

Glenn Family Farm

Scott and Barb Glenn

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RE: Opposition to HB0386 Pesticides - PFAS Chemicals – Prohibitions

**TO: HGO Chairperson Delegate Joseline A. Pena-Melnyk,
HGO Vice Chair Delegate Bonnie Cullison,
HGO Members Howard County Delegates Guzzone and Hill
Howard County Sponsors, Delegates Feldmark and Terrasa
Other Members of the Health and Government Operations (HGO) Committee**

Thank you for the opportunity to provide comments on HB0386. Our apologies for being late with our comments. We live on a small farm in Highland, Maryland, Howard County, where our three children were ten-year 4-Hers, managing and working with livestock, including beef and dairy cattle, sheep, and horses. We both have Ph.D.'s in agricultural sciences and worked for over 40 years in research, teaching, and federal and state government affairs. We have scientific and policy expertise in crop protection (pesticides), agronomy, animal science, food systems, conservation, environment, and more. We are 25-year + members of Howard County Farm Bureau and Maryland Farm Bureau.

Overall Comment of Opposition

Scientific risk assessment of pesticides, according to the federal law, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is based on the science-based regulatory process by the U. S. Environmental Protection Agency (EPA) and Maryland Department of Agriculture (MDA). Risk assessment is defined as the Hazardous nature of a pesticide times the Exposure. Registered agricultural pesticides may be defined as hazardous (based on chemical composition) but exposure is extremely low. Agricultural pesticides are applied at ounces per acre so Exposure is near zero for applicators, farmers, and consumers. Thus, for EPA-registered pesticides there is a very low risk of any environmental or health impact when applied according to the label approved by US EPA. The label is the law.

We oppose HB0319 for three reasons:

- 1) **The pesticides list targeted by this bill, are EPA-registered and EPA has no PFAS concern. Banning these registered pesticides will directly cause the demise of agriculture in Maryland.** Why get ahead of EPA? Why go from a list based only on ‘hazard’ to a ban? It makes no scientific nor practical sense. Furthermore, these pesticides are not only used for a health care facility, school, day care operation, residential lawn care; or for commercial mosquito spraying operations. We understand that about 47% of these ‘PFAS pesticides’ on your list are currently used for production agriculture, including growing of soybeans and more commodity crops.

Farm and farm productivity requires the use of pesticides. Of these 47% of pesticides on your list, farmers have NO alternative active ingredients nor methods to use as replacements. Farm production of our major crop commodities will be jeopardized by this ban bill.

Banning these registered pesticides will directly cause the demise of agriculture in Maryland.

- 2) **The bill’s provisions are not science-based. Maryland Department of Agriculture (MDA), which has state authority for registration of pesticides,** is a co-regulator with the U.S. Environmental Protection Agency, and as such complies with federal law, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and federal as well as state regulations. EPA-registered pesticides are approved by US EPA and MDA after rigorous scientific risk assessment and the label requires rates applied which in most cases include a ten thousand-fold safety factor bringing human health exposure near zero. Currently, EPA does not require a test for PFAS for any pesticide under consideration for registration nor for pesticides already registered.

Making a hazard list based on chemical composition (fluorine molecules) has no meaning with respect to their safe use in crop production. Such a list based solely on chemical composition does NOT equal causation, and “Hazard” alone does not mean that there is Risk. Therefore, your pesticide list has nothing to do with risk assessment, i.e., causation nor risk. **Bans based only on “Hazard” designations are ill-conceived and will greatly harm Maryland agriculture.**

- 3) **The MDA, not the Maryland General Assembly, has the authority, expertise and knowledge of agriculture to register pesticides in Maryland, and therefore should lead on any issue of PFAS and any relationship to pesticides.** Note that the 2023 MDA State Study on Use of PFAS in Pesticides Report to the Governor by MDA, indicates:

“The Maryland Department of Agriculture **will closely monitor** the EPA's efforts to further regulate and eliminate PFAS in pesticide products.”

