

TO: Senate Committee on Health and Welfare  
FROM: Sylvia Knight, Earth Community Advocate & Researcher  
VT Pesticide & Poison Action Network; VT PFAS/Military Poisons Coalition  
RE: Written Testimony on H.238 Draft No.1.4 by M. O'Grady  
Attachment A: PFAS in Pesticides. Compiled by Sylvia Knight, 2024.  
DATE: April 7, 2025

Thank you for inviting my testimony on H.238. I am a member of VT Pesticide and Poison Action Network (VTPAPAN) and of VT PFAS / Military Poisons Coalition, but am submitting comments as an individual. We are approaching Earth Day 2025. This work comes from my heart and my mind in defense of the interconnected Community of Life on Earth under threat of many toxins. Species are going extinct as you read this. No one pays me for this work.

**Qualified support for H.238.** I can say that most members of our coalition want this bill to pass because we see it as imperative to eliminate PFAS to the fullest extent possible in Vermont, while still concerned about PFAS in pesticides. We appreciate the work of legislators in your and other committees and Mr. O'Grady on this bill.

As background to our engagement with this ongoing discussion of PFAS, members of our coalition found the omission of pesticides from documents pertinent to Act 131 to be deeply troubling, since the bill as passed and signed included pesticides in Section 9. It appeared to us that unelected officials changed the law after it was passed because some objected to the content, undermining legislative intent, trust, and the democratic process.

With Anna Seuberling of VPIRG, I agree that the omission of pesticides with PFAS from the bill leaves a large, easily dispersed source of PFAS unregulated. It leaves important and difficult work on the table for the near future if we are to truly protect this state from PFAS.

**Definition:** I commend you for keeping the definition of PFAS as it is on page 5, lines 12-14: (17) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom." VT Attorney General Charity Clark also supports this definition (testimony to House Environment, Feb. 28). Please do not change this definition.

**PFAS in pesticides:** Available data (**See Attachment A**) indicate that at least twenty-four EPA-registered pesticides with PFAS active ingredients are used in Vermont at significant amounts (hundreds to thousands of pounds yearly), spreading chemicals widely that meet the definition of PFAS in this state. These are NOT *added* ingredients: the PFAS are integral to the chemicals' structure or formulation. One can see the chemical structure with fluorinated carbons for active ingredients of a pesticide "active" ingredient by searching the NIH PUBCHEM database <sup>1</sup>, Minnesota's Department of Agriculture has listed over 95 such pesticides in a recent report. <sup>2</sup>

**Fluorine-treated containers** (page 9, line 19) (Section 2494 (g) ) should be phased out earlier than 2030 if possible. That's five years of allowing more PFAS contamination. According to Dr. Katie Pelch of NRDC (testimony to House Environment on Feb.28, 2025), the process of manufacturing these containers creates even more PFAS. Disposal methods

<sup>1</sup> <https://pubchem.ncbi.nlm.nih.gov/>

<sup>2</sup> <https://www.lrl.mn.gov/docs/2025/mandated/250302.pdf> See Appendix B for list of PFAS ingredients in pesticides

currently available disburse toxins in ways that cannot be monitored. It makes sense to stop the production of forever toxins *now*. They can and do leach fluorine into their contents, including pesticides such as malathion. This problem was documented in 2020, when malathion used in several states *including Vermont* was found to be significantly contaminated from their fluorine-treated containers.<sup>3</sup> Malathion use in Vermont was reported at 133 pounds in 2020 and at *620 pounds in 2021*.<sup>4</sup>

**Fluorinated polymers** do indeed present dangers to human and environmental health, contrary to industry claims. Again I refer you to Dr. Katie Pelch's testimony to House Environment on this bill on February 28.

**Civil actions** are an important provision for this legislation if it is to be a consumer protection law. Of course, the regulated industries will object. The history of PFAS informs us that corporations have avoided responsibility for their products in order to maximize profit. Please maintain the civil action provision as on p.11, lines 10-13.

**Section 4, especially subsection 3, appears contradictory to accomplishing the goals of H.238, the Prohibition of PFAS in Consumer Products**, stated on page 9, lines 10-21 and page 10, lines 1-9. The report requested from ANR in Section 4, subsection 3 postpones the enactment of this bill to a date uncertain in the future and conditions it upon actions of other states. ANR is welcome to write a report on what other states have done, but it must not be a condition for passing elements of H.238 sooner than 2027.

**Recommendation:** Strike Section 4, or at the very least, strike Subsection 3 from Section 4 of H.238.

**Recommendation: Consider engaging Act 154, Vermont's Environmental Justice Law** in lieu of the ANR report. I recommend a process of grass-roots community engagement as called for in the Environmental Justice Law, Act 154 (S.148). Ridding the state of PFAS is a *major environmental decision* for this state, and affects many People of Color who use Vermont's waters, eat foods grown on lands treated with PFAS, and use other PFAS - contaminated products.

Thank you for your consideration of my testimony.



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<sup>3</sup> <https://www.clf.org/wp-content/uploads/2021/05/CLF-PEER-PFAS-in-Pesticides-Letters-2.pdf>

<sup>4</sup> [https://agriculture.vermont.gov/sites/agriculture/files/doc\\_library/2021%20Statewide%20Usage%20Active%20Ingredients\\_revised%20without%20disinfectant%20biocide%2009272024.pdf](https://agriculture.vermont.gov/sites/agriculture/files/doc_library/2021%20Statewide%20Usage%20Active%20Ingredients_revised%20without%20disinfectant%20biocide%2009272024.pdf)

