufacturers to comply with the requirements for testing.

DMAA asks for your unfavorable report on House Bill 319.