PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY
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February 20, 2026

Chair Brian J. Feldman
Education, Energy, and the Environment Committee
Maryland General Assembly
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: Testimony in Opposition to SB 719: Sewage Sludge - Per- and Polyfluoroalkyl Substances – Regulation

Dear Chair Feldman, Vice Chair Kagan, and Members of the Maryland Senate Education, Energy, and Environment Committee:

Public Employees for Environmental Responsibility (PEER) opposes SB 719, which threatens the health and safety of Marylanders by allowing the land application of sewage sludge containing undeniably dangerous levels of per- and polyfluoroalkyl substances (PFAS).

PEER is a nonprofit headquartered in Silver Spring serving public employees who want their agencies to follow the laws that protect our environment, resources, and public health. Over the past decade, our Science Policy Director (former EPA Region 1 Wetlands Enforcement Coordinator Dr. Kyla Bennett) and our legal team have been heavily engaged in PFAS issues, including risks from PFAS in pesticides, artificial turf, plastic containers, and sewage sludge.

We currently represent several ranchers in Texas who have suffered – and continue to suffer – truly heartbreaking consequences after a neighbor land applied sewage sludge, resulting in exceedingly high levels of PFAS on their farms and in the tissues of the many animals that began to die following the sludge spreading. (When PEER tested a sample of biosolids made by the company that supplied those spread on the neighboring land, the concentrations for PFOS and PFOA were *far lower* than the 50 ppb that Maryland's SB 719 would allow.) In 2024, on behalf

of these ranchers, the conservative rural Texas county in which they live, and two nonprofits, PEER sued EPA for its failure to regulate PFAS in biosolids.

PEER signed on to the public comments of nonprofit Just Zero, and will not here repeat the crucial information regarding the presence of toxic substances in sewage sludge, or the extreme dangers of PFAS in particular, including their persistence in the human body and the environment and their effectively permanent contamination of land where they are spread. Rather, we write to expand upon Just Zero's comments with the following points:

I. Maryland needs to protect its residents from sludge because the United States Environmental Protection Agency <u>is not doing so</u>.

EPA has all but abandoned its oversight of toxic substances in sewage sludge. In the 1980s, when the United States banned the then-primary method of disposing of sewage sludge (ocean dumping) in favor of other disposal methods including land application, Congress required EPA to identify hazards in sewage sludge and regulate them so that land-applied sludge (which EPA later began calling "biosolids") would not poison us.[1] Aware that neither scientific understanding nor the invention of new substances and technologies would remain frozen in the 1980s, Congress additionally required EPA to reexamine the regulations every two years for the purpose of identifying and regulating any additional toxic pollutants.[2]

It is a common misconception that biosolids must be safe because surely EPA stays on top of that issue. It emphatically **<u>does not</u>**. While EPA (belatedly) regulated pathogens and a handful of heavy metals in land-applied sludge in 1993,[3] it has never regulated a single substance since. This is despite the vast number of new chemicals and pharmaceuticals that have since entered wastewater streams, and despite a well-established and ever-growing body of scientific evidence showing the health risks of PFAS, the "forever" nature of these chemicals, and the high levels of PFAS in biosolids and in the soil, water, crops, and animals that biosolids impact.

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[1] This was through an amendment to the Clean Water Act codified at 33 U.S.C. § 1345(d)(2). Specifically, Congress established dates for two initial rounds of identifying and regulating toxic substances meeting certain criteria, *id*., § 1345(d)(2)(A) and (B).

[2] *Id*. § 1345(d)(2)(C). The regulations under subsections (A), (B) and (C) all must "be adequate to protect public health and the environment from any reasonably anticipated adverse effects of each pollutant." *Id.*, § 1345(d)(2)(D).

[3] 58 FR 9248 (Feb. 19, 1993) (40 CFR part 503, for eleven heavy metals and total hydrocarbons)

Crucially, EPA's failure to identify any new substances for regulation is **not** because its biennial reviews were unsuccessful in locating any additional substance in sludge that meets the statutory criteria requiring regulation. Rather, it is because EPA views its biennial review duty as simply to keep a running list of substances in sewage sludge which, if someday EPA gets around to prioritizing,[4] could be helpful in deciding what to regulate. In its most recent "biennial" report from 2022 ("biennial" in quotation marks, as we are now in 2026 and EPA has produced nothing further), EPA claims to be still "developing a prioritization and risk screening process to evaluate pollutants found in biosolids."[5] Imagine a doctor stating, at a patient's annual physical, "I've reviewed your health information. Someday I might use it to identify any issues that need to be fixed, but I'm not doing that now. See you next year, when I'll review your information again." This is the approach EPA has taken over the last almost 40 years since Congress added the biennial review provision to the Clean Water Act.

