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2025 POSITION PAPER
HB 1112

PFAS Chemicals – Civil Actions and Prohibition on Consumer Product Sales

FAVORABLE

The Maryland Association for Justice requests a favorable vote on HB 1112 which would increase the statute of limitations for injuries and death due to PFAS chemicals.

PFAS chemicals (per- and polyfluoroalkyl substances) are man-made chemicals that are used in many consumer products. These chemicals are known as forever chemicals as they do not break down in the environment. It is likely present in everyone's blood stream and has been linked to many dangerous diseases. Per the EPA, peer-reviewed scientific studies have shown that PFAS exposure may cause reproductive problems, have developmental delays in children, increase the risk of cancers including prostate, kidney and testicular.

HB 1112 provides that if exposure to PFAS chemicals was a cause of injury to a person, the statute of limitations is the earlier of 3 years from the date when the cause of action was discovered or 10 years from the date of exposure. The bill further provides that if exposure to PFAS chemicals was a cause of a person's death, that an action has to be filed at the earlier of 3 years from the date when the cause of action was discovered or 10 years after the date of death. This makes sense in that the effects of PFAS chemicals and exposure is still being studied, and only a 3-year statute of limitations when the death may be due to PFAS is unfair.

Maryland would not be alone doing this. New Hampshire law provides for an extended statute of limitations for PFAS exposure.

The Maryland Association for Justice urges a FAVORABLE Report on HB 1112

About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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Attorney General Brown Sues 3M, Dupont, and Other Chemical Manufacturers for PFAS Contamination of Maryland's Waters and Other Natural Resources

Attorney General Brown Sues 3M, Dupont, and Other Chemical Manufacturers for PFAS Contamination of Maryland's Waters and Other Natural Resources

BALTIMORE, MD – Maryland Attorney General Anthony G. Brown today announced two lawsuits, filed on behalf of the State of Maryland, the Maryland Department of Environment, the Maryland Department of Natural Resources, and the Maryland Department of Health, seeking to hold multiple chemical manufacturers accountable for widespread and continuing contamination of Maryland's natural resources and harm to public health. The lawsuits allege that through the manufacture, marketing, and sale of toxic per- and polyfluoroalkyl substances (PFAS), or "forever chemicals," these corporations, including 3M, DuPont, and others, caused PFAS contamination of the State's environment through multiple pathways and put Maryland residents' health at risk.

One lawsuit addresses contamination caused by PFAS present in aqueous film-forming foam (AFFF), more commonly referred to as "firefighting foam," which has been used for decades by the U.S. military, airports, industrial facilities, and local fire departments. The second lawsuit addresses contamination caused by PFAS from non-AFFF sources, including but not limited to a myriad of consumer products, and which were introduced into Maryland's environment through industrial facilities, the use and disposal of these products, landfills receiving PFAS-containing waste, and wastewater treatment facilities containing PFAS-contaminated waste streams. Both lawsuits allege that defendants knew the dangers associated with their PFAS products many decades ago. Yet despite that knowledge, they kept the risks secret and failed to alert the State or the public. Rather, they continued to pursue profits through the manufacturing, marketing, and sales of their PFAS products in Maryland.

"Protecting the health and well-being of Marylanders and the environment in which we live and raise our families is one of my top priorities," said Attorney General Brown. "Access to safe drinking water, a clean environment, and the precious natural resources of Maryland will not be jeopardized by those who put profits above public health and safety. These corporations must pay to clean up the damage and be held accountable for the harms they have caused."

Exposure to PFAS in humans and animals has been linked to several diseases, including kidney and testicular cancer, thyroid disease, ulcerative colitis, high cholesterol, pregnancy-induced hypertension, and low birth weight, and may also impair the immune system, including the immune response to vaccines. PFAS pose a serious threat to human health, as they are not just present in drinking water, but can also be ingested, inhaled, and even absorbed through the skin. PFAS are estimated to be detectable in the blood stream of 99 percent of the U.S. population.

“Those who would choose to pose a risk to Marylanders’ well-being must be held accountable,” said Gov. Wes Moore. “By filing these claims, Maryland is making clear that we value health, safety, and preserving our state’s precious natural resources for future generations over corporate profits.”

“The Maryland Department of the Environment continues to take aggressive action to identify PFAS risks and address the harm this has caused people across the state,” said Maryland Department of the Environment Secretary Serena McIlwain. “We will be relentless in holding to account the companies that threatened public health with PFAS.”

PFAS is a group of over 9,000 human made chemical compounds containing fluorine and carbon atoms. PFAS has been used since the 1940s in industrial settings and in the production of household and commercial products that are heat resistant, stain resistant, and water and oil repellent. The most widely studied PFAS chemicals, PFOS and PFOA, have been shown to be toxic at very low concentrations. They are easily transported through soil and groundwater where they can migrate long distances, including into surface water. PFAS are commonly referred to as “forever chemicals” because they do not readily biodegrade or chemically degrade and remain in the environment for hundreds or even thousands of years.

Both lawsuits allege a number of claims, including defective design, failure to warn, public nuisance, trespass, and negligence. The two complaints seek to recover damages and costs related to the investigation, cleanup, restoration, and treatment of its natural resources from PFAS contamination.

The Maryland Department of Environment (MDE) has made substantial efforts to better understand and reduce the risks to public health associated with PFAS contamination of the State’s natural resources. MDE is working to identify additional sources of release of PFAS at Department of Defense locations, wastewater treatment plants, industrial sites, and landfills. Thus, more investigation and work are necessary to determine the full extent of PFAS contamination.

# # #

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The Maryland General Assembly's Office of Legislative Audits operates a toll-free fraud hotline to receive allegations of fraud and/or abuse of State government resources. Information reported to the hotline in the past has helped to eliminate certain fraudulent activities and protect State resources.

More Information

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Forever chemicals found in dust in New Castle, plu

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Position: FAV

delaware online

LOCAL

Forever chemicals found in household dust in New Castle, Gore is sued for pollution

Molly McVety
Delaware News Journal

Published 4:54 a.m. ET Jan. 15, 2025

Forever chemicals continue to be a major focus of environmental and public health groups around the country, and Delaware has been the focal point of recent developments in their research and litigation.

A study conducted by the federal government found forever chemicals were persistent in dust and blood serum samples in New Castle.

Additionally, a new lawsuit has been filed against a Delaware company alleging that its sites knowingly used and polluted local environments with the chemical.

What are forever chemicals?

PFAS, which stands for per- and poly-fluoroalkyl substances, are a class of chemicals that have been used in a wide variety of manufacturing processes over the years that potentially cause adverse health impacts upon consumption or inhalation. Due to their longevity in the environment, they often are referred to as forever chemicals.

Commonly known sources of forever chemicals include firefighting foams, wire insulation, cleaners, textiles and other consumer products.

Experts warn that PFAS contamination can cause adverse health effects. It has been classified by the International Agency for Research on Cancer as a “possible carcinogen."

Elevated levels can lead to increased cholesterol levels and liver problems. Pregnant people exposed to elevated PFAS levels are considered to be at a higher risk of increased

blood pressure or pre-eclampsia, and that may result in lower birth weights in newborns.

New Castle study finds PFAS in household dust

A study was conducted by the U.S Department of Health and Human Services' Agency for Toxic Substances and Disease Registry that tested different mediums for "forever chemicals" in Westfield, Massachusetts and in New Castle.

The agency was investigating these two sites to identify non-drinking water exposure sources of PFAS, and chose New Castle for its close proximity to industrial sites and history with PFAS contamination.

"[More than 25%] of residents in the (Delaware) sampling frame live in areas that are highly impacted by a combination of environmental burdens, social factors and pre-existing chronic health conditions," the study said.

Samples were collected in 2022 from indoor air, household vacuums, surface dust and soil to look for seven types of forever chemicals. Some property owners wore a silicone wristband to characterize how much exposure to PFAS the participants encountered during daily activities.

The study indicated that there is a direct correlation between an individual's exposure to forever chemicals and the concentration of forever chemicals in their blood.

The study also found that forever chemicals were found in settled dust, household vacuum dust, soil, surface wipes, produce, indoor and outdoor air, as well the silicone wristbands worn by participants.

A representative from the Delaware Department of Public Health stated that it would work in tandem with Delaware's Department of Natural Resources and Environmental Control to use the report's findings to investigate local sources and exposures to PFAS, as well as to develop immediate and long-term mitigation strategies.

There are no federal regulations dictating "healthy" limits in these spaces, so the study was just testing for basic detection, but the results show that forever chemicals are potentially more pervasive than once assumed.

Offshore Wind: US Wind files appeal against Sussex County Council's permit denial. Here are the details

Maryland sues Gore for PFAS contamination

On Dec. 18, 2024, the state of Maryland filed a lawsuit against W.L Gore and Associates, alleging contamination from 13 of its 14 sites in neighboring Cecil County.

The suit not only alleges that Gore caused widespread PFAS contamination from its 14 facilities in and around Elkton, Maryland, all of which are within 10 miles of each other, and that the company knew of the environmental and public health risks.

The state is seeking recovery costs for investigations and remediation of the contamination and to obtain damages for injuries resulting from the contamination.

Since 1958, Gore has been using “PTFE”, which is a type of “forever chemical," in its manufacturing processes. For decades, these chemicals were purchased from DuPont and 3M.

According to the lawsuit, since at least 1980, these companies had data or internal confirmations related to the environmental health risks associated with the chemicals, but allegedly concealed these results from the public and government agencies.

“W.L Gore & Associates has a long history of contaminating the environment and prioritizing profit over the health of the communities in which it operates,” said a statement from attorneys representing the citizens in separate litigation against the company. “Since filing [a separate 2022 class action suit] against the company … we’ve discovered the toxic poly-fluoroalkyl substances, also known as ‘forever chemicals’ polluting the water are even more widespread than initial data suggest.”

Delaware's PFAS history

Delaware and its incorporated companies are now no stranger to lawsuits regarding alleged PFAS contamination.

Over the years, private wells and surface waters across Delaware have been found to contain some form of PFAS, which were only recently regulated by the EPA.

New Castle in particular has been the subject of investigation into PFAS contamination, after it was found that public water wells surrounding the New Castle Airport had levels of forever chemicals that exceeded “lifetime health advisory levels” set by the EPA.

In 2021, DuPont, Chemours and Corteva were ordered by the Delaware Department of Justice to pay nearly $100 million to the state of Delaware for long-term contamination to the state's environment.

Delaware Attorney General Kathy Jennings announced in 2023 that the Delaware Department of Justice had filed a lawsuit against 13 chemical companies who used PFAS in operations, seeking monetary damages to remediate natural resources and further monitor water supplies.

Recommendations to stay safe

The Department of Public Health said that the public should be mindful of the products they purchase, and to limit PFAS exposure when possible.

"Limiting your use of coated fast-food packaging, plastic or non-biodegradable storage containers, as well as opting out of stain-resistant treatments when cleaning carpets is also helpful," the department said.

Other methods like wet dusting and using a HEPA filter when vacuuming are some of the best ways to prevent PFAS dust contamination in your home. Carbon air filters for the home's HVAC system also can help reduce PFAS from being recycled in home air systems, according to the Department of Public Health.

The federal study also listed some recommendations for residents concerned about potential health impacts:

1. Be aware of consumer items in your home that may contain PFAS and reduce your use of those products (coasted fast food containers, stain-resistant treatments)
2. Contact the Consumer Product Safety Commission at 800-638-2772 with questions about PFAS exposure in consumer products
3. Discuss any health concerns or symptoms with your healthcare provider
4. Follow the advice of your health care provider and recommendations for checkups, vaccinations, pre-natal care and health screening tests for you and your child
5. For additional information about environmental exposures and children's health, contact the Pediatric Environmental Health Specialty Units, a nationwide network of experts in reproductive and children's environmental health

Molly McVety covers community and environmental issues around Delaware. Contact her at mmcvety@delawareonline.com. *Follow her on Twitter @mollymcvety*.

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Cecil County

Ways and Means Committee
Education Subcommittee
Local Revenues Subcommittee

Joint Committee on Gaming Oversight

Chair, Cecil County House Delegation

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March 3rd, 2025

HB-1112 PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales – Favorable

Good afternoon Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee,

Please accept my written testimony in support of HB-1112 PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales. The driving intent for me introducing this legislation is the ongoing PFAS contamination disaster in Cecil County, made famous at the end of last year. I have had numerous constituents contact our office who have been impacted or are in the suspected contamination zone. A sizeable portion of my constituents rely on well water, and do not enjoy the luxury many larger jurisdictions have of wide-spread municipal/county water. The PFAS leak in Elkton has disproportionately impacted my constituents who rely on well water, particularly because of the soil contamination associated with PFAS. I have had some discussions with the Fireman's Association to ensure their equipment supply is not unduly disrupted by this legislation, in addition to the HVAC service association regarding a potential amendment. Similar practice is done with materials such as asbestos in other states. I would encourage the members of The Committee to read the attached news articles regarding the incident in Elkton. I am respectfully requesting a favorable report, and am open to amendments from the committee or other interested parties so long as the main intent of the bill is preserved. Thank you.

Sincerely,

Delegate Kevin B. Hornberger

Maryland lawsuit_ WL Gore was aware of PFAS violat
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Position: FAV

Toxic legacy: Maryland lawsuit alleges WL Gore took no action amid awareness of PFAS violations

WL Gore denies allegations, cites cooperation with MDE to investigate, address potential environmental impacts

Updated: 1:27 PM EST Feb 12, 2025

Tolly Taylor ✉
Reporter

BALTIMORE (Part 3) — Maryland Attorney General Anthony Brown recently sued the maker of Gore-Tex, accusing the company of harming the state's environment by releasing toxic forever chemicals.

Brown told 11 News Investigates that W.L. Gore and Associates sold billions of dollars' worth of products for decades. The attorney general also accused the company of releasing **perfluoroalkyl and polyfluoroalkyl substances** (PFAS) into the air, soil and groundwater while being aware of and concealing their danger.

"A complete disregard for the harmful effects of PFAS, and the fear is that, for decades to come, you're going to see the injuries caused by their conduct," Brown told 11 News Investigates.

So, Brown filed a lawsuit in December against W.L. Gore and Associates on accusations it contaminated the areas around 13 of its Cecil County facilities with PFAS.

| **DOCUMENT**: **Read Maryland's lawsuit** (PDF)

"We've undergone an investigation, which is not complete because that's part of litigation. We see violations of the law by W.L. Gore," Brown told 11 News Investigates. "It's pretty striking, the extent to which W.L. Gore has contaminated the soil, the groundwater in Maryland."

