

Governor Josh Shapiro
501 North 3rd Street
508 Main Capitol Building
Harrisburg, PA 17120

February 11, 2025

Via email: governor@state.pa.us

Dear Governor Shapiro,

We write to ask that you take immediate steps to protect the people of Pennsylvania from being exposed to the harmful chemicals contained in sewage sludge by instructing the Department of Environmental Protection to begin a comprehensive analysis and assessment of sludge disposal in the state that accounts for its “beneficial use” program allowing for the disposal of over 130,000 dry tons of sludge every year on farmlands around the state, where it is having a detrimental impact on communities and surrounding waterways and airways. We also believe that until that risk assessment is complete, there should be a moratorium placed on the land application of sludge in the state.

Each year Pennsylvanians produce an estimated 2.2 million tons of wastewater solids that accumulate across the state’s wastewater treatment plants. These wastes, also known as biosolids or sewage sludge, end up being carted from these waste facilities and incinerated, dumped into landfills and mine reclamation sites or, most commonly, land applied on farm fields as a “beneficial use” fertilizer. Around 38 percent of the sludge produced in the state ends up being spread on farm fields, often alongside neighboring residences, schools, parks and recreational areas, wetlands and drinking and surface water supplies. For years, troubling reports on the potential severe human and environmental health harms of these land applications have emerged, indicating that dumping sludge on farmlands is anything but “beneficial.”

While many municipalities, communities and local homeowners in the state oppose the land application of sludge in and around their properties, homes and businesses, the state has, to date, exercised an oppressive approach that leaves communities across the state enduring the consequences of unwanted sludge being dumped on their lands. Indeed, entire Townships have been prevented from enacting basic protections from the impacts of sewage sludge by legal actions by the Attorney General. Not only is this an affront to democratic principles and traditional land use authority of local governments, but it is a clear violation of the rights granted Pennsylvanians under the Environmental Rights Amendment to the state constitution, which guarantees the people the right to clean air and pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. and requires the state, as trustee, to protect those rights.

The many problems with the state’s broken system of sludge management are clearly evident with what is now happening in Plainfield Township, Northampton County where the neighboring Nazareth Borough Municipal Authority (NBMA) recently purchased farmland in Plainfield to dump its sludge because it was no longer desirable to do so in its own community. NBMA’s decision was driven, in part, because of frequent complaints of the stench caused by sludge application brought by the local school district. As part of the new Plainfield site evaluation,

NBMA's consultants stated that dumping its sludge in Plainfield has the potential to serve as the Mid-Atlantic Region research site to address how land application of biosolids influences several soil properties. In other words, the Plainfield residents who live downslope from the application site and obtain their drinking water from private wells are being forced to serve as unwilling test subjects for sludge application, while Plainfield Township is made to spend hundreds of thousands of dollars in consultant and legal fees to defend its own community. None of this is acceptable.

On January 14, 2025 the United States Environmental Protection Agency (EPA) released its own long overdue draft risk assessment for the agricultural use and disposal of sewage sludge.¹ The assessment represents a scientific evaluation of the potential human health risks associated with the presence of toxic forever chemicals per- and polyfluoroalkyl substances (PFAS) in sewage sludge. PFAS exposure has been linked in a number of prior, peer reviewed studies to troubling health effects including increases in cholesterol levels, lower antibody response to some vaccines, changes in liver enzymes, pregnancy-induced hypertension and preeclampsia, decreases in birth weight and kidney and testicular cancer. These impacts have been recognized by the National Institute of Health and the state of Maine has already banned the land application of sludge because of the inherent risks from PFAS.

While EPA's draft risk assessment has been published for public comment, we are all well aware that the Trump Administration will not allow this risk assessment to proceed and no final assessment will be forthcoming in the next four years. That means many years more delay in our federal government fulfilling its responsibility to protect Americans from harmful chemicals like the PFAS contained in sewage sludge. With the inevitable failure of the Trump Administration to take action, it is incumbent on responsible state leaders like yourself to step up and preemptively provide the protections that Pennsylvanians deserve under the Environmental Rights Amendment.

On January 25, 1997, the state added a subchapter to its municipal waste regulations entitled *Beneficial Use of Sewage Sludge by Land Application*. Those new regulations adopted the risk assessment approach of the EPA to regulate the land application of sewage sludge on state farmlands. That was nearly 30 years ago. EPA's new draft risk assessment now "indicate[s] that there can be human health risks exceeding EPA's acceptable thresholds, sometimes by several orders of magnitude, for some scenarios where the farmer applied biosolids containing 1 part per billion (ppb) of PFOA or PFOS (which is near the current detection limit for these PFAS in biosolids)." Clearly, EPA's new risk assessment demands that Pennsylvania's own risk assessment-based beneficial use regulations be revisited and a fresh determination made as to whether land application of sludge should be allowed to continue in the state.

While the EPA risk assessment focuses on PFAS, it does nothing to address the additional recognized exposure risks to heavy metals, pharmaceuticals, endocrine disruptors, and bacterial and viral infection associated with the agricultural application of sewage sludge. A DEP risk assessment should expand the scope of review to include these many other potential harms.

Your predecessor, Governor Wolf, issued Executive Order 2018-08 recognizing both the environmental rights of Commonwealth citizens embodied by Article I, Section 27 of the state

¹ EPA's Draft Risk Assessment can be accessed at <https://www.federalregister.gov/documents/2025/01/15/2025-00734/draft-sewage-sludge-risk-assessment-for-perfluorooctanoic-acid-pfoa-and-perfluorooctane-sulfonic>

Constitution and the dangers of PFAS, yet the dumping of PFAS-laden sludge into our communities continues unabated. It is time for a more protective approach. The undersigned ask that you take the following measures to halt the improper and irresponsible application of sludge on farmlands:

- 1. Instruct DEP to begin its own sludge land application risk assessment with public input and participation.** The draft federal risk assessment contains clearly evident areas of significant concern that should form the foundation of the state's own assessment.
- 2. Institute a moratorium on land application of sludge in the state until the risk assessment is complete and the impacts of land application of sludge are fully understood.** Our communities should not be used as testing grounds for known toxic chemicals. Ongoing land application is irresponsible and puts our people at significant risk without their consent.
- 3. As an alternative to a moratorium, allow local municipalities the right to decide whether sludge should be land applied.** Several municipalities that tried to enact protective sludge land application ordinances have been forced to back down or face years of costly litigation. Communities should have the right to protect their health and environment without legal threats from agencies and the Attorney General's office.

We also request a meeting with you to discuss a path forward that provides assurances to the people of Pennsylvania that our concerns are not being ignored and that measures are being put in place to protect your constituents from the ongoing harm from the reckless dumping of sludge waste on out farmlands.

We look forward to hearing from you.

Signed,

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