



MEMORADUM

To: Maryland PFAS Testing Study Group, Legislators
From: Smart on Pesticides Maryland Coalition
Re: Response to the Md. Study Group's *Report on the Use of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) in Pesticides in Maryland 2023*
Date: Dec. 3, 2023

The Smart on Pesticides Maryland Coalition has serious concerns about the Maryland PFAS in Pesticide Testing Study Group's recent ["Report on the Use of Perfluoroalkyl and Polyfluoroalkyl Substances \(PFAS\) in Pesticides in Maryland 2023."](#)

We applaud the Report's acknowledgment of the severe impacts of PFAS exposure on human health and the environment and the legitimate concern of the state for the potentially widespread long-term impacts of PFAS.

We also strongly agree with the Report's conclusion that *"...laboratory analysis of PFAS in formulations must be at the forefront of any environmental or human impact studies or decision-making policy."*

However, we have the following concerns about other aspects of this important report:

- Testimony from scientists, public health experts, and PFAS-testing experts was not given due consideration prior to issuance of the report, including these two letters:
 - [A letter from 100 scientists and public health experts](#) expressing grave concerns, and
 - [A letter](#) from Eurofins' Vice President in charge of PFAS testing regarding Eurofins' and industry leaders' concerns about EPA's Office of Pesticide Program's (OPP) testing methods.
- The process was not open and meetings were held behind closed doors.
- There were no PFAS testing experts among the Study Group members.
- The EPA's OPP's two new PFAS-testing methods for pesticides have not gone through the standard rigors of multi-lab verification required for EPA validation of PFAS-testing methods. OPP has never published Standard Operating Procedures for these two methods so the methods can be replicated by external labs. It is our opinion that the EPA's OPP has limited experience and expertise in the development of PFAS testing methods relative to the expertise and capabilities that exists elsewhere within the EPA or the contract lab industry. Such development should occur in a collaborative context that includes Federal and contract lab experts, such as the EPA's Office of Research and Development and Eurofins. Eurofins is currently recognized as the

world-wide leader in PFAS analyses with a 20 year history of collaborative method development efforts for determination of PFAS in a broad range of environmental and product matrices.

- The report erroneously interprets an [email from EPA to Sen. Shelly Hettleman](#) stating that EPA methods 537.1 and 1633 are not appropriate for testing pesticides. In fact, the email states that both methods allow for labs to modify these methods for such purposes as testing for PFAS in pesticides.
- The report states: *“The USEPA has contacted pesticide manufacturers of mosquito control products, and they have switched from fluoridated [fluorinated] containers to stainless steel containers or non-fluoridated [non-fluorinated] containers.”* (Page 7.) This misleadingly suggests PFAS container contamination is only a problem for mosquito products. There are more than 14,000 pesticide products registered in Maryland, many of which are still sold in fluorinated plastic containers and leaching of PFAS from these containers contaminates other pesticides, as well as other liquids.
- The report implies that all inert ingredients that are PFAS compounds have been removed. But only 12 have been removed and there are at least 8 more, including PTFE (Teflon), which are still allowed by EPA to be used in pesticides.
- The report states: *“The [MDA] Department will begin to review the Confidential Statement of Formula (CSF) for all 13,575 pesticide products that are registered in the state of Maryland, for 2023, to determine if there are any PFAS compounds in the pesticides.”* (Page 9.) Given MDA’s staffing and workload, a major new scope of work reviewing over 13,000 CSF such as this could take years to complete.

We believe there is a clear path forward for Maryland:

1. The 66 known PFAS active ingredients in over 1,000 pesticide products registered in Maryland should be taken off the market in Maryland as an immediate next step.
2. The recommendation for the Department of Agriculture to *“establish a PFAS testing program within the State Chemist Section”* is an unnecessarily expensive way forward, running into the millions of dollars. This is better done at the excellent labs the EPA has contracted with for 30 years.
3. The burden should be on manufacturers, not consumers, to prove that the products they are registering in the state are PFAS-free, using commercial labs with expertise and state-of-the-art equipment. Results should be submitted as part of the registration process.

We should consider the report a first draft and urgently get to work on resolving these serious scientific issues with experts in PFAS and pesticides to find the best path forward for Maryland.

We look forward to helping convene a conversation and to making Maryland a safe and healthy place to live and work.

Addendum:

[EPA letter to Sen. Hettleman re: Methods 537.1 and 1633 for testing pesticides for PFAS:](#)

Method 537.1

“... One can adopt the sample analysis part of the EPA Method 537.1 (part 2) for other types of sample matrices, including pesticide formulations, provided that the sample preparation part (part 1) is properly conducted for that specific matrix to remove all components that could interfere with the proper identification of PFAS in part 2....”

Method 1633

“...As with method 537.1, the sample analysis part of method 1633 can be adopted for PFAS analysis in other types of samples, including pesticide formulations, provided that the sample extraction and cleanup procedures are properly conducted for the sample matrix of interest. ...”