Last week, 11 News Investigates revealed a **first-of-its-kind study** that tested the blood of Maryland residents from across the state for PFAS and found contamination in all 41 volunteers. Researchers told 11 News that the vast majority of the volunteers are at risk for serious health problems.

| **'TOXIC LEGACY' PART 1**: *A first-of-its-kind PFAS study finds "potentially harmful" levels of forever chemicals in some Marylanders' blood tests.* ***Here's why researchers have concerns****.*

The attorney general's lawsuit focuses on PFOA, one of the almost indestructible toxins manufactured by W.L. Gore for decades. Research has linked PFOA to kidney and testicular cancer, pregnancy complications and more.

"There are a number of claims that we're alleging against W.L. Gore for their misconduct. So, we believe it's a strong case both on legal grounds and the facts," Brown told 11 News Investigates.

One of the claims cited in the lawsuit alleges that W.L. Gore knew about the dangers of PFOA by 1990 — at the latest — when one of DuPont's scientists "took his years of knowledge and experience working with PFOA issues at DuPont to Gore." W.L. Gore didn't stop using the toxin in its manufacturing process until the end of 2013.

"I'm not going to go much beyond the complaint because we are in the middle of litigation. It's our belief, and we've got strong information to show it, that they knew of the violations and they didn't do anything

about it," Brown told 11 News Investigates.

| **'TOXIC LEGACY' PART 2**: *A new bill before the Maryland General Assembly would ban more than 1,000 pesticides containing so-called forever chemicals that are currently used on crops, in schools and at hospitals.* ***Lawmakers explain why they say it matters****.*

Another theme of the complaint seems to be that while W.L. Gore would go as far as looking into a problem, the Maryland Department of the Environment had to come in and pick up the tab to really check everything that it wanted checked.

"That's an accurate assessment," Brown told 11 News Investigates. "It's not just about the money. Certainly, (we) don't want taxpayers to pick up the tab for investigations, for remediation, for abatement, for the sampling. But perhaps even more important, we want to address the damages that were done to Maryland."

This isn't the first time Maryland's attorney general has sued companies over forever chemicals. In May 2023, Brown filed two lawsuits, **suing 3M, DuPont and more than a dozen other companies** for "environmental contamination and public health harm" as a result of their use of PFAS.

> "We want to address the damages that were done to Maryland."

"It was the first affirmative litigation that I authorized as attorney general," Brown told 11 News Investigates.

Part of the complaint alleges that water testing found 200 to 250 times the legal limit of PFAS in the drinking water at Cherry Hill, Fair Hill and Appleton South, which comprise part of W.L. Gore's 13 Elkton-area facilities.

"It's certainly astonishing. It's not seen, it's not smelled, and it's so often just unknown to your typical Marylander, right? You don't know when and where you'll be exposed," Brown told 11 News Investigates. "It's striking and alarming that you have a company that knew the dangers of PFAS."

Statement: Gore denies allegations, surprised by lawsuit

In a company statement sent to 11 News Investigates, W.L. Gore cited actions that it said have reflected the emerging science of PFAS.

The statement reads, in part, "W.L. Gore and Associates (Gore) denies the allegations in the complaint and is surprised by the Maryland attorney general's decision to initiate legal action, particularly in light of our proactive and intensive engagement with state regulators over the past two years."

W.L. Gore's website provides data about the company's work, showing maps of where it has tested the soil and where it has offered to sample residential wells, as well as listing data about how many residents have been offered bottled water or were paid to connect to the water utility.

The statement reads, in part, "This demonstrates Gore's continuous, proactive engagement with the Maryland regulators since learning two years ago about the presence of PFOA in ground water near our Cherry Hill facility."

After providing an initial statement last week in response to questions from 11 News Investigates, W.L. Gore then sent an additional statement shortly before this report was published. The full statement follows.

> "For more than two years, Gore has been actively cooperating with the Maryland Department of the Environment to investigate and address potential environmental impacts in Cecil County, where Gore is a longstanding and integral member of the community.
>
> "In addition, Gore has been working with Maryland regulators for decades and we remain committed to continuing those efforts, guided by the facts, data and science that are central to sound environmental stewardship practices.
>
> "Gore has been and will remain committed to the health and safety of our associates, our community and the environment. We will defend ourselves against the attorney general's meritless allegations through the legal process with facts and science, not politics and sensation."

Brown: 'There's certainly more that needs to be done'

In response, Brown told 11 News Investigates: "For W.L. Gore to say that they're surprised when you're not doing everything you're supposed to do, then I guess you're caught by surprise. But there's certainly more that needs to be done, and that's what we're doing."

Last month, Brown joined 17 other state attorneys general in filing an **amicus brief** in federal court to urge the Trump administration not to throw out recent limits that were established for PFAS contamination in drinking water. Brown argued that keeping the rule would significantly improve public health.

Toxic legacy: Bill would ban forever chemicals in Maryland amid study showing prevalence of PFAS

Toxic tap water: What's being done about PFAS in Maryland drinking water? | Exclusive

Toxic tap water: Scope of problems posed by PFAS in school water clarifies under new law | Exclusive

2 Carroll County schools found to have elevated PFAS levels in water

Exclusive: 2 Baltimore County schools have elevated PFAS levels in water

Exclusive: Water contaminated with PFAS at 10 Harford County schools

Harford County students encouraged to bring water after PFAS discovered in schools

Lawmakers consider banning harmful 'forever chemicals'

I-Team exclusive: Data shows many school districts haven't fixed elevated levels of lead in water

I-Team Exclusive: Why aren't Maryland schools fixing the problem of lead in water?

I-Team: 2 Baltimore-area school districts didn't report lead testing despite state law

Toxic chemical ‘Hall of Shame’ calls out retailers in time for holiday shopping

Why is the EPA regulating PFAS and what are these 'forever chemicals'?

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NEXT STORY

Are you a hot sleeper? This is what to look for when shopping for mattresses and more

Updated: 12:42 PM EST Feb 27, 2025

By Francisco Bernard

Sleep is essential. It helps our bodies recover and can also keep us strong in the event we get sick. But preference of sleep differs for many. One of the ways is temperature, and if you're a "hot sleeper," you might be wondering how you can stay cool in order to get the best sleep possible.

Our friends over at Good Housekeeping has outlined steps you can take to maximize your rest when you're a hot sleeper.

You need the right mattress

Good Housekeeping editors say the industry has noticed that sleepers are looking for mattresses that offer cooling technology.

Experts say to look for the following when shopping for cooling mattresses:

- Cool-to-the-touch materials: Look for fabrics like rayon or nylon that help draw heat away.
- Built-in cooling features: Gel, metal particles or Phase-Change technology in the foam materials help pull heat away,
- Breathable construction: The more breathable the mattress, the more heat prevention it can provide.

Some of Good Housekeeping top picks for cooling mattresses are the following:

- **Purple Mattress** - Rated as the best overall cooling mattress
- **Casper Snow Mattress** - Rated as the best cooling mattress for side sleepers
- **Saatva Classic Mattress** - Rated as the most breathable cooling mattress

A cooling pillow might be able to help

Good Housekeeping editors say a cooling pillow can help you sleep more comfortably and soundly. Many feature technology that absorbs heat to prevent night sweats in the first place.

Experts say to look for the following when shopping for cooling pillows:

- Washable: If you sweat at night, you need a pillow that can be cleaned. Look for machine washable pillows or have a cover that is washable.
- Sleep position: Make sure to choose a pillow that's suitable for your sleeping position.

- Material: Look to avoid memory foam pillows because it tends to hold onto heat. Look for styles with added cooling gels or perforations.

Some of Good Housekeeping's top picks for cooling pillows are the following:

- **Coop Home Goods Eden Cool+ adjustable pillow** - Rated as the best pillow overall.
- **SlumberCloud UltraCool pillow** - Rated as the best value pillow
- **Sleep Number True Temp pillow** - Rated as the best pillow for neck pain

Think about sleep accessories

One last tip from our friends at Good Housekeeping, look into accessories that can help you keep cool while sleeping.

One product they recommend is the **Manta COOL mask**, an eye mask that has removable pads that you can place in the fridge. Place the mask on your face before bed to beat the heat. Experts say the mask is also designed to help relieve sinus pressure, so it's also great for allergy sufferers.

Manta Cool Mask

Manta Sleep

amazon.com

$45.00

SHOP NOW

Another accessory is the **NatraCure cold therapy socks**. Just pop the gel packs in the freezer, take them out when chilled and put them on before bed. It cools your feet and brings down your body temperature in the process.

NatraCure Cold Therapy Socks

NatraCure

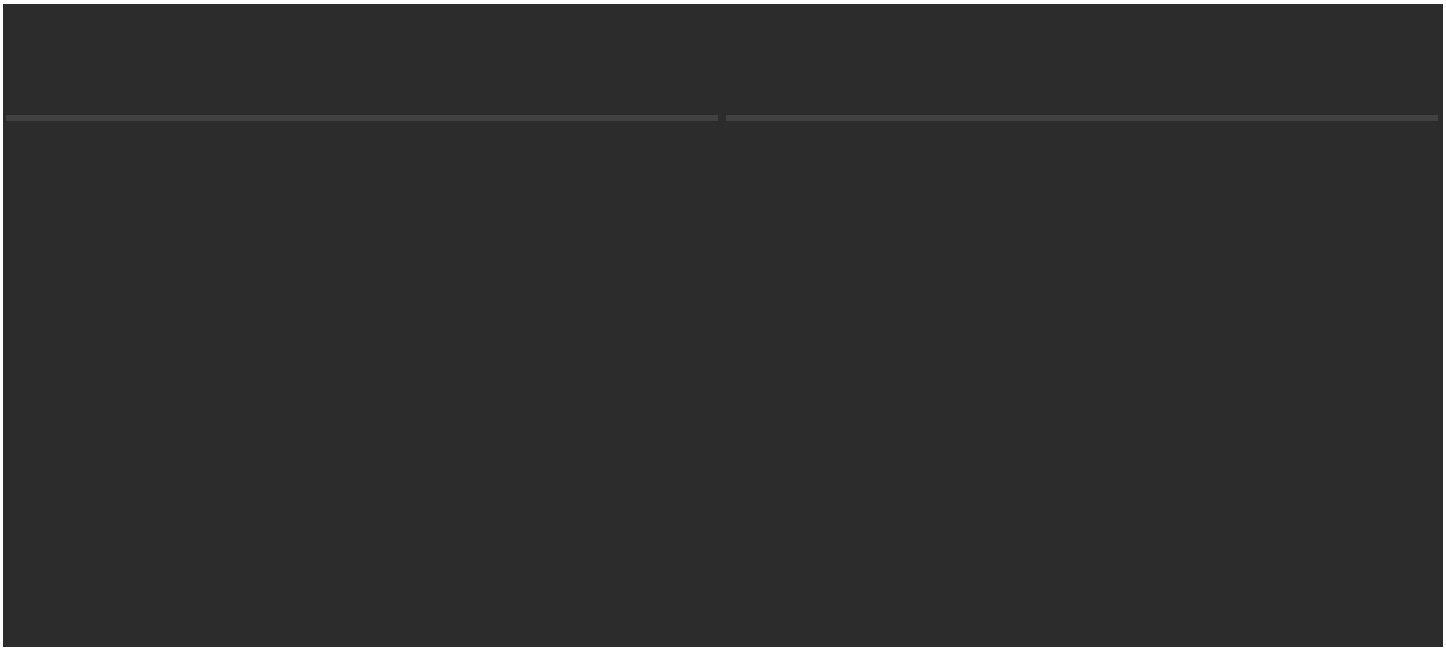
amazon.com

~~$29.99~~

$24.99

SHOP NOW

You can view more tips **from Good Housekeeping by clicking here**.



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NEWS > ENVIRONMENT

Maryland sues W.L. Gore, citing decades of PFAS pollution from 13 Elkton-area sites

Cecil County residents located near W.L. Gore's Cherry Hill location filed a class-action lawsuit last year. (Jerry Jackson/Staff)

By **CHRISTINE CONDON** | chcondon@baltsun.com

PUBLISHED: December 18, 2024 at 6:09 PM EST

Maryland officials have filed suit against W.L. Gore & Associates, the manufacturer of Gore-Tex, alleging that at least 13 of the company's 14 facilities in Cecil County have contaminated the environment, including soil, air and groundwater, with "forever chemicals" for some 50 years.

Maryland's lawsuit, filed Wednesday in the U.S. District Court of Maryland, also alleges that the Delaware-based company knew for decades of the danger posed by the chemicals, called PFAS, but "concealed that information from the State and the public."

After a lawsuits from community members in the Elkton area in 2022 and 2023, Gore attracted state scrutiny. The company has mounted its own investigation into the extent of the contamination.

But in the lawsuit, MDE argues that Gore's effort thus far has been "limited."

"This investigation comes decades after Gore knew of the potential risks," reads the complaint. "Moreover, Gore has not fully delineated the scope of that contamination and has concluded that some sites do not warrant *any* PFAS sampling."

In a statement, Gore spokesperson Amy Calhoun said that the company denies the allegations in the lawsuit, and is "surprised by the Maryland Attorney General's decision to initiate legal action, particularly in light of our proactive and intensive engagement with state regulators over the past two years."

“As recently as this morning, we submitted to the state a detailed testing report for our Cherry Hill facility, which summarizes nearly two years of comprehensive groundwater investigation,” Calhoun said. “This demonstrates Gore’s continuous, proactive engagement with the Maryland regulators since learning two years ago about the presence of PFOA in groundwater near our Cherry Hill facility.”

According to a company webpage called Gore Forward, Gore hired independent environmental consulting firm Arcadis to assess the contamination. Gore is “actively assessing potential impacts at 4 locations,” according to the site, including by installing and sampling groundwater wells.

The company has also compensated some residents within a particular radius, by providing bottled drinking water, paying for in-home drinking water treatment systems and connecting some homes to public drinking water.

Many residents in the vicinity rely on wells, and saw levels of hazardous PFAS above national drinking water limits, according to private testing and state testing previously reviewed by The Sun as part of a February investigation.

The complaint indicates that the contamination is more widespread than initially thought, impacting Gore’s Cherry Hill, Fair Hill, Appleton, Elk Creek, Elk Mills and Lovett facilities. All of the Elkton-area facilities are within 10 miles of each other.

What are PFAS and how does W.L. Gore use them?

