SENATE . . . . . No. 2802

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, December 31, 2025.

The committee on Agriculture and Fisheries to whom was referred the petition (accompanied by bill, Senate, No. 56) of Joanne M. Comerford, Sal N. DiDomenico, Jason M. Lewis, Michael O. Moore and others for legislation to protect our soil and farms from PFAS contamination, report the accompanying bill (Senate, No. 2802).

For the committee,
Dylan A. Fernandes

FILED ON: 12/2/2025

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In the One Hundred and Ninety-Fourth General Court
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An Act protecting our soil, farms and food from PFAS contamination.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 16 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following 2 sections:-

Section 25. (a) The department shall investigate and study the sludge disposal needs of the commonwealth. In doing so, the department may incorporate the scientific research and technical findings included in, but not limited to, the following reports:

(i) "MassDEP PFAS Testing Study for NPDES POTWs (PRF77)," published on June 30, 2025, which documented PFAS contamination in influent, effluent and sewage sludge generated at every publicly owned treatment works in the commonwealth, with sludge consistently containing the highest concentrations of PFAS measured anywhere in the wastewater treatment system; and

(ii) "Current and Near-Term Management of Massachusetts Wastewater Sludge," published on June 28, 2024, which assessed sludge generation, existing treatment and hauling capacity, available disposal outlets, regional infrastructure constraints and current technological

limitations that prevent wastewater treatment facilities from removing PFAS or reducing sludge toxicity under current systems.

Having already established through said reports that PFAS contamination of sewage sludge is universal, persistent and technologically unavoidable with existing wastewater treatment processes, the department's investigation under this section shall focus on the outstanding economic and operational questions related to sewage sludge management not addressed in prior studies. For the purposes of this section, toxicity shall include any and all pathogens, chemicals or other agents or molecules regulated by the commonwealth, and any substance known to cause harm to human health. Said study shall identify, to the maximum practicable extent:

(1) For each wastewater treatment plan in the commonwealth:

(i) The current arrangements for the collection, transfer, processing, treatment and disposal of sewage sludge;

(ii) The current costs for the collection, transfer, processing, treatment and disposal of sewage sludge, including, but not limited to:

(A) The costs to the wastewater treatment plant to haul and dispose of sewage sludge from the wastewater treatment plant;

(B) The total payments to outside vendors to haul, dispose of or process sewage sludge generated at the wastewater treatment plant; and

(iii) The final location of sewage sludge, including, but not limited to, whether the sewage sludge is transported to:

(A) an in-state landfill;

(B) an out-of-state landfill;

(C) a monofill landfill;

(D) an incinerator;

(E) a composting or co-composting facility; or

(F) any other processing site; and

(2) Appropriate technologies and practices for reducing the volume and toxicity of sewage sludge and improving wastewater treatment design and operation, delineated by cost, target wastewater treatment plant size and capacity and geographic location.

(b) The department, after not less than 3 public hearings, held in geographically diverse areas of the commonwealth, and a public comment period, shall develop and maintain a comprehensive statewide master plan for sludge processing and disposal, including any necessary provisions to meet eligibility requirements under any federal program for financial aid in sludge management. Said plan shall describe, to the maximum practicable extent, a short and long-range program for reduction and management of sludge throughout the commonwealth, and the funding for the development of such systems, infrastructure and facilities which the department finds to be reasonably necessary.

The plan shall be updated at a frequency to be determined by the commissioner, but not less frequently than every 10 years. Any amendment, alterations or changes to said master plan shall be adopted only after a public hearing.

Without limitation of the foregoing, said plan shall include, but not be limited to:

(1) A program for providing technical assistance and funding to entities that own a publicly-owned treatment works, hereafter referred to as POTWs, as defined in section 12B of chapter 132 A, to develop local sludge management plans;

(2) A template local sludge management plan which entities that own and operate a POTW shall adopt and may alter; provided that any alterations are certified by the department as being compliance with the goals of this section; and provided further that no such entity shall be required to adopt a plan without having received technical assistance or funding from the department;

(3) Goals and measurable benchmarks for the reduction, processing, toxicity and disposal of sludge in the commonwealth, as well as detailed methods and solutions to achieve said goals and benchmarks, including, but not limited to:

(i) the creation and maintenance of specialized landfills for sludge disposal;

(ii) the implementation of methods for reducing the volume and toxicity of sludge, including by, but not limited to, facilitating source reduction, remediation and gasification;

(iii) the development of new or improved technologies and methods for reducing the volume and toxicity of sludge;

(iv) the remediation of toxic chemicals and substances in wastewater and in sludge; and

(v) viable research investments the commonwealth could make to further the goals laid out in said plan;

(4) Criteria that would trigger updates to the plan, including, but not limited to, advancements in the treatment of sludge and procedures for determining if and how sludge could possibly be safely applied to land in the commonwealth; and

(5) Estimates of the expected financial resources, and any regulatory or statutory changes, needed to implement said plan.

The plan shall prioritize providing technical assistance and funding to entities that own a POTW; provided that the plan and any included funding formula or grant application criteria shall also prioritize geographic equity and environmental justice principles, as defined in section 62 of chapter 30.

