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Committee: Education, Health, and Environmental Affairs

Testimony on: SB273 “Environment – PFAS Chemicals – Prohibitions and Requirements (George ‘Walter’ Taylor Act)”

Position: Support

Hearing Date: February 2, 2022

The Maryland Chapter of the Sierra Club supports SB 273, which, beginning in 2023, would prohibit use, manufacturing, and distribution of certain fire-fighting foam that contains intentionally added PFAS chemicals, as well as manufacture or sales of rugs, carpet, and certain food packaging that contain these chemicals. PFASs, per- or polyfluoroalkyl substances, are bioaccumulating, environmentally mobile, and environmentally persistent. Many of the compounds in this group of chemicals have been proved to be toxic to people and they threaten our bay and other waters, and the productive fisheries, tourism, and recreation they support.

The restrictions in the bill are practical steps to protect public and environmental health and are consistent with actions in other states and nations. States with enforceable drinking water standards include Massachusetts, Michigan, New Hampshire, New Jersey, New York, Vermont, and Maine; and states with proposed standards include Arizona, Iowa, Kentucky, and Rhode Island. Other states have adopted guidance and/or notification levels for PFAS in drinking water. These states include Alaska, California, Colorado, Connecticut, Delaware, Illinois, Minnesota, North Carolina, New Mexico, and Ohio. Abroad, the Stockholm Convention on Persistent Organic Pollutants added two well-studied PFAS compounds (PFOA and PFOS) to annex A elimination and annex B restriction, respectively.¹

PFAS have been investigated for adverse immune, metabolic, carcinogenic, and developmental effects. PFAS compounds have characteristics under the United Nations Globally Harmonized System (GHS) of Classification and Labelling of Chemicals² that include: “suspected of causing cancer,” “may damage the unborn child,” “may damage fertility or the unborn child,” “causes damage to organs through prolonged or repeated exposure,” “toxic to aquatic life with long-lasting effects,” and “toxic if swallowed.”

Fire-fighting foams. Aqueous film-forming foams (AFFF) used in firefighting have moved from predominately long-chained PFAS to short-chained PFASs in an effort to reduce pollution and

¹ PFAS are a group of manmade substances, PFOA and PFOS are part of this group of substances and have been studied extensively. See also <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-healthadvisories-pfoa-and-pfos>

² The GHS of Classification and Labelling of Chemicals is the industry standard for communication on hazardous chemicals

toxicity. However, continuing research has found that both long and short-chained PFAS display toxic effects. The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 implemented a phase-out of AFFF in firefighting foams at military installations by 2024.³

Rugs and carpets. Consumer products treated with PFAS, such as rugs or carpets, can produce polluted dust that can be ingested or inhaled. Upon entering the body, PFAS will accumulate. Major retailers Home Depot and Lowes banned PFAS from rug sales in 2019 and 2020, respectively.

Food packaging. PFAS are often added to food packaging and “can migrate from fluorochemical-treated food contact papers into food-simulants such as butter, water, vinegar, and water/ethanol mixtures, indicating a direct exposure route to humans.”⁴ Fast food industry leaders such as McDonald’s have made commitments to phase out PFAS food packaging,⁵ though its 2025 goal will fall short in states with bans on PFAS in food containers that will be implemented in 2022. Many other food retailers and grocery suppliers have made similar pledges, and the trend is expected to continue as public concern continues.⁶

PFAS mass waste. Disposal of PFAS-treated items leads to further concerns over expensive systems that should be maintained and monitored at taxpayer expense to prevent further pollution. Landfills are required to adhere to strict standards that include expensive leaching contamination liners, monitoring, and maintenance. Alternatively, incineration produces an extremely hazardous product – toxic gaseous hydrogen fluoride.

Though industry is taking steps due to consumer concerns and action on the federal level is hopefully on the horizon, Maryland should join other states in a leadership role and ensure reasonable protections are established. The Maryland Chapter of the Sierra Club urges a favorable report on this bill for its potential to reduce risks to human and environmental health. We request a favorable report.

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³ Public Law 116-92, Section 322. See also “Congress Confronts PFAS in National Defense Authorization Act – What You Need to Know,” Bloomberg Law, Jeffrey Dintzer, Gregory Berlin. The NDAA has several provisions that address PFAS, including requirements to promote monitoring of water supplies adjacent to military facilities for PFAS (Section 322)

⁴ A Review of the Pathways of Human Exposure to Poly and Perfluoroalkyl Substances (PFAS) and Present Understanding of Health Effects. Elsie Sunderland et al. November 23, 2018.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6380916/>

⁵ McDonald’s announces global ban of toxic chemicals in food packing, Safer Chemicals, Healthy Families, Stephanie Stohler January 13, 2021

⁶ The NDAA for FY 2020 bans use of PFAS in packaging of meals ready-to-eat packaging by October 1, 2021.