To make Gore-Tex and other products, Gore uses a PFAS compound called expanded PTFE. For many years, that compound was manufactured using a harmful chemical called PFOA, which is now one of the most tightly regulated PFAS because of its known links to health conditions, including cancer.

PFOA was removed from Gore-Tex in 2014. In recent years, amid scrutiny from regulators and advocates, the company has gone a step further, releasing a PFAS-free version of its famed waterproof membrane.

Amos Wampler, W.L. Gore Capabilities Center associate, shows a roll of expanded polytetrafluoroethylene (ePTFE) membrane, commonly knowns as Gore-Tex. Earlier this year, a class action lawsuit was filed in Maryland against W.L. Gore & Associates, manufacturer of popular GoreTex apparel, for PFAS, aka "forever chemicals," contamination discovered in drinking water wells near one of its facilities in Cecil County. (Kenneth K. Lam/Staff photo)

Manmade compounds such as PFOA have earned the nickname

A wide variety of consumer products have been made with PFAS, from nonstick cookware to firefighting foam and carpets.

The class includes thousands of chemicals, and several have been linked to health impacts. Earlier this year, the Environmental Protection Agency established drinking water limits for several PFAS, including PFOA, which apply to public water treatment facilities.

The agency has also listed PFOA as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, giving the federal government increased authority to regulate the substance and clean-ups.

What does Maryland want from the W.L. Gore lawsuit?

Wednesday's suit argues that Gore, a privately held company that reports billions in annual revenue, should be held financially responsible for the cost of the investigation into its sites, as well as any PFAS remediation activity and environmental restoration.

"Most critically, PFAS contamination of groundwater and surface water is impacting the State's drinking water sources. Gore is liable for all of the costs necessary to investigate and treat in perpetuity any and all drinking water wells and sources of drinking water adversely affected by its PFAS," read the complaint.

Gore should also pay damages to the state, argues the litigation,

In a statement, Maryland Secretary of the Environment Serena McIlwain said, “While we appreciate Gore’s limited investigation to ascertain the extent of PFAS contamination around its facilities, much more needs to be done to protect the community and the health of residents.”

“We must remove these forever chemicals from our natural resources urgently, and we expect responsible parties to pay for this remediation,” McIlwain wrote.

The complaint was filed by the Maryland Attorney General’s Office on behalf of the Maryland Department of the Environment. Attorney General Anthony Brown said in a statement that his office “will not tolerate companies that put profits ahead of the health and safety of Maryland families.”

Cecil County resident Norma Calabro stands outside her well house at her home located near W.L. Gore’s Cherry Hill location. She is one of the plaintiffs in a class action lawsuit focusing on PFAS contamination discovered in their drinking water wells. (Jerry Jackson/Staff)

Wednesday's state action was applauded by attorneys Philip Federico and Chase Brockstedt, who represent residents in Elkton who previously filed suit over the contamination. Since their filings, the attorneys said their teams have discovered that the PFAS contamination in the community's water is "even more widespread than initial data suggested.

"As first alleged in 2022 by our clients, W.L. Gore & Associates has a long history of contaminating the environment and prioritizing profit over the health of the communities in which it operates," read the attorneys' statement. "On behalf of our clients, we will continue to cooperate with the State to end this contamination and obtain justice."

Have a news tip? Contact Christine Condon at chcondon@baltsun.com, 667-256-6883 and @CChristine19 on X.

HB 1112 - CBF - FAV.pdf
Uploaded by: Matt Stegman
Position: FAV

CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 1112

PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales

Date:	March 5, 2025	Position:	**FAVORABLE**
To:	Judiciary Committee Health and Government Operations Committee	From:	Matt Stegman, MD Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS** House Bill 1112, which alters the time limitations for bringing an action for wrongful death or personal injury caused by exposure to PFAS chemicals and prohibiting the manufacture, sale, or distribution in Maryland of consumer products containing PFAS chemicals after July 1, 2026.

Per- and polyfluoroalkyl substances (PFAS) are a class of chemicals which break down very slowly in the environment and have toxic and carcinogenic effects on biological organisms. Furthermore, PFAS chemicals accumulate in tissues of soft-bodied organisms like worms and clams in the aquatic and marine environment and are further magnified through the food chain to higher order organisms such as fish and crabs. In at least 20 of Maryland's waterways, the Department of the Environment has issued fish consumption advisories for PFAS. Notably, the Department recommends entirely avoiding consuming fish caught in Piscataway Creek due to the extremely high levels of PFAS present in fish tissue[1].

PFAS detection, treatment, and removal technologies continue to evolve for use in drinking water and wastewater treatment, but these methods are expensive, and do not capture all sources of PFAS contamination into Maryland waterways. Furthermore, when PFAS chemicals eventually do break down, the short-chain components that remain are still harmful, and even more difficult to remove from the environment[2].

HB 1112 appropriately addresses the environmental and human health risks posed by PFAS-containing pesticide application. **CBF urges the Committee's FAVORABLE report on HB 1112.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

[1] MDE Fish Consumption Advisories: https://mdewin64.mde.state.md.us/WSA/FCA/index.html
[2] Donley et al. (2024) Forever pesticides: A growing source of PFAS contamination in the environment. https://ehp.niehs.nih.gov/doi/10.1289/ehp13954

MD HB 1112.pdf
Uploaded by: Amanda Hagan
Position: UNF

ANIMAL HEALTH INSTITUTE
Representing manufacturers of animal health products

March 5, 2025

Honorable Luke Clippinger, Chair
Maryland House Judiciary Committee
Taylor House Office Building
Annapolis, Maryland 21401

Dear Chairman Clippinger and Members of the House Judiciary Committee:

Thank you for the opportunity to comment on HB 1112, which bans consumer products that contain PFAS and expands the time limit for bringing certain civil actions concerning exposure to PFAS. The Animal Health Institute (AHI) is the U.S. trade association for research-based manufacturers of animal health products – the medicines that keep pets and livestock healthy. We respectfully oppose this measure.

PFAS, when defined as a class of fluorinated chemicals containing at least one fully fluorinated carbon atom, can inappropriately include the active ingredient in oral flea and tick medications and the active ingredient in some topical flea and tick products and collars. While some PFAS chemistries are known to be harmful, the active ingredients in animal health products are just the opposite: they have gone through rigorous safety testing as well as federal agency review, including considering the potential effects on the animal, humans, and the environment, before reaching the market.

No current alternatives to PFAS are available for these animal health products, making the use of PFAS unavoidable and, in fact, vitally important and essential for public health as well as the safety and functioning of society. They are used for prevention and treatment of external parasites (fleas, ticks, mites) that can seriously harm animal health and welfare. These parasites can infect humans and cause disease, either directly, or by transferring diseases (e.g., ticks and Lyme disease, encephalitis). Especially in 'at-risk' populations such as the elderly, children, or immunocompromised, some of these diseases can be life threatening. The ability to have pets share our living spaces—without fear of disease-causing infestations—is the result of the wide availability of these products.

We urge you to vote against HB 1112 and allow these necessary animal health products to remain available to your constituents. Thank you for your consideration.

Sincerely,

Mandy Hagan
Director, State Government Affairs

1325 G Street, NW ■ Suite 700 ■ Washington, D.C. 20005-3104
Telephone (202) 637-2440 ■ Fax (202) 393-1667
www.ahi.org

MD HB1112 3.5 AAFA Testimony.pdf
Uploaded by: Andrew Pappas
Position: UNF

AMERICAN APPAREL & FOOTWEAR ASSOCIATION

Advocacy that fits.

740 6th Street, NW ▪ Washington, DC 20001 | P: 202-853-9080 | www.aafaglobal.org

March 5, 2025

Chairman Delegate Luke Clippinger
Maryland House of Representatives
Judiciary Committee

SUBJECT: Oppose HB 1112: *PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales*

Dear Chairman Clippinger and Honorable Members of the Maryland Judiciary Committee:

On behalf of the American Apparel & Footwear Association (AAFA), I am writing to oppose HB 1112: ***PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales*** as written.

AAFA is the national trade association representing apparel, footwear and other sewn products companies and their suppliers, and is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its more than 3.5 million U.S. workers, and its contribution of $509 billion in annual U.S. retail sales, and represent more than 1,100 world famous name brands. AAFA approaches all its work through the lens of purpose-driven leadership in a manner that supports each member's ability to build and sustain inclusive and diverse cultures, meet and advance ESG goals, and draw upon the latest technology.

With our members engaged in the production and sale of clothing and footwear, we are on the front lines of product safety. It is our members who design and execute the quality and compliance programs that stitch product safety into every garment and shoe we make. In fact, our members are actively phasing out the avoidable use of intentionally added PFAS and our open industry Restricted Substances List has included PFAS as a class of chemicals for multiple years.

AAFA and our members are proud advocates for regulatory requirements that can effectively protect human health and the environment. Regulation plays a critical role in furthering our industry's efforts, but only if regulations are designed properly, serve their purpose, and are properly enforced. That is why we recently launched the *THREADS Sustainability and Social Responsibility Protocol*. We believe that the *THREADS Protocol* will speed up the development of policies that are effective and catalyze meaningful progress. *THREADS* calls for policies that are:

- **T**ransparently Developed and Enforced
- **H**armonized Across Jurisdictions and Industries
- **R**ealistic in Terms of Timelines
- **E**nforceable
- **A**djustable
- **D**esigned for Success
- **S**cience-Based

Although many of our members routinely exceed regulatory requirements and have phased out the use of avoidable, intentionally added PFAS in their products, we respectfully request the committee consider amending HB 1112.

Unavoidable Contamination & Testing

The legislation, as currently drafted, creates a broad ban on all consumer products containing PFAS with no clear thresholds or exemptions. This proposal is in direct contrast to restrictions on PFAS in textile and apparel products that the industry is already complying with in other states. It is now common practice in the industry to ensure new consumer textile and apparel products test below 100ppm total organic fluorine (TOF). At levels below 100 ppm TOF, PFAS would serve no function for a product; it would not be stain or water-resistant at such a low level. This threshold is important because it is impossible for manufacturers to avoid all unintentional PFAS contamination, given the prevalence of PFAS in the environment.

Personal Protective Equipment

Unlike other state legislation restricting PFAS in apparel and textile products, HB 1112 fails to acknowledge that there are some product categories – e.g. personal protective equipment (PPE) – where PFAS remains necessary. PPE is often subject to federal standards, such as the Occupational Safety and Health Administration (OSHA) or the Food and Drug Administration (FDA), that at present in some cases still require the use of fluoropolymers (a form of stable, inert PFAS) – making its use unavoidable. Further, in many cases, a viable PFAS-free alternative is not currently available to protect workers from fire or hazardous chemicals. For example, a 2024 assessment by the Washington State Department of Ecology through their Safer Products Program found there are ***not*** currently safer alternatives to PFAS in firefighting PPE and declined to impose PFAS restrictions.

For these reasons, PPE is explicitly exempted in California and other jurisdictions that have prohibited the use of intentionally added PFAS in textile and apparel products. Providing an exemption for PPE creates harmonization and consistency for manufacturers and PPE buyers. We recommend incorporating the following definition of PPE into HB 1112 and then providing an exclusion from the restrictions for PPE.

"Personal protective equipment" means equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses that may result from contact with chemical, radiological, physical, biological, electrical, mechanical, or other workplace or professional hazards.

Impacts on Circularity and Recycling

If enacted as written, this legislation would harm industry efforts to recycle used textiles into new textile products. Members are investing significant resources into textile-to-textile recycling technologies and are creating products with next generation materials made with recycled content. To support scaling of circular textile-to-textile recycling systems, consumers need to return old products, and they do. Our members are finding consumers regularly return decades-old products to brands' take-back programs or textile collection sites. This means textile products containing PFAS are entering recycling streams and will continue to do so for years after PFAS has been phased out. Currently available technologies are unable to eliminate legacy PFAS contamination from recycled feedstock, meaning trace amounts can remain in products with recycled content. To facilitate industry efforts to mitigate the impacts of textile waste, we urge you to amend HB 1112 to provide an exemption for products with at least 50 percent recycled content.

Outdoor Apparel for Severe Wet Conditions

Similar to PPE, more time is needed to identify, implement, and scale non-PFAS solutions for outdoor apparel for severe wet conditions than other consumer textile and apparel products. In recognition that it takes more time to transition these highly technical products, several states have provided additional time for these products to comply with bans on intentionally added PFAS. Currently, the industry is diligently working towards a January 1, 2028 deadline to phase out PFAS in these products. That timeline was first set in place in California and has been replicated by other states including New York, Vermont, and Colorado. We would encourage Maryland to harmonize this legislation with existing timelines in other states. We recommend Maryland incorporate the following definition of "outdoor apparel for severe wet conditions:"

"Outdoor apparel for severe wet conditions" means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use. Examples of extreme and extended use products include outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

Sell Through Provision

We additionally recommend Maryland amend the legislation to include a sell-through provision, allowing companies to sell off stock manufactured before the effective date. Establishing a strict effective date without allowing for the sale of items previously manufactured will cause these items to be disposed of immediately – likely sending them straight to landfills where the PFAS will begin to leach into groundwater. Experts recommend consumers continue to use products they own containing PFAS because they do not pose a significant health risk. We know that, if already manufactured garments are instead allowed to be used and worn, they will be disposed of more gradually – preventing an immediate spike in PFAS pollution and providing additional time for technologies to remove PFAS contamination to be developed and implemented.

Conclusion

We look forward to working with you on the regulation of substances in consumer products for the benefit of consumer product safety and public health. In the meantime, our members continue to design and execute the quality and compliance programs that emphasize product safety for every individual who steps into our apparel and footwear products.

Thank you for your consideration of these requests.

Andrew Pappas
Director, State & Local Government Affairs
American Apparel & Footwear Association

Maryland HB1112 - CCCA Testimony in Opposition 2-5

Uploaded by: David Kiddoo

Position: UNF

Testimony on 2025 Maryland House Bill 1112

Contact: David B. Kiddoo
Executive Director
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+1-410-353-3989

March 5, 2025

Chair Delegate Luke Clippinger
Vice-Chair Delegate J. Sandy Bartlett
Maryland House of Representatives
Judiciary Committee
Annapolis, Maryland 21401

Re: CCCA Position on HB1112 – Oppose

Dear Chair Clippinger, Vice Chair Bartlett, and Members of the Committee –

On behalf of the members of the Communications Cable & Connectivity Association (CCCA), located in Frederick, MD, we greatly appreciate being a part of this important dialog during your legislative cycles in 2025. CCCA is also aware of a broad coalition of Trade Associations, Supply Chain entities, and Consumers that share this same position in opposition. Here is our written testimony.

