

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 158

(Senator Hettleman)

Education, Energy, and the Environment

Health and Government Operations

Pesticides - PFAS Testing - Study

This bill requires the Maryland Department of Agriculture (MDA) – in consultation with the Maryland Department of the Environment, the Maryland Department of Health, and the U.S. Environmental Protection Agency – to study the use of perfluoroalkyl and polyfluoroalkyl substances (PFAS) in pesticides in the State. By November 1, 2023, MDA must report its findings and recommendations to (1) the Governor; (2) the Senate Committee on Education, Energy, and the Environment; and (3) the House Health and Government Operations Committee. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: None. The bill’s requirements are anticipated to be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The study must include:

- an analysis of the health and environmental impacts of PFAS in pesticides in the State;
- the identification of testing methods capable of testing for PFAS in pesticides;

- an examination of characteristics that distinguish testing methods for PFAS that are validated for drinking water from testing methods that are validated for pesticides;
- a status update on federal efforts to certify a method for testing for PFAS in pesticides; and
- a status update on state and federal efforts to regulate or ban the use of pesticides containing PFAS.

Current Law: The State Chemist, within MDA, is responsible for administering the Maryland Pesticide Registration and Labeling Law subject to the supervision of the Secretary of Agriculture. The law requires pesticides to be registered before being distributed in the State and establishes requirements for the packaging and labeling of pesticides. A pesticide must comply with federal pesticide laws and regulations before it can be registered by the Secretary. MDA regulations establish that a person may only use or recommend pesticides that are registered with the department.

The Maryland Pesticide Registration and Labeling Law prohibits the distribution, sale, or transportation in the State of unregistered, adulterated, or misbranded pesticides and authorizes the Secretary to adopt rules and regulations providing for the collection and examination of samples of pesticides. The Secretary has the authority to require the submission of toxicological, environmental, or health effects data, or the complete formulation of any pesticide, when necessary to carry out the purposes of the registration and labeling law. The Secretary may issue and enforce a written stop-sale order to the registrant, owner, custodian, or distributor of any pesticide that (1) the Secretary finds is in violation of the Maryland Pesticide Registration and Labeling Law or an implementing regulation; (2) has been found by federal or State authorities to cause unreasonable adverse effects to humans, animals, or the environment; or (3) is in violation of any provision of federal pesticide laws or regulations.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 319 (Delegate Stein, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Association of Counties; Maryland Municipal League; Baltimore City Community College; University System of Maryland; Maryland Department of Agriculture; Maryland Department of the Environment; Maryland Department of Health; Department of General Services; Department of Natural Resources;

Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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