House Bill 386 - Pesticides - PFAS Chemicals - Prohibition

Committee: Health and Government Operations

DMAA Position: **OPPOSED**

Delaware-Maryland Agribusiness Association (DMAA) Position on House Bill 386
The Delaware-Maryland Agribusiness Association (DMAA) represents agricultural retailers and manufacturers operating in Maryland. DMAA strongly opposes House Bill 386, which seeks to prohibit the registration of any pesticide that meets the PFAS definition in the bill after June 1, 2027, and to prohibit their use after June 1, 2028.

It is important to note that not all substances containing a fluorinated carbon atom are PFAS of concern. The definition of PFAS in this bill is inconsistent with the working definition used by the U.S. Environmental Protection Agency (EPA) and fails to accurately capture the PFAS compounds that are of particular concern. The mere presence of a fluorinated carbon does not necessarily indicate harm to human health or the environment. A more precise definition, and one used by the EPA for pesticides and under the Toxic Substances Control Act (TSCA), is: *"a structure that contains the unit R-CF2-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included)."*

Addressing per- and polyfluoroalkyl substances (PFAS) contamination has rightfully been a priority for the EPA. In 2021, the EPA published its Strategic Roadmap for addressing PFAS contamination. The first step in this 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."* DMAA supports efforts to address PFAS contamination, but we believe that such efforts must be based on sound, scientifically supported evidence.

Banning pesticides based solely on an overly broad and vague PFAS definition is premature and would have far-reaching consequences for agricultural producers who rely on these products for pest and weed control. DMAA respectfully urges the committee to reconsider House Bill 386 and to continue to rely on the scientific expertise of the EPA and other federal agencies to address PFAS concerns in a targeted and responsible manner.

The EPA evaluation for registration risk assessments that evaluate the potential for:

- Harm to humans, wildlife, fish, and plants, including endangered species and other non-target organisms.
- Contamination of surface water or ground water from leaching, runoff, and spray drift.

Potential human risks range from short-term toxicity to long-term effects such as cancer and reproductive system disorders.[1]

The process evaluates the ingredients of the pesticide;

- the particular site or crop where it is to be used;
- the amount, frequency, and timing of its use; and
- storage and disposal practices.

Pesticides are among the most regulated and thoroughly researched products on the market. If the concern regarding PFAS in pesticides is centered on potential risks to human health or the environment, those risks are already carefully evaluated and mitigated through the pesticide registration process. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), passed by

Congress in 1947 and most recently updated in 2012, has withstood numerous administrations and changes in Congress. FIFRA remains the foundational framework for pesticide regulation, ensuring that pesticides used in agriculture are safe and protective of both human health and the environment.

House Bill 386 would require the prohibition of at least 66 active ingredients in approximately 1,100 pesticide products. While this might seem like a small fraction of the available pesticide options, the loss of these products would eliminate several essential tools for managing weeds and pests. Even if alternatives exist for some of these products, removing them unnecessarily would jeopardize the practice of Integrated Pest Management (IPM) and resistance management. These strategies rely on rotating different pesticide products to prevent the development of resistance to any single product.

Furthermore, the bill introduces confusion from a regulatory standpoint. It calls for the prohibition of pesticide registrations by June 2027, followed by a ban on usage in June 2028. However, a pesticide that is not registered in a state cannot legally be used there. This creates additional complexity and a patchwork of state-level regulations, which undermines clear, consistent policy.

In support of science-based pesticide regulation and Maryland's agricultural industry, we respectfully request an unfavorable report on House Bill 386.

1. U.S. Environmental Protection Agency. *Pesticide Registration Process.* https://www.epa.gov/pesticide-registration/about-pesticide-registration