

SENATE BILL 158

M4, M3

3lr1590
CF 3lr1258

By: **Senator Hettleman**

Introduced and read first time: January 18, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Pesticide Registration – PFAS Testing – Requirements**

3 FOR the purpose of prohibiting, beginning on a certain date, the Secretary of Agriculture
4 from registering a pesticide for use against mosquitoes in the State unless the
5 distributor of the pesticide submits to the Department of Agriculture certain test
6 results and a certain affidavit; prohibiting, beginning on a certain date, the Secretary
7 from registering a pesticide for use in the State unless the distributor of the pesticide
8 submits to the Department certain test results and a certain affidavit; and generally
9 relating to the registration of pesticides in the State.

10 BY repealing and reenacting, without amendments,
11 Article – Agriculture
12 Section 5–101(a) and (g)
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2022 Supplement)

15 BY adding to
16 Article – Agriculture
17 Section 5–105.1
18 Annotated Code of Maryland
19 (2016 Replacement Volume and 2022 Supplement)

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

Article – Agriculture

22 5–101.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (g) "Distributor" means a person who imports, manufactures, produces, mixes, or
2 consigns pesticides as part of a commercial enterprise.

3 **5-105.1.**

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "PASSED THE PFAS TEST" MEANS PFAS TEST RESULTS
7 INDICATING THAT THE SUM OF THE CONCENTRATIONS OF ANALYTES IN A PESTICIDE
8 TOTAL:

9 (I) LESS THAN 100 PARTS PER TRILLION BASED ON
10 CONVENTIONAL TESTING PERFORMED WITH:

- 11 1. LIQUID CHROMATOGRAPHY-MASS SPECTROMETRY;
- 12 2. U.S. ENVIRONMENTAL PROTECTION AGENCY
13 METHOD 1633; OR
- 14 3. ANY OTHER MASS SPECTROMETRIC METHOD THAT IS
15 ACCEPTED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND SHOWN TO BE
16 A VALID METHOD; OR

17 (II) LESS THAN 10 PARTS PER BILLION IN TOTAL ORGANIC
18 FLUORINE AS DETERMINED BY A VALIDATED TOTAL ORGANIC FLUORINE ANALYSIS.

19 (3) "PFAS" MEANS PERFLUOROALKYL AND POLYFLUOROALKYL
20 SUBSTANCES.

21 (4) "PFAS TEST" OR "PFAS TESTING" MEANS A TEST:

22 (I) TO DETERMINE THE CONCENTRATION OF ANALYTES IN A
23 PESTICIDE; AND

24 (II) THAT IS PERFORMED BY A LABORATORY:

25 1. IDENTIFIED BY THE DEPARTMENT OF THE
26 ENVIRONMENT AS CAPABLE OF TESTING FOR PFAS; OR

27 2. USED BY THE U.S. ENVIRONMENTAL PROTECTION
28 AGENCY FOR PFAS TESTING.

1 **(B) BEGINNING JANUARY 1, 2024, THE SECRETARY MAY NOT REGISTER A**
2 **PESTICIDE FOR USE AGAINST MOSQUITOES IN THE STATE UNLESS THE**
3 **DISTRIBUTOR OF THE PESTICIDE SUBMITS TO THE DEPARTMENT WITH EACH**
4 **REGISTRATION APPLICATION:**

5 **(1) PFAS TEST RESULTS INDICATING THAT THE PESTICIDE HAS**
6 **PASSED THE PFAS TEST; AND**

7 **(2) A SIGNED AFFIDAVIT ATTESTING TO THE LEGITIMACY OF THE**
8 **PFAS TEST RESULTS.**

9 **(C) BEGINNING JANUARY 1, 2026, THE SECRETARY MAY NOT REGISTER A**
10 **PESTICIDE FOR USE IN THE STATE UNLESS THE DISTRIBUTOR OF THE PESTICIDE**
11 **SUBMITS TO THE DEPARTMENT WITH EACH REGISTRATION APPLICATION:**

12 **(1) PFAS TEST RESULTS INDICATING THAT THE PESTICIDE HAS**
13 **PASSED THE PFAS TEST; AND**

14 **(2) A SIGNED AFFIDAVIT ATTESTING TO THE LEGITIMACY OF THE**
15 **PFAS TEST RESULTS.**

16 **(D) NOTHING IN THIS SECTION MAY BE CONSTRUED TO REQUIRE THE**
17 **DEPARTMENT TO CONDUCT PFAS TESTING ON PESTICIDES.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2023.