Rep. Judy Aron, Chair
House Committee on Environment and Agriculture
NH State House of Representatives
Legislative Office Building, Rm 153
Concord, NH 03301

Submitted via House Online Testimony Submission

RE: Concerns regarding HB 1275, relative to the effects of per- and polyfluoroalkyl substances (PFAS) on agriculture

Dear Chair Aron and Members of the Environment and Agriculture Committee,

Thank you for the opportunity to provide testimony on House Bill 1275, *An act relative to the effects of per- and polyfluoroalkyl substances (PFAS) on agriculture*. The New Hampshire Water Pollution Control Association (NHWPCA) is a statewide nonprofit membership organization that provides education, workforce training, expertise, and advocacy for NH's clean water utilities across the state of New Hampshire. Our 300+ members represent all of the publicly owned wastewater treatment facilities across the state of New Hampshire who are responsible for protecting public health and water quality every day.

NHWPCA **has critical concerns about provisions in HB 1275 as currently drafted**, particularly the proposed **five-year moratorium on land application of sludge and biosolids on agricultural lands**.

New Hampshire relies on three established wastewater solids management pathways: land application, landfilling, and incineration to responsibly manage biosolids. The state has maintained robust, well-regulated land application programs since the 1980s, overseen by the New Hampshire Department of Environmental Services (NHDES), which has long dedicated staff and technical expertise specifically to biosolids and septage management. State regulations impose additional safeguards beyond federal requirements, reflecting New Hampshire's historically conservative and protective regulatory approach.

This moratorium would have **significant unintended consequences** for wastewater management, municipal operations, and environmental protection, including:

1. Disruption of Established Biosolids Management Pathways

Land application of biosolids when managed under regulatory standards is a beneficial use that returns nutrients and organic matter to the soil, supports soil health, and reduces disposal pressures on municipalities. All biosolids do contain a certain level of PFAS. However, NHDES is not aware of any agricultural sites that have been impacted by PFAS as a result of biosolids land application. Municipalities have been working with NHDES to provide testing data. An abrupt five-year moratorium would disrupt long-standing, permitted biosolids programs across the state and force utilities and municipalities to seek alternative disposal methods. Many of these alternatives are more costly, less sustainable, and create new environmental burdens (e.g., increased landfilling or long-distance hauling).

2. Higher Costs and Operational Challenges for Wastewater Utilities

Municipal wastewater utilities operate under tight budgets and regulatory requirements. Eliminating land application as a management option without a viable, affordable alternative would result in increased disposal costs, strain existing treatment infrastructure, and could create financial stress for ratepayers. **Nearly 16.3 million gallons** of septage were transported to WWTFs that beneficially reuse their biosolids. As a predominantly rural state with widespread reliance on septic systems, New Hampshire depends on wastewater treatment facilities to safely manage and treat every flush.

3. Undermining Resource Recovery and Circular Economy Goals

Modern wastewater management emphasizes resource recovery, including beneficial recycling of treated biosolids to support soil productivity and reduce dependency on synthetic fertilizers. A multi-year ban would run counter to these sustainability goals and limit opportunities for nutrient recycling that benefit agricultural soils and reduce greenhouse gas emissions compared to energy-intensive alternatives.

4. Economic Impact to Farmers

The economic viability and land base of New Hampshire agriculture are under sustained pressure, with a large share of NH farms reporting net cash losses*. Land application of biosolids provides a clear economic benefit to farmers by supplying essential nutrients and organic matter at a significantly lower cost than commercial fertilizers. Depending on nutrient content and application rates, biosolids can offset a substantial portion of nitrogen, phosphorus, and lime needs, resulting in estimated savings of several thousand dollars per year for small farms and tens of thousands of dollars annually for larger operations, particularly during periods of high fertilizer prices. **https://www.nhfoodalliance.org/sites/default/files/media/2025-03/labor-and-workforce_new-hampshire-food-and-agriculture-strategic-plan_0.pdf*

5. Not repeating the missteps of neighboring states

Maine's environment commissioner is urging other states that may be considering a ban on biosolids land application due to PFAS concerns, as Maine did, to first determine the availability of alternate disposal options, "I would suggest that any state that is considering a prohibition [on the land-application of biosolids] should plan for where those materials are going to go first," Melanie Loyzim, commissioner of Maine's Department of Environmental Protection, said Oct. 23. Speaking during a session at the American Bar Association's fall conference for the Section of Environment, Energy, and Resources, titled "The Land Application of Biosolids: From Beneficial Use to Legal Minefield," she said Maine banned the land-application of biosolids due to concerns around per- and polyfluoroalkyl substances (PFAS) "and then realized that [they] did not have enough landfill capacity to handle that long-term."

For these reasons, **NHWPCA respectfully asks the Committee to consider amendments to HB 1275 that remove the broad moratorium on land application of biosolids**, instead incentivizing further research, monitoring, best practices, and targeted safeguards that protect both agricultural soils and water quality without wholesale elimination of a beneficial management practice.

NHDES has been actively engaged in developing **screening standards, monitoring protocols, and risk-based guidance** grounded in science to protect human health and the environment. Preserving this regulatory pathway ensures that PFAS risks are addressed without prematurely eliminating beneficial reuse options that are already subject to oversight, permitting, and compliance requirements.

NHWPCA stands ready to work with the Committee, legislators, and stakeholders to refine this bill in a way that balances the needs of farmers, municipalities, wastewater utilities, and environmental quality in New Hampshire. Thank you for your consideration.

Respectfully submitted,

Nate Brown
President
New Hampshire Water Pollution Control Association