In short, states are currently on their own in terms of protecting residents from hazards in sewage sludge. This makes Maryland's approach to regulation of critical importance.

II. Limits must protect public health and the environment, not the wastewater industry's bottom line.

Constituents deserve regulations that reflect **not** what is convenient for the wastewater sector, or what it claims is "feasible." Leaving nuclear waste in piles on the ground would be far cheaper and more feasible for that industry, too, but we nonetheless require safe disposal that protects public safety, despite higher costs – particularly because nuclear waste (like PFAS) persists for incredibly long periods of time and (like PFAS) poses significant risks to public health.

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[4] In 2018, EPA's Office of the Inspector General issued a report identifying major problems with the biennial review process and finding that "EPA has chosen to deprioritize the biosolids program and staff over time." EPA OIG Report No. 19-P-0002 at 12 (Nov. 15, 2018), available at chrome- extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.epa.gov /sites/default/files/2018-11/documents/_epaoig_20181115-19-p-0002.pdf. This deprioritization makes it unlikely that EPA will take appropriate action on biosolids in the near future.

[5] Biosolids Biennial Report Number 9 at 1, available at https://www.epa.gov/biosolids/biennial-reviews-sewage-sludge-standards.

SB 719 allows the application of sludge containing **50 ppb of PFOS and PFOA**, even though EPA's 2025 Draft Risk Assessment finds unacceptable risks to farmers of these substances at a level of just **1 ppb** in biosolids, as explained more fully in Just Zero's testimony on this bill. A limit **50 times higher** than what EPA has already found is dangerous betrays Marylanders, especially farmers and rural communities. Notably, EPA's Draft Risk Assessment likely grossly understates the risks, as EPA based its modeling for land applications on a very narrow set of assumptions bordering on the absurd; for example, that farming families stay on the property for less than ten years and that their **sole** source of exposure is one single PFAS-containing product, like eggs (i.e., no additional exposure through other on-site factors likely to be contaminated by sludge spreading like well water, dust from soil, other plants and animal products they consume, etc.).[6]

PEER also urges the Maryland legislature to consider this issue in the context of EPA's municipal drinking water standards, which found that, as for substances like uranium and arsenic, there is **no safe level** of two of the most well-studied of the thousands of PFAS (PFOS and PFOA) in drinking water.[7] Land application of sewage sludge at the high levels allowed by this legislation would likely result in well water and surface water drinking sources exceeding the four parts per *trillion* maximum contaminant levels established by EPA for PFOS and PFOA in municipal drinking water.[8] Your constituents' exposure to PFAS should not depend on whether they get city water or well water.

III. The bill contains no mechanism to alert farmers and adjacent landowners to the presence of PFAS in sludge before spreading occurs.

Finally, this bill contains no advance notice to farmers or adjacent landowners regarding the levels of PFAS present in sludge before that sludge is spread on land. Marylanders deserve to know in advance when a permanent hazard is threatening their property and wellbeing so they can make informed decisions. This has been

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[6] For more details, see PEER's press release, with links to PEER's comments on the Draft Risk Assessment, available at https://peer.org/epa-attempts-to-sugarcoat-toxic-sewage-sludge/

[7] Final maximum contaminant level goal (MCLG) for PFOS and PFOA. *See* https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas.

[8] Criswell, Rachel, et al., *Concentrations of per- and polyfluoroalkyl substances (PFAS) in private well drinking water and serum of individuals exposed to PFAS through biosolids: The Maine Biosolids Study*, Environmental Pollution, Vol. 386, 1 Dec. 2025, available at: https://www.sciencedirect.com/science/article/pii/S0269749125016331

an important feature in proposed biosolids legislation in other states, and should be present in any Maryland legislation as well.

Conclusion

As PEER is both headquartered in Maryland and is a leader on the topic of PFAS risks and regulations, we hope our testimony will be both valued and useful. We appreciate Maryland's leadership in banning PFAS in firefighting foam, food packaging, carpets, and rugs, because the less these substances are present in our products, the less they will be present in our wastewater. However, such regulations are not enough.

Protecting our farmland and home gardens from permanent contamination by forever chemicals is incredibly important, and with its extremely high allowable levels, SB 719 simply does not accomplish this goal. Allowing these levels to stand would betray Maryland residents, particularly Maryland's farming families and rural communities. We urge you to amend the legislation to include science-based limits that protect Marylanders' health and safety.

Thank you for your time and consideration of this testimony. If you have any questions, please reach out to me at ldumais@peer.org.

Respectfully submitted,

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