This HB1112 legislation is overly broad, lacks scientific basis, will have significant consequences and would ban thousands of critical products from manufacturing, sale and use in Maryland. We oppose HB1112 related to the comprehensive perfluoroalkyl and polyfluoroalkyl substance (PFAS) ban. This far-reaching legislation bans all consumer products that contain **ANY** PFAS. The measure further expands the time limit for bringing certain civil actions concerning exposure to PFAS.

HB1112 would be the broadest ban on products containing PFAS in the nation and have far reaching negative consequences on nearly every sector of the economy including aerospace, autos, alternative energy, healthcare, building and construction, electronics, pharmaceuticals, and agriculture.

HB 1112 is built on a foundation that incorrectly characterizes all PFAS as if they are a single substance, regardless of the clear diversity of properties and uses, environmental and health profiles, potential exposure pathways, and any potential risk within the PFAS family of chemistries. PFAS substances can be a solid (e.g., fluoropolymers), liquid (e.g., fluorotelomer alcohols) or a gas (e.g., hydrofluorocarbon refrigerants). The fundamental physical, chemical, and biological properties of solids, liquids, and gases are clearly different from one another. The very distinct physical and chemical properties of the three types demonstrate how varied they are and how imposing a “one-size fits all” approach as proposed would be inappropriate.

- More –

With this broad definition and description of "PFAS chemicals" referred to in HB1112, the vast majority are proven safe polymers and substances, containing fluorine chemistry, that are critical in commerce, without any available or adequate material substitutions. The design balance of temperature range, physical strength, electrical transmission, durability, fluid resistance, stability, resilience and several other important engineering factors are uniquely provided by safe fluorinated materials. Without them, products such as cellular devices, computers, microchips, cars, airplanes, satellites & space vehicles, healthcare monitoring devices, limited energy powering & communications network infrastructure, security cameras, HVAC systems, fire response equipment, water treatment, etc. (to name only a brief few) would not be functional.

For specific examples of the use of fluoropolymers (one key type of PFAS):

- **Automotive:** Gaskets, rings, valves, and hoses in the fuel system; wiring and circuit boards; interior and exterior sensors; pull cables; shock absorbers and bushings.

- **Aerospace (military and civilian):** High performance navigation and communication antennae; lubricants for wing flap mechanisms and landing gear; fuel-oxygen separation systems.

- **Clean Energy**: Electric vehicle batteries; hydrogen fuel cells; solar panels; wind turbines; and sheathing for power cables and coatings for electrical wire.

- **Electronics and Electric Appliances:** Computers and other electronic equipment and related components and accessories.

- **Industrial Processes:** Linings for pipes, valves, and tanks to prevent corrosion; gaskets in high temperature, high pressure production processes to contain reactive substances.

- **Medical:** Surgically implanted medical devices (e.g. stents); COVID testing equipment and respirator tubing; cardiac catheters and guide wires; transfer and storage bags for biological fluids; personal protective equipment.

- **Connections:** Seals, o-rings, gaskets, tapes, and connectors which provide multiple functions, such as flexibility, corrosion resistance, heat and cold resistance, fugitive emissions control, and tight seals for working with challenging substances and/or in challenging operating environments.

- **Semiconductors:** Ultra-low contamination semiconductor manufacturing; wafer etching; chemical piping and storage.

CCCA and our industry certainly support the responsible production, use, and the appropriate risk management of fluorinated substances. This includes regulatory requirements that are protective of human health and the environment. HB1112 does not appear to consider the diversity of physical and chemical properties, the corresponding environmental and health profiles of these fluorinated compounds, the critical and essential uses of products in which these substances are present, nor the technical and economic feasibility of alternatives.

Maryland has Already Taken Aggressive Action

- In 2022, Maryland passed the "**George Walter Taylor Act**" (**HB 275 and SB 273**). The broad sweeping bills ban Class B firefighting foam with PFAS; requires sellers of personal protective equipment to notify purchasers that the equipment contains PFAS chemicals; bans the disposal of firefighting foam with intentionally added PFAS using incineration or the disposal of such foam in a landfill; and bans carpets, rugs, food packaging, disposable plastics gloves with PFAS. Also requires the state to take back the foam if requested by a fire department rather than requiring the state to purchase unused foam.

- In 2024, Maryland passed "**Protecting State Waters From PFAS Pollution Act**" (**SB 956**) that regulates and limits the discharge of PFAS chemicals from industrial sources into state waterways and requires the Maryland Department of Environment to develop a PFAS Action Plan.

- Also in 2024, Maryland passed **HB 1147**, which bans PFAS in playground materials.

HB 1112 Proposes to Replicate Proven Flawed Policy and Negative Impacts

- A similar **California** bill (SB 903) failed to pass in 2024 amid concerns raised by a diverse coalition that represented virtually every aspect of the state's economy including manufacturers, biotech, life sciences, car makers, grocers, clean energy producers, and agriculture.

- Where similar laws have been adopted, implementation has proven to be extremely challenging. For example, in the **European Union**, industries have submitted thousands of comments on the widespread consequences of a ban and the lack of suitable alternatives. As a result, EU authorities have had to delay implementation given the complexity of the issue, the number of industries and applications impacted, and the potential consequences for the EU's long-term sustainability, public health, and economic growth goals. **The vast number of exemptions and extensions required renders the laws virtually ineffective**.

- Since 2001, the **Maine** Department of Environmental Protection (DEP) has struggled to implement a similar mandate. The Maine DEP has issued more than 2400 extensions to companies for just its PFAS reporting requirement due to a variety of reasons. These include complicated supply chains for manufacturers to determine if PFAS is even included, the lack of an operational database for manufacturers to submit product information, limited lab

capacity within the US to test products for PFAS and the lack of protection for confidential business information.

As a result, Maine Governor Janet Mills (D) signed LD 1537 last year that substantially **reformed the initial law**. Changes included extending some compliance deadlines, streamlining reporting requirements, including protections for confidential business information and exempting many economically critical product categories.

- **Minnesota**, which more recently enacted a comprehensive ban on PFAS, has already run into complications resulting from this law. Minnesota lawmakers worked last year to sign amendments into law that delay enforcement provisions. Now, Minnesota businesses are struggling with unsellable inventory due to the law's restrictions, and state lawmakers are actively discussing further possible revisions.

  Reporting requirements of Minnesota law are also of concern among impacted parties. With less than 11 months before reporting must begin (January 1, 2026), stakeholders have still not received a draft of the proposed rule from the department. It is expected that millions of products and components of products will be required to report into the state and no framework for submission or system has been made available to those entities required to report under the law. A fee structure for reporting is also required under the law but currently is still up in the air as the department has now combined the rulemaking for reporting and associated fees.

On behalf of CCCA, our Maryland-based members and Limited Energy Technology Integrators, thank you for the opportunity to voice our concerns with House Bill 1112 in its current form. CCCA looks forward to working with the members of the Judiciary and Health & Government Operations Committees, Staff and other industry stakeholders on a PFAS policy that is grounded in strong scientific principles, protects human health and the environment, leverages existing regulatory requirements and resources, encourages innovation and economic development, and provides regulatory certainty to the business community.

Respectfully,

David B. Kiddoo
Executive Director
Communications Cable & Connectivity Association (CCCA)
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2501 Owl Roost Court
Frederick, MD 21702-1658

About CCCA

CCCA was formed on the principle that the industry could be served and strengthened by leveraging the efforts of individual leading firms into a single "voice" and mission that would benefit the structured cabling community and its supply chain. Today, the association's backbone is an active Board of Directors and working committees that manage the association, execute our mission and provide a platform for member benefits and initiatives.

Mission Statement

CCCA is a major resource for well researched, fact-based information and education on the important issues, technologies and structured cabling products impacting the current and future needs of the building network and cabling infrastructure. CCCA is proactive in supporting and participating in codes and standards bodies and other trade, industry and safety organizations, which affect the quality, performance and societal needs of the structured cabling infrastructure.

CCCA focuses its mission on **"What You Need to Know"** to stay abreast and well-informed on topics and issues vital to the structured cabling and connectivity industry.

Communications Cable & Connectivity Association
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For further information, visit the CCCA website www.cccassoc.org or contact David B. Kiddoo, Executive Director, at dkiddoo@cccassoc.org or by phone at +1.410.353.3989

HB1112 - PFAS Chemicals - Civil Actions and Prohib

Uploaded by: Grayson Middleton

Position: UNF

Educate. Advocate. Innovate.

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.

Educate. Advocate. Innovate.

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@dcahicken.com or 410-490-3329.

Sincerely,

Grayson Middleton

Government Affairs Manager

HB 1112_MDCC_PFAS Chemicals - Civil Actions and Pr
Uploaded by: Hannah Allen
Position: UNF

MARYLAND
Chamber of Commerce

House Bill 1112

Position: Unfavorable
Committee: House Judiciary
Date: March 5, 2025

Founded in 1968, the Maryland Chamber of Commerce (the Chamber) is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

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.

Fluorinated chemicals, otherwise known as per-and polyfluoroalkyl substances (PFAS), are a diverse family of chemistry that make possible the use of products that are central to our everyday lives such as: technology and electronics, aerospace and automotive, alternative energy, medical devices and healthcare, building materials, and much more.

However, not all PFAS are created equal. Each individual chemistry has its own unique properties and uses. HB 1112 treats all PFAS as if they pose equal risks, ignoring well-established differences in toxicity, environmental persistence, and exposure pathways. Fluoropolymers, for example, are a distinct class within the broad PFAS group. High molecular weight fluoropolymers are highly stable, too large to be bioavailable, and do not have the potential to become widespread in the environment. Data shows that the properties of fluoropolymers present low health and environmental hazards.

Overly Broad Scope and Economic Impact
HB 1112 proposes the most expansive ban on PFAS-containing products in the nation. This approach does not distinguish between different types of PFAS, their varying levels of risk (some of which have been widely recognized as having low health and environmental risk), or the essential roles they play in critical industries. As drafted, this legislation would disrupt supply chains, increase costs for businesses and consumers, and put Maryland companies at a competitive disadvantage.

Additionally, states and counties that have attempted broad PFAS bans have faced significant implementation challenges, supply chain disruptions, and economic repercussions. For instance, Maine has issued over 2,400 reporting extensions to companies due to supply chain complexity,

testing limitations, and regulatory uncertainty, necessitating legislative rollbacks. Minnesota has already needed to adopt amendments to its law as businesses struggle with compliance and unsellable inventory. The European Union has delayed implementation of its PFAS ban due to the far-reaching economic and technological consequences.

Unrealistic Timeline and Lack of Viable Alternatives
This legislation would take effect on July 1, 2026, less than one year after its potential enactment. It proposes to do this without an established regulatory process and timeline. As a result, it would be unrealistic to assume that manufacturers, distributors, and retailers will have the alternatives and tools required to comply with the law, particularly in such a short period of time. Additionally, in the absence of regulatory assessment on the performance of PFAS alternatives, there is no way to demonstrate that their replacement would be an improvement over the current product.

Expanded Civil Liability
HB 1112 significantly expands civil liability for businesses by creating a separate cause of action for PFAS exposure. The bill extends the statute of limitations for injury and death caused by PFAS exposure to 10 years from the date of exposure or 3 years from discovery of injury or death. Businesses that have complied with existing environmental and safety regulations could still face lawsuits years or even decades later, with no clear legal defenses or safe harbors provided under the bill.

The expansive liability provisions invite litigation against a broad range of businesses, including those that simply distribute or sell products containing PFAS, even if they did not manufacture or intentionally introduce the chemicals. Additionally, the uncapped liability exposure could lead to higher insurance costs, reduced investment in Maryland businesses, and supply chain disruptions as companies face heightened legal risks. By failing to provide a balanced, risk-based framework for liability, HB 1112 opens the door to excessive litigation, making Maryland an outlier in legal exposure compared to other states.

Conflicts with Maryland's Workers' Compensation Laws
Additionally, HB 1112 raises conflicts with Maryland's Workers' Compensation laws, particularly Labor & Employment Article, Section 9. The bill's expansion of liability contradicts existing laws on occupational disease as defined in 9-101(g) and 9-502 of the Workers' Compensation Act. Furthermore, under 9-509(b), Workers' Compensation is the exclusive remedy for work-related injuries in Maryland, meaning employees and dependents cannot pursue additional civil actions against employers for workplace exposures. HB 1112's new liability provisions would directly conflict with this established legal framework and expose businesses to dual liability, undermining the balance set by Maryland's Workers' Compensation system.

A More Balanced Approach

While we support responsible measures to safeguard public health and the environment, HB 1112 takes an overly broad approach that would have sweeping and unintended economic consequences for Maryland businesses and consumers. Rather than an indiscriminate ban, we urge the legislature to take a science-based, risk-informed approach that focuses on the highest-risk PFAS, exemptions for essential uses in critical industries, and a clear regulatory pathway for businesses to transition to alternatives, where viable and proven alternatives exist.

For these reasons, the Chamber respectfully requests an **unfavorable report** on **HB 1112**.

AHRI Letter MD HB 1112.pdf
Uploaded by: Hayley Davis
Position: UNF

AIR-CONDITIONING, HEATING, & REFRIGERATION INSTITUTE
we make life better®

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Testimony: HB 1112

Committee: House Judiciary Committee Hearing

Date: March 5, 2025

Position: Oppose Unless Amended

Dear Members of the Judiciary Committee:

I am Hayley Davis, Manager of State Government Affairs at the Air-Conditioning, Heating, and Refrigeration Institute (AHRI). I appreciate the opportunity to submit this written testimony on behalf of AHRI, the national trade association representing the HVACR and water heating industry.

AHRI represents more than 330 manufacturers of heating, ventilation, air conditioning, refrigeration (HVACR) and water heating equipment. It is an internationally recognized advocate for the HVACR and water heating industry and certifies the performance of many of the products manufactured by its members. In North America, the annual economic activity resulting from the HVACR and water heating industry is more than $211 billion. In the United States alone, AHRI member companies, along with distributors, contractors, and technicians employ more than 700,000 people.

While AHRI understands and supports the intent behind the legislation, we believe that prohibiting the entire class of **per- and poly-fluoroalkyl substances (PFAS)**—particularly with the proposed definition of "one fully fluorinated carbon atom"—represents a monumental and years-long regulatory challenge. As currently written, **HB 1112** would effectively ban the sale of most, if not all, HVACR and water heating equipment, components, and refrigerants in Maryland within a short period of just a year and a half.

