CHESAPEAKE
LEGAL ALLIANCE

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Support for House Bill 909

Dear Chairman Korman and Members of the Committee:

The Chesapeake Legal Alliance strongly supports House Bill 909. This Committee has become well-acquainted in recent years with the unique public health threat posed by Per- and polyfluoroalkyl substances (PFAS). However, the issue of sewage sludge regulation is a topic that has received less attention in recent years from this Committee.

Ten to twenty years ago, as land application of sludge from sewage treatment plants in Maryland began rapidly expanding to become the dominant form of disposal for this large waste stream, the number of bills to regulate land application increased correspondingly. According to the Department of Legislative Services, in 2006, about 30% of sewage sludge generated in Maryland was applied to agricultural fields. By 2009, that figure jumped to 50%, and by 2018, 88% of sewage sludge was reportedly applied to our farmland.

Perhaps not surprisingly, the response to this trend from members of the General Assembly was robust. A review of DLS's legislative database shows that one or more bills were filed every year from 2006 to 2014 to regulate, restrict, or ban the disposal of sewage sludge via land application on agricultural fields. As one would expect, these bills were sponsored and vigorously pursued by the representatives of Maryland's agricultural communities, especially the Eastern Shore and Southern Maryland, including entire county delegations.

Although the vast majority of farms in Maryland do not accept biosolids, there are dozens of sites throughout the state that do. The transfer of residuals from human and industrial waste into these communities naturally provoked concerns, including the potential for constituents in these wastes to contaminate local water, soil, and air. What was not understood by communities or their legislative representatives a decade ago was the extent to which hazardous and persistent chemicals were present in the waste and building up in the soils. PFAS was simply not on the mind of the public or policymakers then.

But we now understand that this class of chemical, popularly known as "forever chemicals," have managed to jump from the laboratory to every reach of the planet and every part of the human body. And what scientists and regulators are learning more about each year is *how* this contamination happens. We now know that the land application of sewage sludge on agricultural fields is one of several major pathways for human exposure globally, either directly in the areas of application or indirectly through contamination of drinking water (especially well water) or the food system.

As we learn more about the sources, exposure pathways, and effects of PFAS, policymakers and regulators have responded. Bans and restrictions on land application of PFAS-contaminated sludge are beginning to proliferate in states (including Maine, Michigan, Minnesota, Connecticut) and an even larger number

are taking other actions like recommended limits or reduced application rates, increased monitoring, or notification to farmers and surrounding communities when higher levels of PFAS are detected.

For its part, the U.S. Environmental Protection Agency has just released its Draft Sewage Sludge Risk Assessment for two PFAS chemicals (PFOS and PFOA) in January 2025. While that report remains in draft form, the science behind it is robust and the conclusion is concerning. This EPA document examined the various human exposure pathways, both via direct contact on the farm and indirect contact with the PFAS exported from the application site, and quantified cancer risk from those exposure levels. The risk assessment then generated the recommended limit of 1 part per billion in sludge. Importantly, the assessment detailed the many reasons why "[t]he draft risk calculations are not conservative estimates."

Sewage sludge has for decades been subject to "cradle to grave" regulation by State and federal law, governing the generation, transport, storage, and ultimate disposal of these wastes. But while this regulatory framework is designed to control certain contaminants in land applied sludge, especially pathogens, most toxic chemicals are simply not covered under this regime; certainly not the most difficult to treat chemicals like PFAS.

Thankfully, the General Assembly jump started the effort to keep PFAS out of both the liquid and solid waste coming from our municipal wastewater treatment plants last year with the passage of Chapters 556 and 557 of 2024. When fully implemented – and if adequately enforced – these new statutory requirements will lower levels of PFAS in municipal sewage sludge in certain facilities through greater regulation of the upstream industrial facilities that send their contaminated wastewater to those municipal sewage treatment facilities. Additionally, as public and private sector efforts to reduce or eliminate PFAS in consumer products continue to develop, that will further reduce the contamination of sewage sludge slowly but surely over time. Eventually, we may hopefully reach the point where sludge from any and all sewage treatment facilities is safe enough to be land applied without the risk of elevated PFAS exposure.

For now, our rural communities and waterways remain in need of greater restrictions on PFAS in biosolids and a return to greater legislative scrutiny of this particular waste stream. For these and many other reasons we support House Bill 909.

For more information, you may reach Evan Isaacson at evan@chesapeakelegal.org.

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