

PFAS

Legal action could end use of toxic sewage sludge on US crops as fertilizer

Intent to sue federal regulators charges they have failed to address dangerous levels of PFAS ‘forever chemicals’ known to be in sludge

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📍 Dairy cows rest outside the home of Fred and Laura Stone at Stoneridge Farm in Arundel, Maine. The farm was forced to shut down after sludge spread on the land was linked to high levels of PFAS in the milk. Photograph: Robert F Bukaty/AP

New legal action could put an end to the practice of [spreading toxic sewage sludge](#) on US cropland as a cheap alternative to fertilizer, and force America to rethink how it disposes of its industrial and human waste.

A notice of intent to sue federal regulators charges they have failed to address dangerous levels of PFAS “forever chemicals” known to be in [virtually all sludge](#).

The action comes as sludge has contaminated farmland [across the country](#), [sickening farmers](#), [killing livestock](#), [polluting](#) drinking water, [contaminating meat](#) sold to the public, tainting crops and [destroying](#) farmers’ livelihoods.

The practice “doesn’t pass the straight face test”, said Kyla Bennett, policy director for the Public Employees for Environmental Responsibility (Peer) nonprofit, which filed the notice.

“EPA has known for years that there is **PFAS** in biosolids but they are sitting on their hands, and I can think of no better ways to contaminate America than PFAS in pesticides and PFAS-laden biosolids,” she said. “We’re going to get the EPA to start regulating this shit, literally.”

PFAS are a class of around 15,000 compounds that are dubbed “forever chemicals” because they don’t naturally break down, and accumulate in the human body and environment. The chemicals are linked to a range of serious health problems like cancer, liver disease, kidney issues, high cholesterol, birth defects and decreased immunity.

Sludge is a mix of human and industrial waste that is a byproduct of the wastewater treatment process. Its disposal is expensive, and the Environmental Protection Agency (EPA) allows it to be spread on cropland as “biosolid” fertilizer because it is also rich in plant nutrients.

But public health advocates have blasted the practice because the nation

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spends billions of dollars annually treating water only to take the toxic byproduct, insert it into the food supply and re-pollute water.

Maine became the first state **to ban biosolids** after it **found PFAS had highly contaminated crops** or water on **at least 73 farms** where sludge had been spread. The state recently established **a \$70m fund** to bail out affected farmers.

Meanwhile, in Texas, a **new lawsuit** against waste management giant Synagro alleged the company knew or should have known sludge it sold to farmers was contaminated with PFAS. Separately, local law enforcement has opened a criminal investigation into Synagro.

Though the EPA has **acknowledged** the threat of PFAS in sludge, it has taken little action. The agency did not immediately respond to a request for comment.


While biosolids can teem with any of 90,000 manmade chemicals potentially spit into the nation's sewers, EPA rules currently only require monitoring for nine heavy metals. The agency has toxicological profiles for 12 PFAS known to be in sludge, the notice alleges.

PFAS spread in fields can move into water or be taken up by crops at levels that may be dangerous to humans, **research** has found, so the law requires the EPA to develop limits for PFAS in sludge, PEER alleges.

That would include doing risk assessments, but the EPA has already established that virtually no level of exposure to PFOS and PFOA, of the most common PFAS, is safe in drinking water.

The levels of PFOS and other PFAS found in sludge are so high that most sludge likely would not be able to be used for fertilizer if the EPA properly conducted its assessments, Bennett said. PFOS is especially prone to ending up in cow's meat, she noted.

"It's not just affecting farmers, it's affecting all of us who eat," Bennett said.

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PEER's 60 day notice of intent to sue the EPA for failing to enforce the Clean Water Act gives the agency two months to take action, or the lawsuit can move forward. The act gives citizens the right to sue regulatory agencies if they are not enforcing the law.

About 60% of the nation's sludge is applied to farmland, and most water treatment facilities and businesses that dump toxic waste into the sewer system oppose a ban because it would increase their costs.

"The EPA acting as industry's wingman to help them dispose of toxic waste," Bennett said.

Until political leadership in the EPA approved sludge for agricultural use over the objection of agency scientists in the early 1990s, it was dumped in the ocean, but that created vast dead zones.



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If biosolids are banned, then wastewater utilities and the EPA would likely be forced to landfill all sludge, said Laura Orlando, a scientist with Just Zero nonprofit and civil engineer who has worked on waste management design. The nation would need to create landfills specifically for sludge, and implement available technology that can reduce sludge mass by 50%, but is not widely used, she added.

Longterm, the EPA would need to consider reducing the size of wastewater treatment facilities - the largest process waste from entire metro regions. Smaller loads would be more manageable in terms of addressing chemical pollution, but would also be more expensive.

Michigan has already had some success in lowering PFAS levels in sludge by identifying polluters and requiring them to stop sending the waste into the sewer system. But that doesn't address any of the hundreds of other chemicals found in sludge.

"You're taking all the yucky stuff out of water, allegedly, and then you're going to put it back on the farm fields - it's nonsensical," Bennett said.

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