The statewide master plan for sludge processing and disposal shall be posted online on the department's website. All data, comments and reporting used by the department in drafting the plan shall be made easily available to the public on the department's website.

Section 25A. The department of environmental protection shall establish a grant program to aid owners of wastewater treatment facilities in researching practices and technologies; implementing practices, technologies and programs; and overhauling systems and infrastructure to reduce the volume of sludge and reduce the toxicity of the wastewater entering the treatment plant. The department shall prioritize providing grant funding to entities that own a publicly-owned treatment works, as defined in section 12B of chapter 132 A. The department shall promulgate rules and regulations necessary to carry out and enforce this section.

SECTION 2. Chapter 20 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 32 the following section:-

Section 33. An individual or entity engaged in the practice of farming, as defined in section 1A of chapter 128, shall be immune from suit and civil liability for any damages resulting from claims based on harms caused by PFAS present in soil, water, livestock or agricultural products as a result of standard agricultural practices or source contamination outside of their control; provided that the following individuals or entities shall not be immune: (i) those engaged in the production or distribution of PFAS-containing materials, including but not limited to biosolids, as defined in section 171A of chapter 111; (ii) those engaged in the production, distribution or disposal of industrial waste; (iii) those engaged in the operation of incinerators; and (v) those who knowingly engage in the land application of biosolids after June 30, 2028. For the purposes of this section, "PFAS" shall mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

SECTION 3. Section 8 of Chapter 21A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the words "one hundred and sixty-six, inclusive" the following words:- , one hundred and seventy-one A.

SECTION 4. Chapter 29 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 2DDDDDD the following 2 sections:-

Section 2EEEEEE. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Agricultural PFAS Relief Fund, which shall be used exclusively to assist farmers in the commonwealth who have suffered losses, incurred costs or reasonably anticipate suffering losses or incurring costs resulting from the actual or suspected presence of PFAS in soil, water, livestock or agricultural products; provided, that eligibility for this fund shall not extend to: (i) individuals or entities engaged in the production or

distribution of PFAS-containing materials, including but not limited to biosolids, as defined in section 171A of chapter 111; (ii) individuals or entities engaged in the production, distribution or disposal of industrial waste; (iii) individuals or entities engaged in the operation of incinerators; and (iv) individuals or entities who knowingly engage in the land application of biosolids after June 30, 2028. For the purposes of this section, "PFAS" shall mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(b) The Agricultural PFAS Relief Fund shall be credited with money from: (i) amounts recovered by the commonwealth and credited thereto in connection with claims arising from the sources of PFAS contamination found in biosolids products applied on agricultural land; (ii) any appropriations authorized by the general court specifically designated to be credited to the fund; (iii) gifts, grants and donations from public or private sources; (iv) federal reimbursements and grants-in-aid; and (v) any interest earned from the fund.

(c) The commissioner of agricultural resources shall promulgate rules and regulations to direct the expenditure of money from this fund for purposes including, but not limited to: (i) testing of soil, water, livestock or agricultural products for PFAS; (ii) costs incurred from adapting management and business practices as a result of the disallowance of use of products containing PFAS or the disruption of business caused by the presence or suspected presence of PFAS; (iii) development and implementation of educational resources for farmers to adapt to management changes resulting from the presence of PFAS; (iv) physical and mental health needs of farm owners, farm workers and personnel resulting from exposure to PFAS; (v) remediation practices and needed infrastructure for the elimination of or protection from PFAS; and (vi) development of PFAS testing capacity at the Center for Agriculture, Food and the Environment at the University of Massachusetts at Amherst or other public institutions of higher education in

the commonwealth. Regulations shall comply with the department of agricultural resources' environmental justice policy.

(d) The state treasurer shall be the custodian of the fund and shall receive, deposit and invest all funds under this section to ensure the highest interest rate available consistent with the safety of the fund. The books and records of the fund shall be subject to an annual audit by the state auditor. The department of agricultural resources may expend money in the fund without further appropriation and no expenditure from the fund shall cause it to be in deficiency at the close of a fiscal year.

(e) The commissioner of agricultural resources shall report annually to the house and senate committees on ways and means and the joint committee on agriculture and fisheries on income received into the fund and sources of that income, any expenditure from the fund and the purpose of that expenditure and the fund's balance. Money in the fund at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent year and shall not be subject to section 5C of chapter 29.

Section 2FFFFFF. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Agricultural Fertilizer Purchasing Fund, which shall be used to assist commercial farmers in the commonwealth who can demonstrate that they are incurring additional costs in purchasing fertilizer as a result of the disallowance of use of products containing PFAS. The fund shall be administered by the secretary of energy and environmental affairs, in consultation with the commissioner of the department of agricultural resources.

The fund shall be credited with appropriations or other money authorized or transferred by the general court and specifically designated to be credited to the fund. Amounts credited to the fund shall be expended to farmers to support the purchase of fertilizer for commercial agricultural purposes in fiscal year 2027 and thereafter. Applications shall be noncompetitive and shall be accepted or denied based only upon whether farmers have met the eligibility requirements. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The fund shall not be subject to section 5C of chapter 29.

