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SPONSOR TESTIMONY IN SUPPORT OF HB1190
PESTICIDES - PFAS CHEMICALS - PROHIBITIONS

Delegate Sheila Ruth
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From cookware to drinking water, hazardous PFAS "forever chemicals" are ubiquitous in consumer products, posing long-term threats to the environment, animal populations, land/water quality, and human health. A particular area of concern is PFAS' presence in pesticides. As Kyla Bennett, a Public Employees for Environmental Responsibility (PEER) Science Policy Director and former federal regulator stated, "[i]f the intent was to spread PFAS contamination across the globe, there would be few more effective methods than lacing pesticides with PFAS." These pesticides are being sprayed anywhere from several times a year to once a week around our homes, daycares, hospitals, and schools - in close contact with some of our most vulnerable populations. PFAS chemicals are so invasive that the Maryland Department of the Environment has issued a consumption advisory for 15 species of fish due to this contamination. PFAS exposure is also costly. One study quantifies the national economic costs and the disease burdens associated with legacy PFAS exposure at $62.6 billion.

MDE and the Maryland Department of Health (MDH) have already taken great strides with their December 2023 PFAS Action Plan to minimize PFAS exposure. However, more can be done. HB1190 seeks to further the Moore administration's aims of minimizing environmental exposure to PFAS by tackling its presence in Maryland pesticides in a streamlined and cost-effective manner.

The EPA maintains a list of all PFAS chemicals that numbers at approximately 14,000. Of that total, 66 are listed as active ingredients on the labels of pesticides registered for legal use in Maryland. If enacted, HB1190 would simply ban the registration and sale of all pesticides that include any of the PFAS chemicals on the EPA's list in Maryland beginning on June 1, 2025. Any products already purchased would be able to be used until the end of 2025.

By honing in on pesticide regulation as opposed to product testing, we can address the root of the problem while avoiding costly and time-consuming measures. This process would be as easy as reading pesticide labels before state registration. It also avoids the need to identify whether PFAS contaminants are leaching from the container, which has been a concern about testing for PFAS in pesticides. The transition to non-PFAS pesticides would also be simple. Out of the 14,000 pesticides registered in the state of Maryland, fewer than 8% are currently known to contain PFAS, and all of those have alternatives that are already registered.

The definitions used in HB1190 are consistent with both federal and state regulatory bodies. Its definition of PFAS is consistent with the one already used in Maryland law, as defined by the state George Walter Taylor Act of 2022. It's also the definition used by the EPA, the Department of Defense, Congress, 22 states, and 37 member states in the Organization for Economic and Cooperative Development (OECD). You may hear that the EPA is changing its definition and that we should follow the EPA. In fact, the EPA uses different definitions in different contexts. In the Toxic Substances Control Act (TSCA) rulemaking that bill opponents cite as the "new" EPA definition, the EPA acknowledges that "[...]this definition may not be identical to other definitions of PFAS used within EPA or by other domestic or international organizations." (Page 1824)

This bill is an easy-to-implement yet critical step in our efforts to curb the release of PFAS chemicals into our environment. I ask for a favorable report for HB1190.