We respectfully urge the bill sponsors to make substantial changes to this legislation and consider the following suggested amendments.

Risk-Based Approach

AHRI and its members recommend adopting a risk-based approach to PFAS management that considers both hazard and exposure. This approach focuses limited resources on the highest priorities based on actual environmental, health, and safety risks, rather than just the presence of a substance. We suggest the bill sponsors review the **Environmental Protection Agency's (EPA) Toxic Substances Control Act (TSCA)**[1] risk evaluation criteria as a model for this process.

Definitions

[1] "How the EPA Evaluates the Safety of Existing Chemicals" https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/how-epa-evaluates-safety-existing-chemicals (accessed on March 3, 2025)

AHRI recognizes the complexity of defining PFAS but notes that the proposed definition encompasses over 9,000 chemicals, unintentionally including low-risk refrigerant blends and fluoropolymers, such as hydrofluorocarbon (HFC) refrigerants and their low-global warming potential (GWP) alternatives. We recommend that **HB 1112** focus on high-risk persistent, bioaccumulative, and toxic (PBT) PFAS, avoiding the inclusion of products that do not pose a public health risk, and providing clarity for regulated industries.

Additionally, AHRI is concerned that the bill does not define "consumer product" and assumes all products with PFAS pose the same risk. Given our industry's crucial role in human comfort, safety, and Maryland's environmental goals, we request several exemptions to ensure regulatory clarity and prevent disruptions to HVACR and water heating supply chains in Maryland.

HVACR and Water Heating Equipment, Refrigerants and Fluoropolymers

AHRI members are transitioning to climate-friendly refrigerants under the American Innovation and Manufacturing (AIM) Act of 2020. Most low-Global Warming Potential refrigerants (A2Ls) used in HVACR and water heating systems have low toxicity levels.[2] The **EPA Significant New Alternatives Policy (SNAP)** evaluates refrigerants based on exposure risks, toxicity, and environmental impact, and has determined that A2L refrigerants present minimal risk to humans and the environment.[3]

Certain polymers, like polytetrafluoroethylene (PTFE), meet Maryland's PFAS definition but are used in products with minimal potential for human or environmental exposure, thus posing little risk.

Embedded Components and Replacement Parts

Even for industries with detailed knowledge of their components' chemical makeup, gathering an accurate dataset of chemicals across supply chains is extremely challenging. The HVACR and water heating industry must request, compile, and analyze data on chemicals in components to determine if their final products contain PFAS as defined. Additionally, many manufacturers must provide replacement parts for years to ensure products remain operational and meet warranty obligations. Redesigning and producing replacement parts long after they were originally made is not economically feasible, as many parts are no longer actively manufactured. AHRI requests that **HB 1112** include an indefinite exemption for replacement parts to support ongoing service and repair of existing equipment.

Lack of Proposed Regulatory Process

AHRI is concerned about the absence of a regulatory framework to manage the immense and complex task of preventing over 9,000 chemicals from entering Maryland's market within a year and a half. The bill does not specify how Maryland will identify products containing PFAS, nor does it provide a process for manufacturers to request exemptions for products lacking viable PFAS alternatives.

AHRI recommends a regulatory framework that:

[2] ANSI/ASHRAE Standard 34-2022
[3] EPA Significant New Alternatives Policy- Criteria for Evaluating Alternatives, https://www.epa.gov/snap/about-snap-review#criteria. (Last accessed on March 3, 2025).

- Provides short-term and indefinite currently unavoidable use (CUU) exemptions for critical equipment, components, and uses
- Uses targeted, risk-based identification and prohibition by prioritizing high-exposure PBT PFAS, as identified by Chemical Abstract Services Registry Numbers (CASRN)
- Allows reasonably ascertainable reporting requirements with a list of CASRN-identified covered chemicals and sufficient time (AHRI recommends a minimum of 24 months) between finalizing the reporting requirements and the reporting deadline to allow manufacturers to create a tracing program.

Conclusion

AHRI asserts that the chemicals used in HVACR and water heating equipment pose minimal exposure risk. These chemicals are not disposed of in waterways, nor do they contaminate drinking water. Additionally, HVACR and water heating systems are maintained by qualified professionals, and the chemicals in these systems are not typically accessible to the public.

While AHRI supports the goal of managing harmful PFAS chemicals, we oppose the bill as written. We request amendments to ensure necessary exemptions and a scope that allows continued use of essential HVACR and water heating equipment in Maryland.

Sincerely,

Hayley Davis
Manager, State Government Affairs

Letter of Opposition - HB1112.pdf
Uploaded by: Jessica Worley
Position: UNF

CECIL COUNTY
CHAMBER *of* COMMERCE

March 3, 2025

Delegate Clippinger, Chair
House Judicial Committee
120 Taylor House Office Building
121 Taylor House Office Building
Annapolis, MD 21401

RE: House Bill 1112 – PFAS Chemicals-Civil Actions & Prohibition on Consumer Product Sales

Delegate Clippinger & Members of the House Judicial Committee:

The Cecil County Chamber of Commerce, representing over 400 businesses and organizations in Cecil County, is writing to express our serious concerns regarding the proposed ***HB1112 – PFAS Chemicals-Civil Actions & Prohibition on Consumer Product Sales***. Our Government Relations Committee, comprised of Chamber members who monitor and provide testimony on pending legislation, has carefully reviewed this bill and request an **UNFAVORABLE** vote.

The Chamber is particularly concerned about language in the bill that would prohibit the manufacture, sale, offer for sale or distribution in the State of a consumer product that contains PFAS chemicals on or after July 1, 2026. This would adversely affect several businesses in Cecil County, including Fluoron and W.L. Gore. Of note, W.L. Gore & Associates, Inc. (Gore) has been operating in Cecil County since 1971 and is one of the largest employers in Cecil County. The language in this proposed legislation describes both Fluoron and Gore's entire operations in the County and would likely adversely impact their employment footprint in the County.

While we recognize the scientific debate and concerns about PFAS, the blanket ban on the manufacture, sale or distribution of any consumer product containing a "PFAS chemical" will severely disrupt the Maryland economy by making it illegal to make and sell a wide variety of important products, such as automobiles, cellphones, computers, refrigerators, solar panels, and televisions. These products, and hundreds of other complex consumer products, contain one or more PFAS.

The Cecil County Chamber of Commerce's membership continues to be concerned about the poor business friendly rankings of Maryland as compared to other states. An absolute ban of PFAS products or materials used in making products will only enhance this poor business friendly reputation.

We thank you for considering all of the facts and circumstances associated with this legislation and ask for an **UNFAVORABLE** ruling on **HB1112**. Please feel free to contact our Government Relations Committee through Jessica Worley at jworley@cecilchamber.com (410-392-3833) or Committee Chair Carl Roberts at cdennyroberts1@aol.com (443-206-3068).

Sincerely,

Cecil County Chamber of Commerce
Government Relations Committee

AHAM Unfavorable Report Comments MD HB 1112.pdf
Uploaded by: John Keane
Position: UNF

ASSOCIATION OF HOME
APPLIANCE MANUFACTURERS

1111 19TH STREET NW | SUITE 1150
WASHINGTON, DC 20036
AHAM.ORG

March 3, 2025

Delegate Luke Clippinger
Chair
House Judiciary Committee
101 Taylor House Office Building
6 Bladen St.
Annapolis, MD 21401

Delegate Sandy Bartlett
Vice Chair
House Judiciary Committee
101 Taylor House Office Building
6 Bladen St.
Annapolis, MD 21401

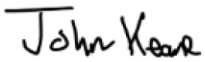
Chair Clippinger and Vice Chair Bartlett, and members of the Committee, thank you for the opportunity to share the viewpoints of the home appliance manufacturing industry regarding the potential impacts of HB 1112. **We would request an unfavorable report on HB 1112 due to the serious unintended consequences of this proposal.**

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's members produce hundreds of millions of products each year. They design and build products at the highest levels of quality and safety. As such, they have demonstrated their commitment to strong internal safety design, monitoring, and evaluation/failure analysis systems. AHAM supports the intent to protect consumers against all unreasonable risks, including those associated with the exposure to potentially harmful chemicals. AHAM also firmly supports the appropriate use of PFAS chemicals in appliances. Together with industry design practices, test requirements, and redundant safety mechanisms, PFAS chemicals play an important role in the safety of household appliances. PFAS are used for their self-lubricating properties and great resistance to high temperature, chemical aggression and pressure. They are often confined to internal components and parts, such as bolts, washers and gaskets, plastic brackets, and wire terminals

The proposed bill would be the broadest and quickest ban in the country on products containing PFAS and have far reaching negative consequences on appliance product safety and product availability for Maryland residents. The rapidly approaching 2026 proposed deadline will require manufacturers to make quick product planning decisions, given the lead-time needed from design to production of appliances, which can take several years. This additional time is needed to identify substitutes, and even if a substitute is found, manufacturers need time to test, design, retool, and restock global supply. Within the broad 2026 PFAS ban, it would include semiconductors, gaskets, wirings, circuit boards, and hydrofluoroolefins (HFOs) which are one of the more climate friendly alternatives for use as refrigerator insulation foam blowing agents. Several other states have recognized these unique instances and pushed prohibitions into 2040. This proposed restriction of chemicals would require a total re-design of models at significant cost and regrettably, failing to make necessary corrections could lead to manufacturers limiting or restricting essential household products that Maryland residents rely on.

AHAM appreciates the opportunity to comment and would consider the potential implications before moving forward. We would be happy to discuss these details further.

Respectfully submitted,



John Keane
Manager of Government Relations

MD HB 1112 PFAS Opposition Letter 03-05-2025.pdf
Uploaded by: Josh Young
Position: UNF


American Chemistry Council
AFPM
FEC
autocare ASSOCIATION
Independence drives us.
FPA Flexible Packaging Association
Connecting. Advancing. Leading.
WINDOW & DOOR MANUFACTURERS ASSOCIATION
WDMA
SPFA
SPRAY POLYURETHANE FOAM ALLIANCE
jpma
built for baby
JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION
RISE
Responsible Industry for a Sound Environment
EXCEL SHELL CONSTRUCTION SYSTEM
EXCEL SBS, LLC
ALLIANCE FOR AUTOMOTIVE INNOVATION
BPSA
Bio-Process Systems Alliance
pti power tool institute, inc
inda
Association of the Nonwoven Fabrics Industry
ADVANCING ENGINEERED MATERIAL SOLUTION
CPMA
Color Pigments Manufacturers Association
mema.
The Vehicle Suppliers Association
PRINTINGUNITED ALLIANCE
the toy association
NCFI
POLYURETHANES
ISPA
INTERNATIONAL SLEEP PRODUCTS ASSOCIATION
acd
ALLIANCE FOR CHEMICAL DISTRIBUTION
Formerly NACD
Personal Care Products Council
HOUSEHOLD & COMMERCIAL PRODUCTS ASSOCIATION
PLASTICS
INDUSTRY ASSOCIATION
MIC
MOTORCYCLE INDUSTRY COUNCIL
SPECIALTY EQUIPMENT MARKET ASSOCIATION
SEMA
COOKWARE SUSTAINABILITY ALLIANCE
American Forest & Paper Association
AMERICAN APPAREL & FOOTWEAR ASSOCIATION
napim
CBA
CONSUMER BRANDS ASSOCIATION
CHPA
CONSUMER HEALTHCARE PRODUCTS ASSOCIATION
Taking healthcare personally.
American Chemistry Council
Center for the Polyurethanes Industry
OPEI
American Coatings ASSOCIATION
SVIA
Specialty Vehicle Institute of America
NAFEM
North American Association of Food Equipment Manufacturers
ema
Truck & Engine Manufacturers Association
RECREATIONAL OFF-HIGHWAY VEHICLE ASSOCIATION
ROHVA
FMI
THE FOOD INDUSTRY ASSOCIATION
AHI
ANIMAL HEALTH INSTITUTE
BAHP
CENTER FOR BABY AND ADULT HYGIENE PRODUCTS
COOKWARE & BAKEWARE ALLIANCE
CBA
EST. 1922
LKQ
Keeping you moving
AHAM
ASSOCIATION OF HOME APPLIANCE MANUFACTURERS
ISSA
Advancing Clean. Driving Innovation.
MARYLAND Chamber of Commerce
AdvaMed
Advanced Medical Technology Association
CCCA
Communications Cable & Connectivity Association
MRA
Maryland Retailers Association
NCTO
NATIONAL COUNCIL OF TEXTILE ORGANIZATIONS
AMERICAN TEXTILES
WE MAKE AMAZING
GORE
AGC
Consumer Technology Association
GENERAL COATINGS MANUFACTURING CORP.
FCHEA
Fuel Cell & Hydrogen Energy Association

March 5, 2025

Chairman Delegate Luke Clippinger
Maryland House of Representatives
Judiciary Committee

Chairwoman Joseline Pena-Melnyk
Maryland House of Representatives
Health and Government Operations Committee

RE: HB 1112 – Oppose

Dear Chairman Clippinger and Chairwoman Pena-Melnyk:

The undersigned organizations are writing in opposition to HB 1112 related to the comprehensive perfluoroalkyl and polyfluoroalkyl substance (PFAS) ban. This far-reaching legislation **Bans All Consumer Products that Contain Any PFAS**. The measure further expands the time limit for bringing certain civil actions concerning exposure to PFAS.

- **This legislation is overly broad, lacks scientific basis, will have significant consequences and would ban thousands of products from manufacturing and sale in Maryland.**

- **The bill would be the broadest ban on products containing PFAS in the nation and have far reaching negative consequences on nearly every sector of the economy including aerospace, autos, alternative energy, healthcare, building and construction, electronics, pharmaceuticals, and agriculture.**

For example, one key type of PFAS in use today is fluoropolymers, a type of specialty material. Fluoropolymer uses include:

- **Automotive:** Gaskets, rings, valves, and hoses in the fuel system; wiring and circuit boards; interior and exterior sensors; pull cables; shock absorbers and bushings.

- **Aerospace (military and civilian):** High performance navigation and communication antennae; lubricants for wing flap mechanisms and landing gear; fuel-oxygen separation systems.

- **Clean Energy**: Electric vehicle batteries; hydrogen fuel cells; solar panels; wind turbines; and sheathing for power cables and coatings for electrical wire.

- **Electronics and Electric Appliances:** Computers and other electronic equipment and related components and accessories.

