



HB0909 - Sewage Sludge Utilization Permits - Per- and Polyfluoroalkyl Substances - Concentration Limits

Hearing date: Wednesday, February 26, 2025

Position: FAVORABLE

Dear Chair Korman and members of the Environment & Transportation Committee:

Waterkeepers Chesapeake and the below signed organizations and farmers respectfully request a FAVORABLE report on HB0909 which establishes a long-overdue limit on toxic PFAS found in biosolids (sewage sludge) that is used as fertilizer and spread on Maryland's farm fields.

The Problem

Biosolids are the solid waste, or sludge, produced during the treatment of municipal, human, and industrial wastewater. In Maryland, biosolids — including some from out-of-state facilities — are used as fertilizer on farms. However, these biosolids often contain pathogens and toxic substances, including PFAS chemicals, also known as “forever chemicals.” While existing Maryland regulations prohibit immediate grazing, raw crop consumption, and public access to treated fields, these measures fall short when biosolids contain PFOS and PFOA, two highly toxic PFAS compounds that persist in the environment and pose significant risks to human and ecological health.

During treatment, these chemicals concentrate in biosolids, which are then spread on agricultural fields. Alarming, Maryland's biosolid permits allow waste from multiple facilities to be applied to single fields, heightening the risk of contamination.

Biosolids containing PFAS run off farm fields into rivers and streams and filter into groundwater, contaminating drinking water sources. PFAS also bioaccumulates in fish¹ and wildlife, and is stored in milk, as well as certain fruits and vegetables.

¹ Land Use Associations and Sources of PFAS in Smallmouth Bass in Chesapeake Bay Watershed, Vicki Blazer, USGS, presentation at Maryland Pesticide Education Network conference, December 2024
https://mdpestnet.org/wp-content/uploads/2025/01/Blazer_Assoc.-PFAS-in-Smallmouth-Bass.pdf

States across the country are working to pass policies that protect human and environmental health from toxic PFAS in biosolids. Following their lead, Maryland began testing biosolids and found significant PFAS levels. While the state has recommended guidance on PFOS and PFAS levels in biosolids, the recommendations are not strong enough and they lack necessary enforcement authority.

Since 2003, EPA has known that biosolids can contain alarming levels of PFAS. In a 2018 report, the Environmental Protection Agency's (EPA) Inspector General accused the agency of failing to properly regulate biosolids.² However, it wasn't until January 2025 that the EPA's draft Sewage Sludge Risk Assessment was released³. It highlights the severe risks posed by PFOS and PFOA levels as low as 1–5 parts per billion, linking exposure to contaminated water, wildlife, and crops to serious health issues, including immune dysfunction, thyroid disease, and cancer.

What the Bill Does

- Requires biosolids originating from multiple plants and are commingled at a storage facility be tested 14 days prior to being applied to farm land.
- Establishes a limit for PFOS and PFOA in biosolids.

Proposed Amendments

There has been considerable communication between bill sponsors, advocates, MDE and opposition to develop a workable solution to this issue. It is apparent that all parties recognize that we need to protect our resources from further unchecked contamination. All parties are also interested in developing a transition plan that reduces the burden on wastewater systems and the costs to rate payers. However, we must also consider the costs and liabilities to farmers taking PFAS contaminated biosolids that may threaten their product and the groundwater their communities use for drinking through private wells. There are no protections or funds available to communities with private wells that may be contaminated, like there are for public water sources. We support the development of amendments that lead to a solution that works for Maryland.

Farmers and watermen are sounding the alarm⁴ and filing lawsuits⁵. We should act now. Maryland can't wait for the EPA and must take stronger action to safeguard its drinking water sources, environment and the health of our farmers and communities. Waterkeepers

² [The EPA Promotes Toxic Fertilizer. 3M Told It of Risks Years Ago](#), New York Times, Hiroko Tabuchi, December 27, 2024

³ EPA's Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS), January 2025
<https://www.epa.gov/biosolids/draft-sewage-sludge-risk-assessment-perfluorooctanoic-acid-pfoa-and-perfluorooctane>

⁴ [Beware of Biosolids: Lack of Testing for Forever Chemicals Heightens Risk \[Opinion\]](#), Tom Venesky, Lancaster Farming, February 7, 2025

⁵ EPA Sued to Remove PFAS from Biosolid Fertilizers, PEER, June 6, 2024,
<https://peer.org/epa-sued-to-remove-pfas-from-biosolid-fertilizers/>

Chesapeake and the below signed organizations and farmers urge this committee to issue a favorable report on HB0909.

Respectfully,
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