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Submitted by Email

**Testimony of Karen Reardon, Vice President of Public Affairs, RISE (Responsible Industry for a Sound Environment)<sup>®</sup>**

**Re: Maryland House Bill 386, "Pesticides – PFAS Chemicals – Prohibitions"**

Chair Pena-Melnick, Vice Chair Cullison and distinguished members of the House Health and Government Operations Committee:

Thank you for the opportunity to provide testimony about HB 386, which would prohibit hundreds of pesticide products that are rigorously regulated by the Maryland Department of Agriculture (MDA) and Environmental Protection Agency (EPA) and are essential to the health, wellbeing, and safety of the state's people, places, companion animals, wildlife and ecosystems.

Our position on this bill is unfavorable. The bill is unnecessary because MDA's and EPA's pesticide regulatory framework ensures products have met state and federal requirements for registration. EPA states on its website that "regardless of the evolving definition of PFAS, pesticides undergo a rigorous scientific assessment prior to registration" and that "fluorinated pesticides in commerce have met appropriate risk-based standards for registration." EPA continues to assess and register products based upon a "two-carbon" structural definition of perfluoroalkyl and polyfluoroalkyl substances within the Office of Chemical Safety and Pollution Prevention (OCSPP).

Pesticides are necessary for protecting Maryland's children, adults, classrooms and classroom animals, and others at school and daycare facilities, and on public and private property. Those responsible for keeping health care, school and day care facilities, and public and private spaces safe and healthy rely on pesticides to protect people from rodent, flea, cockroach, and spider infestations, stinging and invasive insects such as wasps and hornets, and from mosquito- and tick-borne harm and disease. Pesticide products also protect green spaces from insects and plant diseases and are essential for maintaining residential property that serves many environmental functions, including cooling urban and suburban environments, creating wildlife habitat and forage, forming fire breaks, and recharging ground and surface water.

**The existing MDA and EPA regulatory framework provides a rigorous scientific basis for pesticide product sale and use that applies to all products regardless of their chemical structure.** The existing pesticide regulatory framework is appropriate for regulating all aspects

of pesticide sales and use, including the sale and use of pesticides that may contain fluorine chemistry. All pesticides, including those formulated with fluorinated chemistry, must be assessed before they can be registered by the EPA prior to applying for and receiving a state registration from Maryland. EPA and MDA have broad authority within existing laws to change the availability and use status of any pesticide product at any time for a range of safety and scientific reasons.

Specifically, to approve a new pesticide, EPA must determine that, when used in accordance with the label, it will *not* cause unreasonable adverse effects on the environment and *does* provide a reasonable certainty of no harm to human health. EPA must periodically review registered pesticides to ensure they continue to meet this robust safety standard.

Pesticides are among the few products in the marketplace with a scientifically comprehensive regulatory framework and full dataset to support every aspect of their use and lifecycle, including any potential impacts to human health and the environment. Further, MDA conducts its own review of new uses and new active ingredients.

**Pesticides are unique substances rigorously regulated under existing federal law.**

Pesticide products used in public and private settings are already the most studied and regulated substances in the marketplace with a scientifically rigorous risk assessment to ensure products can be used safely when applicators read and follow all label directions. The Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq (FIFRA), is designed to evolve as science and societal expectations evolve. Very few products in the marketplace have an assessment this comprehensive about their environmental fate to support a safe-for-use determination.

Several of the pesticide use categories listed in HB 386 have a limited product toolbox. Any issue with product availability could hamper or weaken responses to a public health emergency at a health care facility or school, effective resistance management in vector control, and other infestations or emerging pest pressures impacting people, animals, plants, and land and water ecosystems.

EPA subjects all new pesticide products to rigorous human health and environmental review and testing requirements to satisfy FIFRA's standards for registration. These testing requirements include, depending on the type of pesticide, the following:

- Product chemistry
- Physical and chemical properties
- Acute, sub-chronic, and chronic toxicity
- Efficacy testing (for public health uses)
- Ecological effects
- Environmental fate
- Applicator exposure
- Residue chemistry (for food use pesticides)

EPA expends significant resources to review and approve the testing data during a scientifically rigorous process. EPA's assessment can take several years before a new product is registered for sale due to this stringent registration process. Products are then re-evaluated by EPA on a regular schedule to ensure they meet current scientific standards. Further, EPA may request new data at any time while the product is registered for use.

FIFRA is designed to evolve as science advances, to support product innovation, and to provide for robust public input into pesticide regulation. The statute requires review of the most current scientific data on health and environmental impacts for all pesticide products and imposes requirements to minimize any risks before they are made available for sale and use.

**All PFAS are not the same.** It is neither scientifically accurate nor appropriate to group all PFAS together. There has been significant research done to assess individual PFAS compounds and to look at appropriate sub-groupings within this broad universe. Grouping these substances together is also inconsistent with the views of key policy organizations including the National Academies of Science, Engineering, and Medicine (NASEM), the Environmental Council of the States (ECOS), and various states that have looked at this specifically.

Regulating products by listing that are not perfluoroalkyl or polyfluoroalkyl substances according to EPA's definition is unnecessary and would not deliver any additional benefit to health or safety in Maryland.

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RISE (Responsible Industry for a Sound Environment)<sup>®</sup> is the national trade association representing manufacturers, formulators, distributors, and other industry leaders engaged with specialty pesticides and fertilizers used by professionals and consumers. Learn more at [www.pestfacts.org](http://www.pestfacts.org). Main Tel. (202) 296-1585.

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