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HB 1022 - PFAS Chemicals – Product Phase Outs and Registration Requirements

FOR INFORMATION

Committee: HEALTH

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The Delaware-Maryland Agribusiness Association represents the manufactures and retailers of crop protection products and nutrients to farmers across Maryland.

While House Bill 1022 does not explicitly include pesticides in the list of products in which intentionally added PFAS is prohibited; the section requiring registration and reporting in section 6-1606 would impact certain pesticides that fit the one-carbon definition of PFAS in this legislation. Participation in the Products Phase-out workgroup over the interim of 2025 and conversations with the bill sponsors led us to believe that it is not the legislative intent to include pesticides.

Therefore, if sections 6-1606 and 6-1607 are maintained, DMAA is requesting the following amendment:

“(D)(5) This subsection does not apply to a product regulated by or under the jurisdiction of the Federal Insecticide Fungicide and Rodenticide Act, 7 U.S.C. § 136 et seq.”

The definition of PFAS used in this legislation is “contains one or more fully-fluorinated carbon atom.” In 2025, the this committee and the Maryland House of Delegates unanimously passed HB386 which included a PFAS definition specific to pesticides:

1. R–(CF₂)–CF(R’)R’’, WHERE BOTH THE CF₂ AND CF MOIETIES ARE SATURATED CARBONS;
2. R–CF₂OCF₂–R’, WHERE R AND R’ CAN EITHER BE F, O, OR SATURATED CARBONS; OR
3. CF₃C(CF₃)R’R’’, WHERE R’ AND R’’ CAN EITHER BE F OR SATURATED CARBONS.

This definition is used by the Environmental Protection Agency under the Toxic Substances Control Act and Federal Insecticide Fungicide and Rodenticide Act (FIFRA). This was a recognition that pesticides are evaluated and must meet a stringent safety standard prior to registration. Under FIFRA, a pesticide must be registered by the U.S. Environmental Protection Agency before it can be sold or distributed in the United States. The applicant submits extensive data on product chemistry, toxicity, environmental fate, residue levels, and efficacy to demonstrate the product will not cause “unreasonable adverse effects on the environment” when used according to label directions. EPA scientists then conduct a risk assessment evaluating human health (dietary, occupational, and residential exposure) and ecological impacts (including pollinators, aquatic species, and wildlife). Registered pesticides are subject to periodic review, data-call-ins, and re-registration to ensure they continue to meet current scientific and regulatory standards.

Requiring that pesticides, by the one carbon definition, disclose and register with the Maryland Department of Environment is duplicative of existing registration processes and inconsistent with legislative history in Maryland differentiating the definition of PFAS specific to pesticides.

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