“After reviewing available literature and governmental data, **there is a lack of information** concerning the contribution of PFAS in pesticide formulations to the impact of PFAS in the environment and exposure to humans. In order to better understand the impact of PFAS in pesticide formulations, laboratory analysis of PFAS in formulations must be at the forefront of any environmental or human impact studies or decision-making policy. Without reliable data about formulation contamination, there can be no reliable environmental or toxicological analysis. **Therefore, we are unable to make any policy determination at this juncture.**”

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“There are two recommendations from the workgroup. The first is to **follow EPA's lead** on the formulation. The EPA is currently developing a method specifically to test various pesticide formulations. The second is to **analyze formulations that are registered with the Maryland Department of Agriculture's State Chemist Section** in order to acquire baseline data. Following EPA's lead would fit into the agency's PFAS Roadmap but would take time. The second recommendation may be the most expedient.”

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“The analysis of pesticide formulations would provide the data needed to make well-informed decisions based upon good science.This route would **necessitate the establishment of a PFAS testing program** within the State Chemist Section....The analysis of formulations would require initial funding for a room renovation and equipment purchasing.”

MDA reported that there is a lack of information, that they are unable to make a policy determination, and MDA will follow the EPA's lead.

Justification for Opposition

1) **Pesticides are critical for protecting public health and food security** of all Marylanders and all Americans in the United States. Registered pesticides used according to label, alleviate human diseases, and contribute to enhanced environment and ample climate resiliency in both urban and rural communities, fields, and farms. Indeed, pesticides assure that we are protected from diseases such as those transmitted by mosquitoes and other insects, as well as for optimal crop and livestock productivity, thus assuring availability of safe, nutritious, and healthy food products.

2) **Agriculture relies on pesticides** just as we rely on other inputs, such as fertilizer and fuel. Pesticides used by farmers to control weeds, insects, and diseases contribute to sustainable agriculture in concert with conservation practices, animal health practices, and newer climate-smart agriculture practices. Farmers in Maryland use registered pesticides for crop production and for livestock production. Farmers apply registered pesticides according to the label. The label is the law!

3) **The bill creates an ill-conceived, non-scientific, and costly requirement of MDA and by banning these chemicals, creates a massive burden on farmers,** the pesticide industry, and the general public. In this regard, HB 0386 does a disservice to Maryland farmers and ALL Marylanders.

Therefore, we oppose HB 0386 and strongly urge that this bill not advance out of Committee.

We grant that PFAS requires attention by the U. S. EPA, U.S. Department of Agriculture, and MDA. More scientific research is needed. Rigorous research must continue to provide information about the possible risks to the food supply and to public health. A focus of current research is evaluating all pesticide active ingredients for PFAS.

Current Background on PFAS from U. S. EPA

EPA's PFAS Strategic Roadmap: Three Years of Progress

November 2024, https://www.epa.gov/system/files/documents/2024-11/epas-pfas-strategic-roadmap-2024_508.pdf

Per- and Polyfluoroalkyl Substances (PFAS) in Pesticide and Other Packaging <https://www.epa.gov/pesticides/pfas-packaging>

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7. Are there any pesticide active ingredients that are considered PFAS?

Pesticide registration decisions are based on extensive data requirements as outlined in 40 CFR 158, which applies to both active ingredients and the inert materials contained in end use products. EPA continues to evaluate all pesticide active ingredients to determine if any meet the current structural definition of PFAS or are part of other related chemistries that have been identified by stakeholders as being of concern. EPA will continue to provide updates as more information becomes available.

<https://www.epa.gov/pesticides/pfas-packaging>

Conclusion

In conclusion, we oppose HB386 and strongly urge that this bill does not advance out of the Health, Operations and Government Committee. Thank you for accepting our comments. Please let us know if we can be of assistance to you on this matter. (glennbarb6@gmail.com).

Sincerely,

Drs. Scott and Barb Glenn

**Glenn Family Farm
Highland,MD
Howard County**