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THE MARYLAND HOUSE OF DELEGATES
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SPONSOR TESTIMONY IN SUPPORT OF HB0386
(PESTICIDES - PFAS CHEMICALS - PROHIBITIONS)

Delegate Sheila Ruth
February 12, 2025

PFAS are a class of manmade chemicals designed to give desirable properties to products, such as water-resistance, stain-resistance, or non-stick surfaces. PFAS chemicals are colloquially known as "forever chemicals" because they don't break down easily. This permanence is by design: for example, it's precisely because they don't break down easily that they are able to resist water and stains. A chemical bond between a carbon atom and a fluorine atom is the strongest chemical bond and one that doesn't break easily; all PFAS contain one or more carbon atoms attached to fluorine atoms.

This permanence is also what makes PFAS chemicals so dangerous. They accumulate in the environment and also persist in the human body, where they can cause lasting negative environmental and human health effects. Various PFAS chemicals are known to cause reproductive cancers (including prostate, kidney, and testicular cancers), developmental delays in children, high cholesterol, reduced immune system response (including reduced vaccine response), decreased fertility, and obesity.

Maryland has already banned PFAS in firefighting foam, food packaging, rugs, and carpets, as well as taken other steps to eliminate this threat. The Maryland Department of the Environment has a PFAS action plan. However, one area we have not yet addressed is PFAS in pesticides.

Pesticides are used not only in agriculture, where any PFAS may come into contact with food crops or contaminate groundwater, but are also used to disinfect areas with some of our most vulnerable Marylanders, such as schools, daycare centers, and hospitals. The Maryland Department of Agriculture issued a report on PFAS in pesticides in October 2023, in conjunction with MDE, MDH, and the EPA. The report found that PFAS in pesticides are a concern. MDH wrote that,

> *"No studies have been identified that provided exposure models or epidemiologic data that assess the degree to which PFAS in pesticides contribute to human exposure or health effects. However, it is expected that PFAS in pesticides enter environmental waters, vegetation, aquatic and terrestrial life, and air, and contribute to the overall exposure burden and associated health impacts in humans."*

The final conclusion of the report indicates that Maryland does not yet have the capability to test pesticides for most PFAS, and that Maryland either needs to develop these capabilities (at a fiscal cost) or follow the EPA's lead on testing formulations before we can regulate PFAS in pesticides.

However, this bill - HB386 - provides a simple and elegant partial solution! Pesticides contain two types of ingredients, both regulated by the EPA: active ingredients (those that perform the primary function) and inert ingredients, which provide other benefits. The EPA requires that active ingredients be listed on the registration label, whereas inert ingredients are trade secrets that must be submitted during the registration process but are not listed on the label. **It turns out that some of the active ingredients in some pesticides are known PFAS.** This is known based on their chemical structure and can be verified on the NIH PubChem and EPA CompTox databases.

HB386 takes the simple approach of phasing out any pesticides containing known PFAS listed as an active ingredient on a pesticide label. There are currently 66 PFAS chemicals used in just over 1,000 pesticides in Maryland. This bill would first phase the use of these out in hospitals, schools, daycare centers, residential lawn care, and commercial mosquito spraying by June 2026, to protect our most vulnerable residents while giving commercial operators and agriculture more time to transition to alternatives. The bill also requires MDA to post a list of these PFAS pesticides and circulate it to certified applicators. By June 1, 2027, MDA must stop registering PFAS pesticides, and by June 1, 2028, they must be phased out for all other uses, including commercial and agricultural use.

There are approximately 14,000 pesticides registered in Maryland, and there are substitutes available for the little over 1,000 that contain PFAS and would be phased out.

I am not a scientist, but I encourage you to read the testimony in your bill file from the scientists who can explain all this better than I can. PFAS are harming our environment, including our waterways and aquatic life, and our own health. This year, PFAS was found in water fountains in 34 Maryland schools, including in Harford, Howard, Carroll, and Baltimore Counties. For our health and safety we must work as quickly as possible to eliminate sources of PFAS contamination. HB386 takes an important step in a simple to implement way. I ask for a favorable report.