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SPONSOR TESTIMONY IN SUPPORT OF HB1022
PFAS CHEMICALS - PRODUCT PHASE OUTS AND REGISTRATION REQUIREMENTS

Delegate Sheila Ruth
March 10, 2026

I know that this committee is well aware of the health and environmental impacts of per- and poly-fluoroalkyl substances (PFAS). These substances - more commonly known as “forever chemicals” as they remain persistent in the environment and do not break down easily - are ubiquitous in our world: traces are found almost everywhere they are tested for, from environmental sources to our bodies. This is a problem because of the negative health effects connected to PFAS exposure - especially for children - including an increased risk of cancer and other diseases, suppression of immune responses, direct harm to the reproductive system and developmental problems in children, and more. This body has already passed several bills regulating them further and requiring more extensive monitoring of, testing for, and reduction of them.

In Maryland we have prohibited PFAS in firefighting foam, rugs and carpets, food contact packaging, and we prohibited some (but not all) PFAS chemicals in cosmetics. We also prohibited intentionally added PFAS in playground surfacing materials. We are not alone: a number of other states have enacted prohibitions for various categories of products, as you can see in the chart uploaded with my testimony. Maine, Minnesota, and New Mexico have enacted laws phasing out PFAS from broad categories of products.

HB1022 builds on lessons learned from these states in order to begin to phasing PFAS out of a broad array of products in Maryland. The bill prohibits PFAS in the following product categories:

By January 1, 2028

- A cleaning product;
- cookware;
- a cosmetic;
- a personal care product;
- a feminine hygiene product;
- a pet food package or packaging component intended for direct contact with pet food;

- a juvenile product; or
- an intimacy product

By January 1, 2029

- a fabric treatment;
- ski wax;
- a textile or textile furnishing;
- upholstered furniture; or
- ~~Paint~~ (removed by amendment)

The bill exempts used products and products pre-empted by federal law, and allows the Maryland Department of the Environment (MDE) to develop regulations to exempt products or product categories as “currently unavoidable uses” of PFAS. The staggered tiers give businesses time to adjust, and since most of the products we are phasing out are already required to be PFAS-free in other states by these dates or even earlier, manufacturers should already be working on reformulating their products.

The bill as drafted also includes a registration requirement, however after extensive discussions with stakeholders we are amending out the registration section, which should address many of the concerns we heard. Removing this requirement will also reduce the operational impact on the Maryland Department of the Environment (MDE) and correspondingly reduce the fiscal note.

The bill also has strong enforcement provisions, and empowers MDE to require manufacturers to provide independent testing results for products suspected of violating the statute. It also allows MDE to randomly select products each year and require the manufacturer to have the selected products tested for compliance. This further strengthens the ability of MDE to enforce the law. MDE may impose administrative penalties of up to \$15,000 on violators, and up to \$25,000 for those violating an administrative order from MDE.

This bill will also establish the Maryland PFAS Chemicals Protection and Remediation Fund, dedicated to mitigating harms associated with PFAS through various means such as environmental remediation, monitoring levels of PFAS in the environment, and conducting further research into the effects of PFAS exposure. This fund will collect money from sources like the registration fees and penalties outlined in this bill, as well as others such as PFAS-related lawsuits and voluntary private donations, ensuring Maryland taxpayers do not have to bear both the burden of PFAS exposure we could not avoid *and* paying for potential assistance with this problem.

Some of the other states working on PFAS product phase outs have included a final tier in 2032 by which everything else containing PFAS is prohibited. We opted not to go that route, because of the complexity of having to address exceptions. If there are other product categories that we discover need to be addressed at some time in the future, we can bring new legislation to address those.

Phasing out products containing PFAS accomplishes several things:

- It improves public health by reducing individual contact with the chemicals;
- It reduces PFAS chemicals that are washed down the drain, which reduces the burden on wastewater treatment plants;
- It reduces contamination of the groundwater due to leachate from landfills; and
- It reduces PFAS chemical runoff into our wetlands and waterways including the Chesapeake Bay.

Senator Sara Love and I have been working extensively with the stakeholders over the last couple of weeks, and we have negotiated a series of amendments that should address most of the concerns we heard. We hope that those amendments will be ready to submit to the committee by the time of the House hearing. In addition to removing the entire section 6-1606, which contains the registration requirements, we also removed paint from the list, changed the definition of textiles and separated outerwear from other apparel, exempted electronic and other internal components, and made a few other definitional changes.

HB1022 will take an important proactive step to protecting the environment and health of Marylanders by significantly reducing the amount of PFAS Marylanders are exposed to, as well as the amount in our waterways and wastewater treatment plants. I ask for a favorable report.