

February 10, 2025

The Honorable Joseline A. Pena-Melnyk
The Honorable Bonnie Cullison
240 Taylor House Office Building
Annapolis, Maryland 21401

RE: Maryland House Bill 0386, Pesticide Registration – Pesticides - PFAS Chemicals - Prohibitions

Chair Pena-Melnyk, Vice Chair Cullison, and Distinguished Members of the Health and Government Operations Committee,

On behalf of the Household and Commercial Products Association (HCPA)¹, we submit these comments regarding HB 0386 (SB 0345), which proposes that the Department of Agriculture maintain a list of pesticides identified as containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) as active ingredients, with the goal of banning such pesticides by 2027. We respectfully oppose this legislation and urge an unfavorable report.

HCPA members manufacture a variety of products including household cleaning products, air care products, aerosol products, floor polishes and waxes, automotive maintenance and appearance products, and consumer pesticides which include disinfectants and sanitizers. These products are essential tools for a wide variety of functions necessary to maintain clean and healthy homes and institutional facilities. Many products represented by HCPA, including disinfectants, sanitizers, pet care and home pest products, are registered under state and federal pesticide regulations. Thus, our industry has a direct pecuniary interest in discussion and development of requirements for registration of products in the state. We would appreciate consideration of the following key issues warranting an unfavorable report on HB 0386.

PFAS Nomenclature

PFAS substances are a large, diverse group of chemical compounds. PFAS properties vary widely as do uses and applications. For this reason, it is important to distinguish between PFAS categories, use, function, and chemical properties as opposed to treating the substance as a single regulatory group. Although some PFAS may possess physical/chemical properties that underline legitimate concerns over potential health and environmental risks associated with some substances, this most certainly does not apply to all PFAS chemicals and applications due to inherent chemical and structural differences between them. For this reason, PFAS should not be considered as a single group or class, especially given it is possible to scientifically define distinct categories of PFAS based on shared properties. HB0386 takes a class approach to regulation which is not scientifically accurate and will lead to unjustified product bans.

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

Redundant Regulations

It is important to note that the federal and state regulation of pesticide distribution, sale, and use, as well as stringent safety standards and enforcement are already established under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Maryland Department of Agriculture's Pesticide Regulation section. These statutes are designed to evolve as science advances, to support product innovation, and to provide for robust stakeholder and public input into pesticide regulations. The laws not only mandate comprehensive data packages and rigorous risk assessment, but they also require review of the most current scientific data on health and environmental impacts before registration for all pesticide products. Importantly, registered pesticide products are also required to undergo periodic registration review to ensure that the health and environmental impacts of the use of the product continue to rely upon the most current science. Lastly, an indiscriminate approach to pesticide regulation could result in the removal of products intended to mitigate health risks, such as those designed for vector control.

Unavoidable Uses

PFAS uses -- as well as human and environmental impacts -- are wide-ranging and it is impossible to ascertain what is unavoidable in a dynamic market and complex supply chains. It is not prudent to codify such a sweeping prohibition without the ability to revisit the question of unavoidable uses or even uses that do not rise to the environmental and health concerns that are motivating the bill's introduction.

Conclusion

The safety of human health and the environment is a top priority for HCPA and our member companies. We respectfully oppose the broad and technically inaccurate approach proposed HB 0386. This legislation does not incorporate an evidence-based methodology to regulation and instead would impose unachievable, and unnecessary, requirements on manufacturers and distributors of products.

HCPA urges an unfavorable report on HB 0386.

Sincerely,

Michelle Lopez Kopa
Senior Director, Government Relations & Public Policy
Household & Commercial Products Association