- **Industrial Processes:** Linings for pipes, valves, and tanks to prevent corrosion; gaskets in high temperature, high pressure production processes to contain reactive substances.

- **Medical:** Surgically implanted medical devices (e.g. stents); COVID testing equipment and respirator tubing; cardiac catheters and guide wires; transfer and storage bags for biological fluids; personal protective equipment.

- **Connections:** Seals, o-rings, gaskets, tapes, and connectors which provide multiple functions, such as flexibility, corrosion resistance, heat and cold resistance, fugitive emissions control, and tight seals for working with challenging substances and/or in challenging operating environments.

- **Semiconductors:** Ultra-low contamination semiconductor manufacturing; wafer etching; chemical piping and storage.

Collectively, we support the responsible production, use, and management of fluorinated substances. This includes regulatory requirements that are protective of human health and the environment, taking into consideration the diversity of physical and chemical properties and the corresponding environmental and health profiles of these compounds, the critical and essential uses of products in which these substances are present, and the technical and economic feasibility of alternatives.

PFAS are a diverse group of chemistries that provide strength, durability, stability, and resilience. These properties are critical to the reliable and safe function of a broad range of products that are important for industry and consumers. They impart a wide range of performance characteristics that are vital for the manufacture and performance of thousands of different goods and industrial equipment. As drafted, HB 1112 impacts products ranging from consumer smart phones to satellites.

HB 1112 is built on a foundation that incorrectly characterizes all PFAS as if they are a single substance, regardless of the clear diversity of properties and uses, environmental and health profiles, potential exposure pathways, and any potential risk within the PFAS family of chemistries. PFAS substances can be a solid (e.g., fluoropolymers), liquid (e.g., fluorotelomer alcohols) or a gas (e.g., hydrofluorocarbon refrigerants). The fundamental physical, chemical, and biological properties of solids, liquids, and gases are clearly different from one another. The very distinct physical and chemical properties of the three types demonstrate how varied they are and how imposing a "one-size fits all" approach as proposed would be inappropriate.

Maryland has Already Taken Aggressive Action

- **In 2022, Maryland passed the "George Walter Taylor Act"** (HB 275 and SB 273). The broad sweeping bills ban Class B firefighting foam with PFAS; requires sellers of personal protective equipment to notify purchasers that the equipment contains PFAS chemicals; bans the disposal of firefighting foam with intentionally added PFAS using incineration or the disposal of such foam in a landfill; and bans carpets, rugs, food packaging, disposable plastics gloves with PFAS. Also requires the state to take back the foam if requested by a fire department rather than requiring the state to purchase unused foam.

- **Last year, Maryland passed "Protecting State Waters From PFAS Pollution Act"** (SB 956) that regulates and limits the discharge of PFAS chemicals from industrial sources into state waterways and requires the Maryland Department of Environment to develop a PFAS Action Plan.

- **Last year, Maryland also passed HB 1147, which bans PFAS in playground materials.**

HB 1112 Proposes to Replicate an Unproven Policy

A similar California bill (SB 903) failed to pass in 2024 amid concerns raised by a diverse coalition that represented virtually every aspect of the state's economy including manufacturers, biotech, life sciences, car makers, grocers, clean energy producers, and agriculture.

Where similar laws have been adopted, implementation has proven to be extremely challenging. For example, in the European Union, industries have submitted thousands of comments on the widespread consequences of a ban and the lack of suitable alternatives. As a result, EU authorities have had to delay implementation given the complexity of the issue, the number of industries and applications impacted, and the potential consequences for the EU's long-term sustainability, public health, and economic growth goals.

Since 2021, the Maine Department of Environmental Protection (DEP) has struggled to implement a similar mandate. The Maine DEP has issued more than 2400 extensions to companies for just its PFAS reporting requirement due to a variety of reasons including complicated supply chains for manufacturers to determine if PFAS is included, lack of an operational database for manufacturers to submit product information, limited lab capacity within the US to test products for PFAS and lack of protection for confidential business information.

As a result, Maine Governor Janet Mills (D) signed LD 1537 last year that substantially reformed the initial law. Changes included extending some compliance deadlines, streamlining reporting requirements, including protections for confidential business information and exempting several economically critical product categories.

Minnesota, which more recently enacted a comprehensive ban on PFAS, has already run into complications resulting from this law. Minnesota lawmakers worked last year to sign amendments into law that delay enforcement provisions. Now, Minnesota businesses are struggling with unsellable inventory due to the law's restrictions, and state lawmakers are actively discussing further possible revisions.

Reporting requirements of Minnesota law are also of concern among impacted parties. With less than 11 months before reporting must begin (January 1, 2026), stakeholders have still not received a draft of the proposed rule from the department. It is expected that millions of products and components of products will be required to report into the state and no framework for submission or system has been made available to those entities required to report under the law. A fee structure for reporting is also required under the law but currently is still up in the air as the department has now combined the rulemaking for reporting and fees associated.

Though we are opposed to the current bill, we are committed to working with you and other stakeholders on a PFAS policy that is grounded in strong scientific principles, protects human health and the environment, leverages existing regulatory requirements and resources, encourages innovation and economic development, and provides regulatory certainty to the business community.

Thank you for the opportunity to share these concerns, and we look forward to constructively engaging in this discussion during the legislative session.

Sincerely,

Josh Young
American Chemistry Council

Alliance for Automotive Innovation
Alliance for Chemical Distribution
AGC America, Inc.
American Apparel & Footwear Association
American Chemistry Council
American Coatings Association
American Forest & Paper Association
American Fuel & Petrochemical Manufacturers
Animal Health Institute
Association of the Nonwoven Fabrics Industry
Association of Home Appliance Manufacturers
Auto Care Association
Bio-Process Systems Alliance
Center for Polyurethanes Industry
Center for Baby and Adult Hygiene Products
Color Pigments Manufacturers Association
Communication Cable and Connectivity Association
Consumer Brands Association
Consumer Healthcare Products Association
Consumer Technology Association
Cookware Sustainability Alliance
European Federation of the Cookware, Cutlery and Houseware Industry
Flexible Packaging Association
Fuel Cell & Hydrogen Energy Association
General Coatings Manufacturing Corp.
Household and Commercial Products Association
International Sleep Products Association
Juvenile Product Manufacturers Association
LKQ Corporation
Maryland Chamber of Commerce
Maryland Retailers Alliance
Maryland Association of Chain Drug stores
Motorcycle Industry Council

National Association of Printing Ink Manufacturers
National Council of Textile Organizations
North American Association of Food Equipment Manufacturers
Outdoor Power Equipment Institute
Personal Care and Products Council
Plastics Industry Association
Power Tool Institute
PRINTING United Alliance
Recreational Off-Highway Vehicle Association
Responsible Industry for a Sound Environment
Specialty Equipment Market Association
Specialty Vehicle Institute of America
Spray Foam Roofing & Building Envelop Specialists
Spray Polyurethane Foam Alliance
The Cookware and Bakeware Alliance
The Maryland Food Industry Council
The Toy Association
The Vehicle Suppliers Association
Truck and Engine Manufacturers Association
Window and Door Manufacturers Association
Worldwide Cleaning Industry Association
W.L. Gore

Ext. Comm. - Testimony - 2025 - Maryland HB 1112
Uploaded by: Joshua Fisher
Position: UNF

March 3, 2025

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 Taylor House Office Building
Annapolis, Maryland 21401

RE: HB 1112 - PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales
Position: Unfavorable

Chair Clippinger:

On behalf of the Alliance for Automotive Innovation[1] (Auto Innovators), thank you for the opportunity to provide testimony in opposition to HB 1112, seemingly well-intended legislation that would have a far-reaching and disruptive impact across Maryland's economy.

This legislation seeks to address the use of products containing chemicals from the PFAS family. It would ban thousands of products from sale and distribution in Maryland starting in July 2026, including vehicles and critical parts needed to service and maintain them, with no provisions for an exemption or relief from the prohibition. It would create an unreasonable burden on the state and industry alike. **If HB 1112 is enacted, automakers will be unable to deliver any new vehicles to Maryland dealers beginning in July of 2026.**

PFAS in the Auto Industry
The expectations for today's automobiles are high, and the environments in which vehicles must operate are harsh. From the coldest days of winter to summer driving through Death Valley, consumers expect their car or truck to get them there safely. The PFAS family of chemicals has helped provide this resiliency through the application of coatings and products that resist heat, oil, stains, grease, and water. Such qualities are imperative throughout the vehicle. The heat resistance qualities of PFAS allow flexible fuel lines to safely deliver gasoline into a hot engine without causing a fire. Similarly, heat resistance – along with protection from water intrusion – protects the integrity of wire looms, sensors, and brake lines on a vehicle that allow today's advanced safety systems to function. In addition to these safety benefits, modern vehicles have drastically reduced emissions, in part because of the chemical and heat-resistant protections that PFAS provide to gaskets and O-rings, which keep engines tightly sealed, and coatings on cylinder heads and hoses, which reduce fugitive gasoline vapor emissions. Nearly every automotive system depends on certain types of PFAS chemicals to provide a durable, reliable, safer, and cleaner product to consumers.

Automakers and their suppliers consider the impacts of chemicals used to build today's vehicles very seriously and are always looking for substitute compounds that can perform the same job with a lower environmental impact. The industry has even recognized areas where it can reduce the use of PFAS chemicals in specific applications, as it has already ceased use of long-chain PFAS products. Despite all this, however,

[1] Auto Innovators represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to ensure a healthy and competitive auto industry that supports U.S. economic and national security. Representing approximately 5 percent of the country's GDP, responsible for supporting nearly 10 million jobs, and driving $1 trillion in annual economic activity, the automotive industry is the nation's largest manufacturing sector. www.autosinnovate.org.

there are some uses that cannot yet be replicated by any other known chemical. There is no way to build a vehicle without these chemicals, and industry certainly will be unable to find a way before July 2026.

Complexity for Automakers
The universe of PFAS chemicals prohibited under HB 1112 is tremendously wide, capturing over 10,000-plus unique chemical substances. This appears to be without discernment regarding the actual levels of risk and concern to humans and the environment of these thousands of chemicals. The bill explicitly ignores that the broad use of the term PFAS incorporates exceptionally different physical, chemical, environmental, and biological properties. Not all PFAS chemistries are the same, and they should not be treated uniformly. This bill is overly broad, lacks scientific justification, and imposes an extremely onerous obligation on the automotive industry with no apparent or obvious benefits to the public.

Considerations from Other States
Even among other states with provisions banning PFAS in consumer products, two things are true. The first is that no state is implementing a broad consumer ban on PFAS in products before 2032. Second, all states that have broad bans for PFAS in consumer products also provide for a "currently unavoidable use" exemption for products that are essential for the health, safety, and functioning of society and cannot be manufactured without PFAS—such as vehicles (see 38 Maine Revised Statutes § 1614(4)(I) exempting most vehicle uses). HB 1112 diverges from both these precedents.

Furthermore, other states have struggled with implementing PFAS reporting and ban statutes or have scrapped legislation altogether. Maine, which passed the first major PFAS reporting and ban legislation of this kind, has now twice amended their law, the second time to substantially reduce the amount of reporting required, exempt certain products, and push back phase-out dates. Several amendments have also been introduced in Minnesota to revise their PFAS in products law, which is the only other state with a consumer product-wide ban currently in statute.

Specific Recommendations
The automotive industry recommends that statutes and regulations addressing PFAS:

1. Should not combine PFAS chemicals into one large class of substances for regulatory purposes. A clear distinction must be made between those chemicals that may cause harm and those that do not.
2. Should focus on PFAS of known health concern.
3. Should exclude breakdown products and byproducts of PFAS that are not intentionally added.
4. Should exclude hydrofluorocarbons, hydrofluoro-olefins, hydrochlorofluoro-olefins, fluoroiodocarbons, hydrochlorofluorocarbons, and chlorofluorocarbons that are used refrigerants as defined in ISO 817:2014, Refrigerants — Designation and safety classification.
5. Should exclude high molecular weight fluoropolymers.
6. Should exclude PFAS that are no longer manufactured and have an existing SNUR to prohibit the import or manufacture, including the import or manufacture in articles.

Thank you for your consideration of our position. For more information, please contact our local representative, Bill Kress, at (410) 375-8548.

Sincerely,

Josh Fisher
Senior Director, Alliance for Automotive Innovation

HB1112.pdf
Uploaded by: Julie Murray
Position: UNF

Maryland Defense Counsel
P.O. Box 575
Riderwood, MD 21139

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**.

Contact: Maryland Defense Counsel, Inc.
P.O. Box 575
Riderwood, MD 21139
www.mddefensecounsel.org

Michael L. Dailey Esq.
Legislative Committee Chair
Cell: (43) 286-5660

Julie Murray, Esq.
Legislative Committee Chair
Cell: (410) 458-3538

25 DMAA HB1112 PFAS.pdf
Uploaded by: Lindsay Thompson
Position: UNF

House Bill 1112 - PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales

Committee: Judiciary

DMAA Position: **OPPOSED**

Delaware-Maryland Agribusiness Association (DMAA) Position on House Bill 1112

The Delaware-Maryland Agribusiness Association (DMAA) represents agricultural retailers and manufacturers operating in Maryland. DMAA opposes House Bill 1112, which 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.

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.

DMAA is concerned about the definition of "consumer products" in the bill and the potential to impact agricultural inputs including pesticides. Banning products 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.

Speaking specifically to pesticides, 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 1112 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.

Beyond just pesticides, this broad prohibition could impact nearly every facet of agriculture from equipment, batteries, soil amendments, and much more.

We urge an unfavorable report on HB 1112.

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

HB 1112 Oppose WL Gore.pdf
Uploaded by: Michael Ratchford
Position: UNF

Together, improving life

March 3, 2025

The Honorable Luke H. Clippenger
Chair of the Maryland House of Delegates Judiciary Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

Re: HB 1112

Position: Unfavorable -- Oppose

On behalf of W.L. Gore & Associates, Inc. ("Gore"), I write to oppose HB 1112.

Of particular concern to Gore is Section 6-1604.2 which states in section (B): ***"On or after July 1, 2026, a person may not manufacture, sell, offer for sale or distribute in the State a consumer product that contains PFAS chemicals."***

If enacted, HB 1112 will cause a significant number of Gore's operations in Maryland to become economically unviable as of July 1, 2026.

Gore is the largest private sector employer in Cecil County where we employ approximately 2,900 Associates working in 13 facilities. This work includes research and development, manufacturing, marketing, and selling products of high societal value to a number of diverse industries.

