



PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY

962 Wayne Ave • Suite 610 • Silver Spring, MD 20910

February 23, 2026

**RE: Testimony in Opposition to HB 0925: Sewage Sludge - PFAS Regulation**

Dear Chair Korman, Vice Chair Guyton, Delegate Stein, and Members of the Maryland Senate Education, Energy, and Environment Committee:

Public Employees for Environmental Responsibility (PEER) is a nonprofit headquartered in Silver Spring serving public employees who uphold the laws that protect our environment and public health. PEER represents several Texas ranchers in a lawsuit currently before the U.S. Circuit Court of Appeals for the DC Circuit challenging the U.S. EPA's inaction on PFAS in sewage sludge. Our clients have suffered – and continue to suffer – truly heartbreaking consequences after a neighbor spread sludge, resulting in dangerously high levels of PFAS on their farms and in the tissues of the animals that began to die following the spreading. A sample of biosolids made by the company that supplied the sludge revealed concentrations for PFOS and PFOA *far lower* than the 50 ppb that HB 0925 would allow. PEER opposes HB 0925 because:

- (1) It threatens residents' health and safety and the safety of our food supply by allowing the spreading of sewage sludge containing **undeniably dangerous levels** of per- and polyfluoroalkyl substances (PFAS).
- (2) It provides **no fair warning** to farmers and adjacent landowners about PFAS levels in sludge prior to its application.
- (3) It will **hamper the ability of farmers and rural communities to hold industry accountable** for injuries from the dangerous levels of PFAS that this bill allows.
- (4) Given EPA's dereliction of its duty to regulate, Maryland should be a leader in setting **standards that protect its residents, not industry's bottom line.**

HB 0925 allows the spreading of sludge containing up to **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, including farmers and rural communities, and our food supply. EPA's Draft Risk Assessment likely grossly *understates* the risks, as EPA based its modeling for land applications on an absurdly narrow set of assumptions; for example, that farming families stay on the property for less than ten years and their **sole** source of exposure is one single PFAS-containing product, like eggs (i.e., no additional exposure through well water, dust from soil, and plants and

animal products they consume, all likely to be simultaneously affected by sludge spreading).<sup>1</sup> Additionally, your constituents' protection from PFAS in the water they drink should not depend on whether it comes from a well. In setting municipal drinking water standards, EPA 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).<sup>2</sup> Land application of sewage sludge at the high levels allowed by HB 0925 would likely result in well water and surface water drinking sources exceeding the four parts per *trillion* maximum contaminant levels that EPA established for PFOS and PFOA in municipal drinking water.<sup>3</sup> HB 0925 is a slap in the face to rural communities.

**No fair warning.** HB 0925 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 an important feature in proposed biosolids legislation in other states, and should be present in any Maryland legislation as well.

**A shield to industry.** Over and over again, industry players confronted with evidence of harms from PFAS in sludge respond by stating that they are following all applicable regulations. Courts and juries tend to assume that regulations are science-based and adequately protective, so establishing levels that are neither – as HB 0925 would – makes it much harder for those injured to get relief and hold industry accountable.

**Stepping up where EPA has failed.** EPA has abandoned its oversight of toxic substances in sewage sludge. While EPA (belatedly) regulated pathogens and a handful of heavy metals in land-applied sludge in 1993,<sup>4</sup> it has *never regulated a single substance since*, despite the vast number of new chemicals and pharmaceuticals that have since entered wastewater streams, and the well-established and ever-growing body of scientific evidence showing the health risks and incredible persistence of PFAS and the high levels of them in biosolids and in the soil, water, crops, and animals that biosolids impact. Instead of identifying and regulating new hazards in biosolids every two years, as the Clean Water Act requires, EPA simply keeps a running list of substances in sewage sludge which, if someday EPA gets around to prioritizing,<sup>5</sup> could help EPA establish regulations. Given this dereliction of duty, Maryland must step up and regulate PFAS at science-based levels designed to protect our residents, **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 and (like PFAS) poses significant risks to public health.

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<sup>1</sup> Press release, comments on Draft Risk Assessment: [www.peer.org/epa-attempts-to-sugarcoat-toxic-sewage-sludge/](http://www.peer.org/epa-attempts-to-sugarcoat-toxic-sewage-sludge/)

<sup>2</sup> Final maximum contaminant level goal. See <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>.

<sup>3</sup> 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: <https://www.sciencedirect.com/science/article/pii/S0269749125016331>

<sup>4</sup> 58 FR 9248 (Feb. 19, 1993) (40 CFR part 503, for eleven heavy metals and total hydrocarbons)

<sup>5</sup> 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).

## Conclusion

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, protecting our farmland and home gardens from permanent contamination by forever chemicals is critically important, and with its extremely high allowable levels, HB 0925 simply does not accomplish this goal. HB 0925 as written betrays Maryland residents, particularly our farming families and rural communities.

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Laura Dumais".

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Public Employees for Environmental Responsibility