



Center for Biocide Chemistries

March 8, 2023

Chair Samantha Vang
House Agriculture Finance and Policy Committee
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

RE: HF 1150 Registration for pesticides containing perfluoroalkyl or polyfluoroalkyl substance prohibited.

Dear Chair Vang and members of the committee:

The American Chemistry Council Center for Biocide Chemistries (CBC) represents manufacturers and formulators of antimicrobial pesticides, critical products used as disinfectants, preservatives, antifoulant coatings, wood preservatives, and many more uses. We appreciate the opportunity to offer testimony on HF1150, which would prohibit the registration of pesticides containing PFAS as an inert ingredient or an intentionally added substance. CBC opposes the legislation as written.

Pesticides are among the most stringently regulated products on the market in Minnesota. Antimicrobial producers submit significant amounts of data to the U.S. Environmental Protection Agency (EPA) and state regulators. These tests include environmental and human health toxicity data, exposure information, and any required efficacy data against public health pathogens. Registrants must also disclose all ingredients in their formulations to regulatory authorities, including inert ingredients. No ingredient can be used in a pesticide product unless it has been approved by EPA. These important reviews help ensure that the antimicrobial products on the market in Minnesota and across the U.S. are safe to use as directed.

EPA has developed a PFAS Strategic Roadmap, which includes addressing PFAS in pesticides. As part of its work, EPA has eliminated several PFAS from the list of approved inert ingredients and is undertaking an analysis of inert and active pesticide ingredients. CBC stresses that EPA's process of evaluating all pesticide ingredients on a case-by-case basis, reviewing extensive data and considering impacts on vulnerable populations and the environment is sufficient to help ensure the health and environmental safety of antimicrobial products approved by EPA.

Further, the European Union (EU) recently proposed a broad, class-based ban on PFASs. In the restriction report, the EU specifically exempts pesticides, including biocidal products (antimicrobial pesticides), from the restriction because of the extensive regulations that already

exist for these products.¹ Further, as part of its proposal, the EU restricts PFAS in most products through a clear definition of PFAS and sets allowable concentration levels. A clear definition of PFAS is critical for any legislation seeking to restrict the use of fluorinated chemistries.

CBC requests further clarity on how HF1150's ban on PFAS in pesticides would be enforced. A recent law requiring PFAS disclosure in Maine has placed significant strain on state and pesticide registrant resources. Any impacts on Minnesota resources and potential availability of antimicrobial products in the state should be carefully considered.

On behalf of CBC, I appreciate your consideration of our comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Anastasia Swearingen". The signature is written in a cursive style with a large initial 'A'.

Anastasia Swearingen
Executive Director
American Chemistry Council's Center for Biocide Chemistries

¹ECHA Annex XV Restriction Report: Per- and polyfluoroalkyl substances (PFASs)
<https://echa.europa.eu/documents/10162/4e564987-9902-9d7e-3fab-2d7f73753053>