HB 1112 uses a very broad definition of PFAS chemicals: "a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances." This definition covers thousands of different chemicals with very different properties including gases used in refrigeration equipment, various drugs regulated by the FDA, and high-performance fluoropolymers used in a wide variety of consumer and industrial products.

Of all the substances covered by the broad PFAS chemicals definition in HB 1112, Gore is most familiar with the fluoropolymer polytetrafluoroethylene ("PTFE"). PTFE is a non-toxic, extremely stable material that is resistant to chemical and physical degradation. Gore's first product, a high performing wire and cable, leveraged the unique attributes of PTFE to meet demanding customer performance requirements and durably perform in harsh environments, such as underwater installations and in

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gore.com

space. Gore now develops, manufactures and sells thousands of products of high societal value serving a variety of industries, including performance fabrics, implantable medical devices, communications equipment, aerospace, alternative energy production, and automotive equipment.

More broadly, the bill's indiscriminate ban on the manufacture, sale, offer for sale or distribution of any consumer product containing a "PFAS chemical" would severely disrupt the Maryland economy by making it illegal to make and sell a wide variety of important products, such as automobiles, cellphones, computers, refrigerators, solar panels, and televisions. These products, and hundreds of other complex consumer products, contain one or more PFAS. Given the intricacies of supply chains and in some cases federal regulations, it is impossible to reengineer and produce these products without PFAS in less than 16 months even if there were available alternatives for the PFAS in the products.

Although Gore continues to expand its portfolio of advanced materials, PTFE and other fluoropolymers still serve vital roles in our current products, and we believe these materials will be needed long into the future to solve some of society's most complex technical challenges.

Gore recognizes the concerns posed by some PFAS and understands the responsibility of the legislature to address those concerns. With respect, however, HB 1112 is the wrong approach. It does not distinguish among PFAS based on the toxicological profiles of the specific PFAS, the likelihood that they will be mobile in the environment, their uses in consumer products, the likelihood that consumers using a product would be exposed to the PFAS, or the availability of suitable alternatives to the PFAS used to meet specific performance requirements.

Moreover, HB 1112 fails to define consumer product, creating an unacceptable level of uncertainty regarding the scope of products that are covered by the prohibition. For all these reasons, Gore respectfully requests an unfavorable report on HB 1112.

Sincerely,

Michael Ratchford
Government Relations Associate

HB1112 PFAS Chemicals - UNF 030525 Hs JUD APCIA .

Uploaded by: Nancy Egan

Position: UNF

Testimony of

American Property Casualty Insurance Association (APCIA)

House Judiciary Committee

House Bill 1112 - PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales

March 5, 2025

Unfavorable

The American Property Casualty Insurance Association (APCIA) is the primary national trade organization representing 90.1% of the Maryland workers' compensation insurance market. House Bill 1112 as drafted would expose employers to PFA liability suits in wrongful death and occupational disease cases even without proof of exposure to PFAs in the workplace and in the course of employment. This runs counter to the basic concept of workers' compensation and invites litigation.

This bill deletes the current statutory requirement that exposure to PFAs chemicals must "be in the workplace and contracted by a person in the course of the person's employment." Currently, section 3-904 for wrongful death actions, and section 5-113 for occupational disease actions, both require that the disease was the result of exposure to the toxic substance in the workplace and was contracted in the course of employment. HB 1112 would expose employers for PFAs liability in wrongful death and occupational disease cases even without proof of exposure to PFAs in the workplace and in the course of employment. In addition, the creates a new cause of action specifically and separately for PFAs exposure outside of workers' compensation.

APCIA opposes this legislation and urges the Committee to issue an unfavorable report. Thank you for your consideration.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

Nancy.egan@APCIA.org Cell: 443-841-4174

EMA Written Testimony in Opposition to MD HB 1112

Uploaded by: Patricia Hanz

Position: UNF

Truck & Engine Manufacturers Association®
Bringing Clean Power to the World™

333 West Wacker Drive, Suite 810
Chicago, Illinois, 60606
Phone/Fax: (312) 929-1970
www.truckandenginemanufacturers.org

Submitted Electronically
Written Testimony of the Truck and Engine Manufacturers Association
By
Patricia Hanz

MD HB 1112 - 2025
House Judiciary Committee
March 4, 2025

Chair Clippinger, Vice-Chair Bartlett and Members of the House Judiciary Committee:

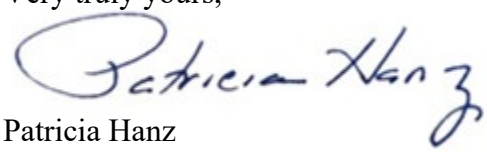
The Truck and Engine Manufacturers Association (EMA) opposes Maryland HB 1112. EMA is a signatory to the letter submitted by the American Chemistry Council on behalf of a broad coalition details the many issues associated with the proposed legislation so we will not repeat those here, however we did want to highlight issues specific to our industry.

EMA represents the world's leading manufacturers of commercial vehicles as well as on- and off-road engines used in applications such as trucks; buses; construction and farm equipment; locomotives; marine vessels; landscape equipment; and stationary generators. These vehicles and equipment utilize components for which alternative materials are not available and, in some cases are specifically approved for use by the U.S. Environmental Protection Agency.

EMA and its members support and have worked with the U.S. Environmental Protection Agency and regulatory agencies in other countries to develop implementable regulatory schemes governing the use of these compounds in commercial vehicles and equipment. Such regulations provide adequate safeguards to residential consumers and provide the same set of requirements across the country, in contrast to legislation that would mandate special state-based requirements that, if enacted, would actually hurt Maryland businesses and consumers.

Thank you for the opportunity to provide our Written Testimony. If you have any questions or need additional information, please do not hesitate to contact me at: phanz@emamail.org or (312) 929-1979.

Very truly yours,



Patricia Hanz

cc: Chairwoman Pena-Metnyk and Members of the House Health and Government Operations Committee

MD HB 1112_MIC_ROHVA_SVIA_UNF_Comments_House_Judic
Uploaded by: Rachel McCarthy
Position: UNF

March 3, 2025

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: Exclude powersports from PFAS requirements in HB 1112

Dear Chair Clippinger:

The Motorcycle Industry Council (MIC)[1], the Specialty Vehicle Institute of America (SVIA)[2], and the Recreational Off-Highway Vehicle Association (ROHVA)[3] strongly urge that **you specifically:**

> **1. Exclude motorcycles, ATVs and OHVs (commonly referred to as ROVs, UTVs, or side-by-sides) and their replacement parts which are largely internal and would not come into regular contact during normal use of the vehicle from the 2026 ban.**
> **2. Specifically exclude youth OHVs, including all-terrain vehicles (ATVs), off-highway motorcycles, replacement parts, and equipment used when operating a motorcycle or off-highway vehicle from the 2026 ban because having youth riding adult sized and powered machines is far more dangerous.**
> **3. Include safe harbor provisions for product already in inventory at the time of implementation.**

Non-polymer vs. Polymer PFAS
When introducing PFAS legislation, it is essential to consider the differences between non-polymer and polymer PFAS. Across the country, there has been a casual use of the term "PFAS" and most legislation does not take into consideration that different types of PFAS have different properties and therefore have different impacts on a consumer's health and the environment. The powersports industry understands your desire to address those PFAS that easily enter the environment and can bioaccumulate; however, the currently unavoidable use PFAS in powersports are polymerized and have very low risk of entering the environment or your body.

The type of PFAS used in motorized vehicles are fluoropolymers (polymerized PFAS). According to a 2021 OECD report, "the term 'PFASs' does not inform whether a compound is harmful or not, but only communicates that the compounds under this term share the same trait for having a fully fluorinated methyl or methylene aliphatic carbon moiety." In the wake of nearly impossible implementation of their overly broad PFAS law, Maine recently passed sweeping legislation (LD 1537/SP 610) to amend the law and **exclude several categories of products - including motor vehicles, motorcycles, all-terrain vehicles,**

[1] The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.
[2] The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.
[3] The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at https://rohva.org/ansi-standard/.

and recreational off-highway vehicles - from their PFAS in products ban. We urge you to follow Maine's lead and provide exclusions in HB 1112 rather than having to go back and run correction legislation in the future.

Fluoropolymers are used, and are essential, in motorized vehicles for fuel and electric systems, powertrains, brakes, semiconductors, and cables and wires. This type of PFAS is critical to the system's safety, increases the service life and lower maintenance costs for consumers, results in better fuel economy and reduced emissions, and enables use of alternative fuels and power storage batteries. Fluoropolymers do not pose a risk to human health or the environment as they are not bioavailable, not water soluble, not mobile, and do not bioaccumulate[4].

This distinction could be accomplished by amending the PFAS definition as follows:

> *"PFAS chemicals" means, when used in fire-fighting agents, fire-fighting equipment, food packaging, rugs and carpets, and certain consumer products, ~~a class~~ a group of synthetic perfluoroalkyl and polyfluoroalkyl substances containing at least two (2) sequential fully ~~of~~ fluorinated ~~organic chemicals that contain at least one fully fluorinated~~ carbon atoms including perfluoroalkyl and polyfluoroalkyl substances, but excluding polymers, gases and volatile liquids. The prohibition does not apply to components of such products that would not regularly come into direct contact with an individual's skin or mouth during reasonably foreseeable use of such product.*

There should be differentiation made between the types of PFAS and **fluoropolymers and fluoropolymer applications should not be restricted.**

Youth OHVs Powered for Children
We urge HB 1112 be amended to specifically exclude youth off-highway vehicles as follows:

> *(B) On or after July 1, 2026, a person may not manufacture, sell, offer for sale, or distribute in the state a consumer product, except motor vehicles, including motorcycles and off-highway vehicles and off-highway vehicles used by children under the age of 12, that contains PFAS chemicals.*

Youth off-highway vehicles are designed and powered specifically for children. Without an explicit exemption, these provisions could have the unintended effect of banning all youth model ATVs, off-highway motorcycles, and youth protective riding apparel and equipment from the marketplace.

Youth OHVs are specifically sized and powered for children. While banning PFAS in consumer products is intended to eliminate potential health risks associated with exposure, if you ban youth-sized OHVs you create a much more immediate health risk due to the potential for children to then operate adult-sized OHVs. Please consider the comments made by the U.S. Consumer Product Safety Commission (CPSC) while discussing the risks associated with lead exposure from youth ATVs pursuant to the passage of the Consumer Product Safety Improvement Act, which banned certain limits of lead in children's products. Youth ATVs were subsequently excluded from such lead limits by P.L. 112-28 in part due to CPSC's statement that banning youth ATVs would pose a **"serious and immediate risk of injury or death" for children under 12 who would instead ride larger and faster adult-size ATVs.** (See 74 Fed. Reg. 22154.) PFAS is currently necessary in parts such as gaskets, o-rings, tubing, and other components that are exposed to high heat and to complex chemical blends in fuels and other fluids. These are not parts that would be in regular contact with a child's mouth or skin and therefore would not put a child at risk.

Standards to Protect Riders
Manufacturers must ensure our vehicles and safety gear meet durability standards that are sufficient to protect riders. Any potential PFAS free alternates must also meet durability and safe operation standards that are equal to or exceed current quality in order to be deemed a suitable replacement. This takes considerable resources and time that is not provided in HB 1112. Due to the volume of products requiring

[4] Henry et al. 2018, Korzeniowski et al. 2022

testing, manufacturers are not confident they can comply with quick effective date requirements, especially given that our vehicles include hundreds or even thousands of parts and nearly every industry supplier will be competing for product testing under proposed legislation.

Our member companies continue searching for suitable replacements for PFAS in their vehicle parts and products, but currently PFAS is an unavoidable use to ensure safety and proper functioning of our vehicles. Maryland must allow manufacturers sufficient time to find replacements and not subject consumers to risk of harm resulting from unavailability of these youth products.

Safe Harbor Provision
When powersports vehicles are manufactured, we are required to also manufacture replacement parts for the anticipated life of the vehicles. Dealerships, aftermarket suppliers, distributors, and parts stores all stock inventory in anticipation of replacements and repairs. For businesses in your state, this could account for a significant amount of inventory that those businesses cannot be expected to just dispose of without recouping their expenses. As such, we also request a safe harbor provision be added to HB 1112 to ensure existing inventory may be sold rather than disposed. This should also include a several year window of opportunity to sell the inventory.

We understand your desire to address issues related to PFAS and we believe that our proposed amendments are consistent with protecting the health and safety of children utilizing our products. Thank you for your consideration of these proposed amendments and if you have any questions, please contact me at 703-416-0444 ext. 3202.

Sincerely,

Scott P. Schloegel
Senior Vice President, Government Relations
Motorcycle Industry Council
Specialty Vehicle Institute of America
Recreational Off-Highway Vehicle Association

ACA Comment MD 1112.pdf
Uploaded by: Riaz Zaman
Position: UNF

March 3, 2024

Chairman Delegate Luke Clippinger
Maryland House of Representatives
Judiciary Committee

Chairwoman Joseline Pena-Melnyk
Maryland House of Representatives
Health and Government Operations Committee

RE: HB 1112 – Oppose

Submitted via e-mail to: Peter.Strohmeier@house.mn.gov and Kara.Josephson@senate.mn
Submitted on April 30, 2023, prior to 12:00 pm Central Time, on or around 8:00 am.

Dear Chair Representative Hansen and Senate and House Conferees:

The American Coatings Association ("ACA")[1] appreciates the opportunity to comment in opposition to HF 1112. The Association's membership represents 90% of the U.S. paint and coatings industry, including downstream users of chemicals who manufacture end-use formulated products such as paints, coatings, sealants and adhesives. ACA appreciates the committee's willingness to interact with stakeholders during this process.

PFAS encompasses a variety of fluorinated chemistries with very distinct physical and chemical properties, used in a variety of products. PFAS or fluorinated chemistries are generally known to be persistent, due to carbon-fluorine bonds, but have varying properties for toxicity and bioaccumulation. Generally, persistence alone is not an indicator of risk or potential for harm. Scientists consider persistence as one factor with toxicity and potential to bioaccumulate. Because of these varying characteristics, Maryland's adoption of a broad PFAS definition inevitably captures a diverse range of chemicals that are not harmful to human health or the environment, and that are not causing contamination in the state. ACA encourages the State of Maryland to focus any legislative restrictions on

[1] ACA is a voluntary, non-profit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services. ACA's membership represents over 90 percent of the total domestic production of paints and coatings in the country.

those fluorinated chemistries that are associated with contamination and individual exposure in Maryland, rather than enacting broad liability and a ban.