The secretary, in consultation with the commissioner of the department of agricultural resources, shall promulgate regulations to implement this section.

SECTION 5. Section 12 of chapter 61A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

No conveyance tax under this section shall be assessed on land that is removed from agricultural or horticultural use due to regulatory action regarding the actual or suspected presence of PFAS in soil, water, livestock or agricultural products derived from such land. For the purposes of this paragraph, “PFAS” shall mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. The commissioner of agricultural resources, in consultation with the commissioner of revenue and the commissioner of environmental protection, shall promulgate regulations to enforce this paragraph.

SECTION 6. Section 13 of said chapter 61A, as so appearing, is hereby amended by adding the following subsection:-

(e) No roll-back tax imposed by this section shall be assessed on land that no longer meets the definition of land actively devoted to agricultural, horticultural or agricultural and horticultural use due to regulatory action regarding the actual or suspected presence of PFAS in soil, water, livestock or agricultural products derived from such land. For the purposes of this subsection, "PFAS" shall mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. The commissioner of agricultural resources, in consultation with the commissioner of revenue and the commissioner of environmental protection, shall promulgate regulations to enforce this subsection.

SECTION 7. Chapter 111 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 171 the following section:-

Section 171A. (a) For the purposes of this section, the following words shall have the following meanings:

"Biosolids", treated or untreated sewage sludge.

"Department", the department of environmental protection.

"Fertilizer", shall be as defined in section 64 of chapter 128.

(b) The application of biosolids on land is prohibited.

(c) Fertilizer derived from or containing biosolids, soil amendments derived from or containing biosolids and other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains biosolids shall not be sold or distributed in the commonwealth.

(d) A manufacturer of any fertilizer or other soil amendment shall submit written notice to the department of environmental protection and the department of agricultural resources certifying that said fertilizer or other soil amendment is not derived from and does not contain biosolids. The manufacturer's written notice shall be submitted electronically in a format to be specified by the department, in consultation with the department of agricultural resources. The department shall make information reported under this subsection available to the public via the department's website.

(e) The department of environmental protection, in coordination with the department of public health and the department of agricultural resources, shall promulgate rules and regulations necessary to carry out and enforce this section.

SECTION 8. Section 66 of chapter 128 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following paragraph:-

The commissioner shall not issue a license to distribute any type of fertilizer, except specialty fertilizer, unless the licensee certifies that the fertilizer is not derived from and does not contain biosolids, as defined in section 171A of chapter 111. The commissioner shall not approve an application for registration of a specialty fertilizer, soil conditioner or agricultural liming material unless the applicant certifies that the specialty fertilizer, soil conditioner or agricultural liming material is not derived from and does not contain biosolids, as defined in section 117A of chapter 111. A manufacturer's written notice delivered to the department in accordance with the provisions of subsection (d) of section 171A of chapter 111 shall satisfy the requirements of this paragraph.

SECTION 9. Notwithstanding any general or special law to the contrary, cities and towns which can demonstrate that they are incurring additional costs for sludge disposal under section 171A of chapter 111 of the general laws, as inserted by this act, shall annually submit to the division of local services within the department of revenue, itemized financial statements demonstrating costs for sludge disposal for the current fiscal year as well as for the 3 years preceding the effective date of this act. The division shall certify costs submitted by municipalities within 90 days of having received a submission. Any additional costs incurred by a city or town for sludge disposal under section 171A of chapter 11 of the general laws, as inserted by this act, as certified by the division, shall be reimbursed at a rate of 100 per cent not more than 30 days after the costs have been certified, provided that the reimbursement shall be discounted equal to the estimated rate of inflation. For the purposes of this section, sludge shall be defined by section 18 of chapter 16 of the general laws. The department of revenue shall promulgate regulations for the implementation and administration of this section not later than June 30, 2027.

SECTION 10. The commissioner of agricultural resources, in consultation with the commissioner of revenue and the commissioner of environmental protection, shall promulgate regulations to implement the provisions in sections 12 and 13 of chapter 61A of the general laws not later than December 31, 2026.

SECTION 11. The study and comprehensive statewide master plan required by section 25 of chapter 16 of the general laws shall be completed not later than June 30, 2027 and shall be submitted to the joint committee on agriculture and fisheries, the joint committee on the environment and natural resources, the house and senate committees on ways and means and the clerks of the house of representatives and the senate.

SECTION 12. The commissioner of agricultural resources shall promulgate rules and regulations for the implementation of section 2EEEEEE of chapter 26 of the general laws not later than June 30, 2027.

SECTION 13. The secretary of the executive office of energy and environmental affairs, in consultation with the commissioner of the department of agricultural resources, shall promulgate rules regulations to implement section 2FFFFFF of chapter 26 of the general laws not later than June 30, 2027.

SECTION 14. The department of environmental protection shall promulgate regulations for the implementation of sections 25 and 25A of chapter 16 of the general laws not later than June 30, 2028.

SECTION 15. Sections 3, 7 and 8 shall take effect on June 30, 2028.