



House Bill 1153

*Environment - Water Pollution Control - Protecting State Waters From PFAS Pollution
(Protecting State Waters From PFAS Pollution Act)*

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environment and Transportation Committee

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From: Dominic J. Butchko and Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS HB 1153 WITH AMENDMENTS**. This bill requires “significant industrial users” of per-and polyfluoroalkyl substances (PFAS) to mitigate for contamination in their wastewater before it may enter any wastewater treatment infrastructure. Counties align with the broad intent of the bill, but request an amendment to prevent an unnecessary duplication of federal and state standards.

PFAS are a group of chemicals used to make products resistant to heat, oil, stains, grease, and water. They have been found in anything from clothing, furniture, adhesives, food packaging, heat-resistant non-stick cooking surfaces, insulation of electrical wire, and many more items. From a state and county government perspective, PFAS are troubling because they do not break down in the environment, can easily contaminate drinking water, and are starting to be associated with a slew of troubling health effects. One issue that is very clear is that PFAS mitigation will increasingly grow in necessity, especially at drinking water and wastewater treatment facilities.

Counties applaud the intent of HB 1153 as it sensibly places a sizable share of the burden of PFAS mitigation with the significant industrial users who are introducing these substances into the environment. Without such requirements, county governments will almost solely be left as ultimately responsible for costs associated with necessary infrastructure upgrades, diverting resources from constituent services and programming benefitting our mutual constituents.

An analysis by the American Water Works Association found that PFAS mitigation in public water systems could cost taxpayers \$3.2 billion annually, with mitigation across various contributing industries variously also measured in the billions. What is clear is that, today, the actual costs to remedy PFAS remain uncertain, the impacts of PFAS on public health have yet to be fully understood, and no technology yet exists to accurately detect or remove PFAS to levels deemed safe.

The central policy concept of HB 1153, however, fails when it is potentially applied to publicly owned facilities, especially municipal solid waste locations (landfills, rubblefills, and the like). If enacted, the proposed requirements could necessitate an additional roughly \$1 million in unplanned expenditures per landfill, abandoning the conceptual “polluter pays” framework in the legislation, as local

government solid waste facilities are not the generators of such materials, but merely the recipients after other actors generate or use the initial products. HB 1153 is also duplicative of existing standards and authority under the Maryland Department of the Environment, who has the state-level oversight to govern various contaminants at municipal solid waste facilities operated by county or city governments. Locally run facilities should not be included under the reach of HB 1153 alongside the industrial and commercial entities, who are the root source of these pollutants.

While aligned with the broad intent, counties request an amendment exempting local government facilities, to prevent duplication of already tightening federal and state standards for PFAS mitigation. For this reason, MACo urges the Committee to give HB 1153 a **FAVORABLE WITH AMENDMENTS** report.