Fluoropolymers are one example of a type of fluorinated chemistry that should be excluded from a definition of PFAS. Fluoropolymers are considered "polymers of low concern" (PLC) recognized by several regulators, since they are chemically stable, non-toxic, non-bioavailable, non-water soluble and non-mobile.[2]

The sweeping ban in HB 1112 affects a broad range of products, many of which have a critical function for society and/or pose no human health or environmental risk, due to PFAS content. These include building and construction products that provide protection of critical infrastructure and residential homes. Coatings are also used for protection of water infrastructure. Some coatings also retard the spread of industrial fires on buildings. The bill would also affect a lightly fluorinated solvent, excluded from EPA's definition of PFAS, used to maintain low levels of VOCs (Volatile Organic Compounds) in coatings. VOC emissions in general are associated with photochemical smog in urban areas. The paint industry has been a leader in minimizing VOC emissions from its products.

The liability provisions of HB 1112 unnecessarily establish a framework for nuisance lawsuits, that would be without merit due to the benign nature of the types of chemistries at issue. Here again, we emphasize the importance of focusing legislation on those types of PFAS associated with contamination and subsequent health effects.

ACA is in opposition to HB 1112 due to the lack of a clear public benefit while it establishes barriers to access products that provide benefits to the public. If the legislature would like to address fluorinated chemicals (including PFAS), ACA recommends that this committee develop targeted legislation to address those chemicals associated with contamination in the state, identified by CAS number.

Sincerely,

Riaz Zaman
Sr. Counsel, Government Affairs
American Coatings Association
901 New York Ave., Ste. 300
Washington, DC 20001
202-719-3715 / rzaman@paint.org

[2] Additional resources from U.S. Department of Energy, Washington Department of Ecology and Canadian Department of Environment and Health explain these conclusions. These resources are listed below:

- DoE (Department of Energy) recently concluded that fluoropolymers are distinct from non-polymeric PFAS chemicals in its report, *Assessment of Fluoropolymer Production and Use with Analysis of Alternative Replacement Materials* (published January 2024), available online at: Assessment of Fluoropolymer Production and Use With Analysis of Alternative Replacement Materials (Technical Report) | OSTI.GOV
- Washington Department of Ecology, *Per- and Polyfluoroalkyl Substances Chemical Action Plan*, p. 97, Sept. 2022 revision of original publication from April 4, 2021, available online at: https://apps.ecology.wa.gov/publications/documents/2104048.pdf.
- Executive Summary in the Canadian Gazette, July 2024: https://www.gazette.gc.ca/rp-pr/p1/2024/2024-07-13/html/notice-avis-eng.html#ne3.

AdvaMed HB 1112_Judiciary.pdf
Uploaded by: Roxy Kozyckyj
Position: UNF

AdvaMed
Advanced Medical Technology Association

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March 5, 2025

Delegate Luke Clippinger, Chair
Delegate J. Sandy Bartlett, Vice Chair
House Judiciary Committee
100 Taylor House Office Building
Annapolis, MD 21401

RE: House Bill 1112 -- PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales

Dear Chair Clippinger, Vice Chair Bartlett, and Member of the Committee,

AdvaMed, the Medtech Association, submits this letter in respectful opposition to HB 1112. AdvaMed is the largest national trade association representing over 500 of the world's leading innovators and manufacturers of medical devices, diagnostic products, digital health technologies, and health information systems. Medical devices made by AdvaMed members help patients stay healthier longer, expedite recovery, allow earlier detection of disease, and improve effectiveness and efficiency of treatment.

We are proud of our med tech footprint in Maryland, where 40 AdvaMed members have a presence and where the medtech industry generates nearly $2 billion for the state.

AdvaMed respectfully opposes HB 1112 due to the broad nature of the ban mandated in the bill and it's fundamental misunderstanding of the complex chemical class, PFAS. Patients in Maryland will be at serious risk of losing access to thousands of critical medical devices like pacemakers, cardiac catheters, imaging equipment, stents, complex surgical equipment, and many other products that save and enhance patients' lives. We strongly urge the committee to adopt a more tailored definition of PFAS, offered below, if it moves forward with this legislation to ensure the bill more accurately focuses on what products contribute to bioaccumulation and environmental contamination.

Essential Use of PFAS in Medical Technology

As innovators of the most critical lifesaving and life-enhancing medical devices in the United States and globally, AdvaMed's members contribute to the health,

safety, and well-being of patients in the U.S. and around the world and are regulated by the Food and Drug Administration (FDA).

Many medical technologies rely on PFAS to provide the performance that supports the highest standard of care for patients by delivering safe, sterile, and effective products. Many PFAS materials have unique properties that cannot be easily substituted like flexibility, rigidity, sterility, penetrability, thermal stability, resiliency, degradation resistance, chemical resistance, lubricity and a low friction coefficient. Essential products like heart stents, cardiac catheters, pacemakers, glucose pumps, surgical tools, and diagnostic instruments use types of PFAS to serve vital functions that cannot readily be replicated with other currently available substances.

These products have been used safely over many years. The common PFAS materials (fluoropolymers) used in medical devices, accessories, and their packaging are not responsible for the water and soil contamination that is of concern to the law's original intent, due to their non-solubility in water. Fluorinated substances such as fluoropolymers are insoluble in water and cannot pass through cells membranes making their use safe for patient health. It is critical to note that the PFAS categories tied to environmental contamination and bioaccumulation are not what are used in medical devices and technology.

FDA Approval for Human Health & Safety

The U.S. Food and Drug Administration (FDA) considers human health and safety risks, optimal product quality, and assessment of who will be utilizing the device (practitioner or patient) in their approval processes for medical devices and medical products. The health risks of these medical devices are thoroughly assessed by the FDA before they make it on the market and must undergo multiple tests to prove biocompatibility in compliance with the international biocompatibility standard, ISO 10993.

As part of FDA's regulatory process for medical devices coming to market, materials of the product as well as the packaging may be considered a component of the device itself or it could be a part of the final design specifications of the device as it's meant to be sold and distributed. Some devices like surgical tools, implantables, and syringes that need to be sterilized, require all their packaging and the product itself to withstand melting, breaking, becoming brittle or otherwise degrading during the critical sterilization process. FDA must validate these products as safe, non-toxic, and resilient enough to withstand sterilization, transport, storage, and normal use so that it can function as intended without any damage or harm to the patient.

The biocompatibility standards and testing required by the FDA considers factors such as neurotoxicity, local and systemic effects, carcinogenic properties, pathological, physiological, reproductive and developmental effects among many other factors before approving a product safe to human health. No other consumer product undergoes this level of scrutiny and oversight.

Here are a few examples of the essential medical technology that include PFAS fluoropolymers:

- Circuit boards, leads, and foil in large equipment made up of hundreds of components such as MRI, CT, and mammography machines
- Prosthetics
- Pacemakers and other implantables
- Syringes
- Contact lenses
- Blood collection bags, suction devices used in respiratory therapy and for anesthesia, I.V. solution bags, enteral nutrition, and premixed infusion drugs used in a hospital setting.
- Wireguides and delivery systems used in procedures to navigate through a patient's anatomy.

Proposed Amendments and Conclusion

The PFAS categories tied to environmental contamination and bioaccumulation are not what are used in medical devices and medical technology in addition to many products essential to human health and safety. We urge the bill use the following definition of PFAS, that is already in statute in Delaware, West Virginia.

"Perfluoroalkyl or polyfluoroalkyl substance" or "PFAS" or "PFAS chemicals" means: (1) a non-polymeric perfluoroalkyl substance; (2) a non-polymeric saturated polyfluoroalkyl substance; or (3) side-chain fluorinated polymers; a molecule of which contains at least two (2) fully fluorinated sequential carbon atoms.

(b) The term does not include gases and substances that become gases in use.

Due to the reasons outlined above, AdvaMed opposes the bill and urges you adopt our proposed changes that would reflect a more risk-based approach to regulating PFAS in products in Maryland and prevent a broad ban that would risk patient access to life-saving medical technologies.

Thank you for considering our concerns and proposed amendment. We look forward to working with you on this important matter throughout the remainder of the legislative session.

Sincerely,

Roxy Kozyckyj
Senior Director, State Government Affairs
AdvaMed

HB1112_MRA_UNF.pdf
Uploaded by: Sarah Price
Position: UNF

HB1112 PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales
Judiciary Committee
March 5th, 2025

Position: Unfavorable

Background: HB1112 would prohibit the manufacturing, sale, or distribution in Maryland of any consumer product that contains PFAS chemicals.

Comments: The Maryland Retailers Alliance has serious concerns about the potential economic effects of **HB1112 PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales**. While we understand the desire to regulate potential exposure to harmful materials and chemicals, the impact of establishing a blanket prohibition on any products that contain PFAS in any way is staggeringly widespread.

There are thousands of PFAS chemicals in existence and these substances are used in almost every industry or product category from aviation and aerospace equipment to architectural materials to X-ray film to circuit boards in cell phones. Materials incorporating PFAS chemicals are virtually everywhere. Prohibiting the sale of all products containing any and all PFAS without adequate time for developing effective replacements would seriously restrict Marylanders' access to everyday items.

Maryland has already taken several steps forward in recent years, passing multiple bills regulating the use of PFAS in a variety of areas. We would urge the legislature to maintain a reasonable pace on this subject and let those policies take effect without additional drastic measures, and would recommend an unfavorable vote on HB1112. Thank you for your consideration.

AGC America Inc Written Testimony Opposing Marylan

Uploaded by: Warren Lehrenbaum

Position: UNF

March 3, 2025

Maryland General Assembly
House Judiciary Committee
101 Taylor House Office Building
Annapolis, Maryland 21401

Re: HB1112 – PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales (Opposed – UNF)

Dear Chairman Luke Clippinger:

Thank you for the opportunity to submit written testify before the Maryland House Judiciary Committee on HB 1112 – PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales, and to offer suggestions on how to improve the bill.

I am President and CEO of AGC America, an international company with almost 4,000 employees working in chemicals, life sciences, automotive glass, electronic materials and R&D operations throughout the United States. Our company supplies a range of specialized industrial chemicals and materials, including resins, coatings, films and membranes, that are incorporated into a wide range of products essential to the daily lives of Maryland residents and businesses.

First, AGC appreciates the legislature's efforts to tackle contamination in Maryland from a small group of PFAS chemicals. We have testified in states across the nation considering PFAS legislation and we have supported legislation, such as Colorado's recently enacted law, focused on eliminating sources of PFAS in priority consumer products such as cleaning products, cookware, food packaging and other similar products.

Our main concern is that HB1112 as currently drafted fails to define "consumer products" but purports to ban the manufacture, sale and distribution of the same by July 1, 2026. Recognizing that Maryland already has PFAS bans for carpets and rugs and food packaging, AGC proposes the following language for consideration in this bill, which would provide clarity as to which consumer products are being banned, as well as consistency with PFAS product bans currently in effect in other states:

(1) On and after July 1, 2026, a person shall not offer for sale, distribute for sale or distribute for use in the state of the following consumer products that contain intentionally added PFAS (a) cleaning products, except for cleaning products that are floor maintenance products used in hospital or medical settings; (b) cookware; (c) dental floss; (d) menstruation products; and (e) ski wax.

This language, taken from Colorado's law provides the following definitions, which we also recommend the legislature consider incorporating into this bill for clarity and consistency:

(a) "Cleaning Product" means a finished product used primarily for domestic, commercial, or institutional cleaning purposes. "Cleaning Product" includes an air care product, an automotive cleaning product, a general cleaning product, and a polish or floor maintenance product.

i. "Automotive Cleaning Product" means a chemically formulated consumer product labeled to indicate that the purpose of the product is to maintain the appearance of a motor vehicle, including products for washing, waxing, polishing, cleaning or treating the exterior or interior surfaces of motor vehicles; "Automotive Cleaning Product" does not include automotive paint or paint repair products.

(b) "Cookware" means a durable houseware product that is used in residences or kitchens to prepare, dispense, or store food or beverages. (b) "Cookware" includes pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils. (c) "Cookware" does not include food equipment intended primarily for use in commercial settings, including food equipment sold to a business that has a retail food establishment license.

A targeted approach to combat the use of PFAS in certain priority consumer products is consistent with all other states that are tackling this issue and should be similarly employed by Maryland. Failure to narrowly address this issue will result in the unintended prohibition of many products essential to human health and the functioning of society.

Another concern is that HB1112 would treats all 14,000+ PFAS compounds the same. However, they are not the same. This is especially true for fluoropolymers, which our chemicals company processes and sells to customers throughout the U.S. to make hundreds of thousands of manufactured products critical to everyday life, such as wiring insulation for airplanes and electric vehicles, electrical components for cell phones and computers, and gaskets, fuel lines and seals for motor vehicles and manufacturing equipment.

Unlike other PFAS chemicals such as PFOA and PFOS, fluoropolymers are inert, non-toxic, and are not bioavailable. Importantly, they do not dissolve in water, so they cannot migrate to groundwater and do not dissolve in wastewater or drinking water. They also provide a unique combination of physical, chemical and electrical properties that are necessary to enhance the safety, reliability and durability of products under a wide range of operating conditions.

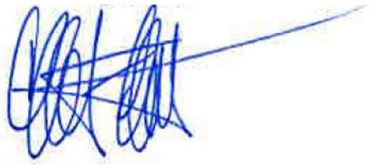
As this bill is considered by the legislature, we urge you to amend the bill to focus on only those PFAS substances that have the greatest potential environmental and health impacts and exclude products containing fluoropolymers from any product bans. Therefore, we propose the following amendment to HB1112, which is found in the current draft of New Mexico's PFAS product bill, HB212 – the PFAS Protection Act:

> Prohibitions in this Subsection do not apply to:
>
> (1) a product that contains fluoropolymers consisting of polymeric substances for which the backbone of the polymer is either a per- or polyfluorinated carbon-only backbone or a perfluorinated polyether backbone that is a solid at standard temperature and pressure.

The inclusion of a fluoropolymer exemption would prevent the unintended prohibition of hundreds of thousands of essential products, while still ensuring the intent of this bill is satisfied – protecting human health from exposure of harmful PFAS.

Thank you for the opportunity to share our views. We look forward to working as a partner with you and the Legislature on these issues as you consider this legislation further.

Sincerely,



Christopher F. Correnti
President and CEO
AGC America, Inc.