

HOUSE BILL 570

M4

2lr1447

By: **Delegate Stein**

Introduced and read first time: January 31, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Pesticides – Mosquito Control Products and PFAS Chemicals**

3 FOR the purpose of requiring the Secretary of Agriculture to require the submission of a
4 certain affidavit relating to mosquito control products and PFAS chemicals for the
5 purpose of certain provisions of law relating to the registration of pesticides in the
6 State; prohibiting the State, a local government, or a certified applicator or a person
7 working under the supervision of a certified applicator from using a mosquito control
8 product that contains PFAS chemicals; prohibiting, on or after a certain date, the
9 State, a local government, or a certified applicator or a person working under the
10 supervision of a certified applicator from using a mosquito control product unless the
11 Department of Agriculture has certified, in a certain manner and subject to a certain
12 exception, that the product does not contain PFAS chemicals; and generally relating
13 to mosquito control products and PFAS chemicals.

14 BY repealing and reenacting, without amendments,
15 Article – Agriculture
16 Section 5–101(a) and (g) and 5–201(a) and (c)
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Agriculture
21 Section 5–105(a) and (f)
22 Annotated Code of Maryland
23 (2016 Replacement Volume and 2021 Supplement)

24 BY adding to
25 Article – Agriculture
26 Section 5–405.2
27 Annotated Code of Maryland
28 (2016 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Agriculture**

4 5–101.

5 (a) In this subtitle the following words have the meanings indicated.

6 (g) “Distributor” means a person who imports, manufactures, produces, mixes, or
7 consigns pesticides as part of a commercial enterprise.

8 5–105.

9 (a) **(1)** Except as provided in subsection (g) of this section, a distributor shall
10 register with the Secretary each brand or product name of a pesticide before distributing it
11 in the State.

12 **(2)** The registration for each pesticide expires December 31 each year.

13 (f) **(1)** The Secretary may require the submission of toxicological,
14 environmental, or health effects data that the Secretary considers appropriate, or the
15 complete formula of any pesticide whenever [he] **THE SECRETARY** deems this action
16 necessary to effectuate the purposes of this subtitle.

17 **(2) THE SECRETARY SHALL REQUIRE THE SUBMISSION OF AN**
18 **AFFIDAVIT STATING WHETHER A PESTICIDE USED TO CONTROL MOSQUITOS:**

19 **(I) HAS EVER BEEN STORED, DISTRIBUTED, OR PACKAGED IN A**
20 **FLUORINATED HIGH-DENSITY POLYETHYLENE CONTAINER; AND**

21 **(II) CONTAINS, AS DETERMINED BY LABORATORY TESTING IN**
22 **THE FORMULATION OF THE PESTICIDE, A PERFLUOROALKYL OR**
23 **POLYFLUOROALKYL SUBSTANCE, INCLUDING AS AN ACTIVE OR INERT INGREDIENT.**

24 **(3)** The Secretary shall register the pesticide if [he] **THE SECRETARY**
25 determines that the pesticide, its labeling, and other material required to be submitted
26 comply with the requirements of this subtitle.

27 5–201.

28 (a) In this subtitle the following words have the meanings indicated.

29 (c) “Certified applicator” means a person who is certified by the Secretary under
30 this subtitle.

1 **5-405.2.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "CERTIFIED APPLICATOR" HAS THE MEANING STATED IN § 5-201
5 OF THIS TITLE.

6 (3) "DISTRIBUTOR" HAS THE MEANING STATED IN § 5-101 OF THIS
7 TITLE.

8 (4) "LOCAL GOVERNMENT" MEANS:

9 (I) A COUNTY;

10 (II) A BICOUNTY AGENCY; OR

11 (III) A MUNICIPALITY.

12 (5) "MOSQUITO CONTROL PRODUCT" MEANS A PESTICIDE PRODUCT
13 USED TO CONTROL MOSQUITOS IN THE STATE.

14 (6) "PFAS CHEMICALS" MEANS A CLASS OF FLUORINATED ORGANIC
15 CHEMICALS THAT CONTAIN AT LEAST ONE FULLY FLUORINATED CARBON ATOM,
16 INCLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

17 (B) THE STATE, A LOCAL GOVERNMENT, OR A CERTIFIED APPLICATOR OR A
18 PERSON WORKING UNDER THE SUPERVISION OF A CERTIFIED APPLICATOR MAY NOT
19 USE A MOSQUITO CONTROL PRODUCT THAT CONTAINS PFAS CHEMICALS,
20 INCLUDING A PRODUCT THAT CONTAINS PFAS CHEMICALS AS:

21 (1) AN INACTIVE OR INERT INGREDIENT; OR

22 (2) A RESULT OF CONTAMINATION FROM A CONTAINER OR
23 MANUFACTURING.

24 (C) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION AND
25 SUBJECT TO SUBSECTION (D) OF THIS SECTION, ON OR AFTER DECEMBER 31, 2022,
26 THE STATE, A LOCAL GOVERNMENT, OR A CERTIFIED APPLICATOR OR A PERSON
27 WORKING UNDER THE SUPERVISION OF A CERTIFIED APPLICATOR MAY NOT USE A
28 MOSQUITO CONTROL PRODUCT UNLESS THE DEPARTMENT HAS CERTIFIED THAT
29 THE PRODUCT DOES NOT CONTAIN PFAS CHEMICALS.

1 **(D) THE DEPARTMENT MAY ONLY CERTIFY A MOSQUITO CONTROL**
2 **PRODUCT AS NOT CONTAINING PFAS CHEMICALS IF THE DISTRIBUTOR SUBMITS TO**
3 **THE DEPARTMENT THE RESULTS OF AN ANALYSIS:**

4 **(1) THAT WAS PERFORMED BY A LABORATORY APPROVED BY THE**
5 **U.S. ENVIRONMENTAL PROTECTION AGENCY; AND**

6 **(2) THAT INDICATES:**

7 **(I) THAT THE SUM OF THE CONCENTRATIONS OF ANALYTES**
8 **TOTAL LESS THAN 100 PARTS PER TRILLION, AS INDICATED BY A TESTING METHOD**
9 **VALIDATED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR THE**
10 **DETECTION OF PFAS CHEMICALS; OR**

11 **(II) LESS THAN 10 PARTS PER BILLION IN TOTAL ORGANIC**
12 **FLUORINE.**

13 **(E) THE CERTIFICATION REQUIREMENT UNDER SUBSECTION (C) OF THIS**
14 **SECTION DOES NOT APPLY IF:**

15 **(1) THE MOSQUITO CONTROL PRODUCT IS BEING USED TO ADDRESS**
16 **AN ARBOVIRUS PUBLIC HEALTH EMERGENCY DECLARED BY THE MARYLAND**
17 **DEPARTMENT OF HEALTH;**

18 **(2) THE MARYLAND DEPARTMENT OF HEALTH HAS NO REASON TO**
19 **BELIEVE THAT THE MOSQUITO CONTROL PRODUCT CONTAINS PFAS CHEMICALS;**
20 **AND**

21 **(3) THERE ARE NO OTHER MOSQUITO CONTROL PRODUCTS**
22 **AVAILABLE THAT:**

23 **(I) HAVE BEEN CERTIFIED BY THE DEPARTMENT AS NOT**
24 **CONTAINING PFAS CHEMICALS IN ACCORDANCE WITH SUBSECTION (D) OF THIS**
25 **SECTION; AND**

26 **(II) ARE AS EFFECTIVE AS, OR MORE EFFECTIVE THAN, THE**
27 **MOSQUITO CONTROL PRODUCT.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2022.