



Maryland Defense Counsel
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House Judiciary Committee

Testimony of the Maryland Defense Counsel, Inc. (“MDC”) in Opposition to House Bill 1112 – PFAS Chemicals – Civil Actions and Prohibition on Consumer Product Sales

The Maryland Defense Counsel (“MDC”) is the largest civil defense bar organization in Maryland. The MDC has carefully considered the impact of HB1112 and applauds its intent, but is respectfully requesting an unfavorable report.

As written, House Bill 1112 (HB 1112) would prohibit the manufacturing, selling, or distributing of any consumer products that contain PFAS in the state by July 1, 2026. HB 1112 also would expand liability by creating a separate cause of action for PFAS exposure with extended time limits for filing claims.

HB1112 Directly Conflicts with Maryland’s Workers’ Compensation Laws

Under the Maryland Labor and Employment Code Section 9-509(b), when an injured worker is exposed to airborne toxins and is diagnosed with and suffers from an occupational disease as result, the injured worker’s exclusive remedy is the filing of a workers’ compensation claim with the Workers’ Compensation Commission under the provisions of Maryland’s Workers’ Compensation Act. This provision has long been upheld and enforced, as workers’ compensation is the exclusive remedy for occupational diseases that occur within the course and scope of employment. See Kramer v. Globe Brewing Co., 175 Md. 461, 2 A.2d 634 (1938); Cox v. Sandler’s, 209 Md. 193, 120 A.2d 674 (19560).

However, the definition section of HB 1112 specifically references occupational diseases suffered in the course and scope of employment due to PFAS exposure, and allows a claim directly against the employer outside of the workers’ compensation system. This is in direct conflict with Section 9-509(b) of the Workers’ Compensation Act and poses a conflict between the two laws that would result in appellate litigation to resolve the disparity. As a result, the efforts of HB1112 to expand the civil liability of employers outside of the Workers’ Compensation Act, actually creates a direct conflict to the well established law and would create an

For these reasons, the Maryland Defense Counsel respectfully requests an **unfavorable report** on **HB 1112**.

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