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Date: March 3, 2025
To: Members of the House Judiciary Committee
From: Grayson Middleton, Government Affairs Manager
Re: HB1112 – PFAS Chemicals – Civil Actions and Prohibition on Consumer Product Sales - **Oppose**

Delmarva Chicken Association (DCA) the 1,600-member trade association representing the meat-chicken growers, companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware opposes HB 1112 and urges an unfavorable committee report.

HB1112 alters the limits for bringing an action for wrongful death or personal injury concerning exposure of a person to PFAS chemicals; and prohibits a person, on or after July 1, 2026, from manufacturing, selling, or distributing in the State a consumer product that contains PFAS chemicals.

DCA has serious concerns about the definition of “consumer products” in the legislation and how it may potentially impact agricultural inputs, including pesticides, under this particularly broad PFAS definition. DCA is in favor of phasing out any chemicals in production agriculture that have been proven harmful to human health through rigorous research. Furthermore, we believe these approaches should be measured and balanced in their evaluation of the harm and harm reductions these products may provide.

Pesticides are imperative in livestock production for animal and human health and safety. They are perhaps even more integral to grain production, as they protect food safety and prevent potentially major economic losses. Since 95% of grain grown on the Eastern Shore is converted directly to chicken feed, the grain and poultry industries are inextricably linked. Any effects on grain production, whether through government action or natural occurrences, directly impact poultry production and prices.

Farmers often use the “toolbox” analogy when referencing the practices, strategies, and products they use to combat frequent challenges in production or the regulatory framework. Each time one of these “tools” is removed, meeting these challenges becomes more complicated. Rodenticides in chicken farming are particularly essential for protecting poultry against vermin and the diseases they carry. This is especially important given the rise of High Path Avian Influenza (HPAI). Under this legislation, rodenticides such as Bromethalin and Bifenthrin would be banned. Both products have been studied extensively for human safety, and the few alternatives available are less desirable because of resistance risks and the need for higher application.

It is worth noting that although alternatives exist for some of the products that would be banned under this legislation, removing them from the application cycle risks increasing tolerance/resistance to other commonly applied alternatives. Pest management often relies on a variety of products for the same type of infestation due to increased resistance if an inadequate selection of products is applied. This poses risks to the livestock and is especially concerning given our efforts to combat recent and devastating HPAI outbreaks.



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All products currently registered with the Maryland State Chemist have undergone an extensive risk assessment by the U.S. Environmental Protection Agency using up to 150 separate studies. Even after they are approved, they are continually monitored and re-evaluated based on the latest science. Innumerable products used in almost every industry fit the widely accepted EPA definition of PFAS/PFOA. Even more would fall under the wider definition as outlined in this legislation. However, contrary to the popular understanding of fluorinated chemicals, most of these products are completely harmless, as demonstrated by countless rigorous studies. Comparing modern “short-chained” fluorinated chemicals with the harmful “long-chained” varieties is like comparing the health effects of a scented candle to those of frequent cigarette smoking. Not all fluorinated chemicals are the same, and in the process of legislating based on this common misunderstanding, we risk introducing needless vulnerabilities to our food supply.

We believe this legislation is admirable in its goal of protecting human health and safety. We advocate for continued rigorous research into the health effects of all chemicals used in production agriculture. Sadly, this legislation does not adequately balance the potential risks and benefits of so many products that are used for animal and consumer safety. Nor does it recognize the very critical distinctions between chemicals that fall under the very broad umbrella of PFAS and PFOA, thus causing more harm than good. Finally, it demonstrates a presumable lack of trust in our globally lauded federal regulatory framework and decades of rigorous scientific research. As such, we urge an **unfavorable** vote on HB1112.

Should you have any additional questions, please contact me at middleton@dcachicken.com or 410-490-3329.

Sincerely,

Grayson Middleton

Government Affairs Manager