

Environment & Energy

Ban of PFAS Fertilizer Spread on Land Wins Approval in Maine (2)

By Zach Bright

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- Biosolids can't be applied to lands as fertilizer
 - Needs governor's signature before taking effect
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A Maine bill to ban the land application of sludge, which often contains “forever chemicals,” is headed to the governor’s desk after a vote in the state House on Friday.

The legislation, L.D. 1911, would set some of the country’s strictest land application standards for biosolids, often used as fertilizer but untreated for long-lasting per- and polyfluoroalkyl substances, or PFAS. The chemical class is found everywhere from cookware to clothing and has been associated with multiple health issues, according to the Environmental Protection Agency.

After an 82-50 House vote and a 34-0 Senate vote, L.D. 1911 heads to Gov. Janet Mills (D), who is expected to sign it.

The new law would be a win for environmental, public health, and farming organizations who pushed for stronger limits, similar to those in place in Connecticut. Maine biosolids would have to be sent to landfills instead of farms and compost sites under the new law.

Opponents, including waste managers and sewer districts, said landfills lack capacity, heavy costs will fall on treatment plants and farmers, and greenhouse gas emissions could rise.

Two other PFAS bills in Maine have also advanced—L.D. 1875 would study PFAS in landfill leachate from waste disposal sites, and L.D. 2013 was incorporated in supplemental budget bill L.D. 1995 to provide \$60 million for farmers affected by contamination.

Contaminated Fields

The proposed ban follows PFAS discoveries like a high-profile 2019 incident on Fred Stone’s dairy farm in Arundel, Maine, which spurred the state to strengthen rules.

Nationally, 5% of crop fields—nearly 20 million acres—are contaminated with PFAS, according to a study released April 14 by the Environmental Working Group. Farmer in other states, including Michigan, Alabama, and New Mexico, also face challenges from PFAS.

The Environmental Protection Agency hasn't regulated PFAS, but the Biden administration set up a PFAS strategic roadmap in 2021.

"The tragedy of what's happening in Maine is that they are the first to pay the price for EPA's long, long failure to set [PFAS] limits," said Scott Faber, EWG senior vice president.

Maine's previous restrictions left two "very large loopholes," Patrick MacRoy from Defend Our Health said. The proposed ban emerged as a recommendation from the Maine Department of Environmental Protection to close them, he said.

Biosolids with PFAS currently can be applied to clean fields so long as test results show the sludge and field mixture falls short of the state limit, MacRoy said. Sludge also can arrive at compost sites, where fewer regulations mean that Maine doesn't know where contaminated sludge may end up, he added.

The state Department of Environmental Protection said landfills have the capacity to take on the extra waste load.

"There is some responsibility on the part of the state to make sure that we do right by the farmers," said Rep. Bill Pluecker (I), the bill's lead sponsor. "The first thing we need to do is turn off the tap to make sure that the PFAS is no longer being spread on our fields."

'Unintended Consequences'

Opponents like the Northeast Biosolids & Residuals Association (NEBRA) agree that PFAS should be handled upstream. But its executive director, Janine Burke-Wells, doesn't see sewage treatment at the top of the pipeline.

Of the three ways to handle sludge with PFAS—incineration, land application, and landfilling—Burke-Wells said that land application isn't perfect but called it the "most sustainable" of the three.

Burke-Wells said a ban would make costs shoot up for sludge collection sites and that farmers would lose an inexpensive fertilizer option.

She also said unintended consequences might include overloading waste management sites and adding to greenhouse gas emissions. Methane emissions could increase by 25,000 metric tons annually for each large water resource recovery facility that landfills sludge, compared to being composted or applied to land, according to NEBRA estimates.

NEBRA, multiple local sewer districts, and the Vermont-based Casella Waste Systems are among the groups that favor a phase-out with a transition period instead of an outright ban.