

## Joint Committee on Agriculture and Fisheries

### Bill Summary

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<b>Bill Number:</b>	H.109
<b>Title:</b>	An Act protecting our soil and farms from PFAS contamination
<b>Sponsor:</b>	Representative Arena-DeRosa of Holliston
<b>Cosponsors:</b>	Representatives Sabadosa of Northampton, Ultrino of Malden, Blais of Deerfield, Sena of Acton, Uytterhoeven of Somerville, Montaña of Boston, Elliott of Lowell, Linsky of Natick, Scarsdale of Pepperell, Domb of Amherst, Higgins of Leominster, Ramos of North Andover, Decker of Cambridge, Reid of Lynn, Sousa of Framingham, Sangiolo of Newton, Moran of Boston, Kushmerek of Fitchburg, Gentile of Sudbury, Puppolo of Springfield, Barrett of North Adams, Howitt of Seekonk, Hendricks of New Bedford, Garballey of Arlington, Davis of Great Barrington, Kassner of Hamilton, Hong of Lowell, Orrall of Lakeville, Kearney of Scituate, and LaNatra of Kingston; Senators Comerford, Rausch, and Eldridge
<b>Hearing Date:</b>	Tuesday, September 16, 2025 at 10:00 PM - 01:00 PM, B-1
<b>Reporting Date:</b>	Saturday, November 15th, 2025
<b>Similar Matters:</b>	S.56 (Senator Comerford - Similar)

#### Prior History

2023-2024: Filed as H.101; Referred to the Joint Committee on Agriculture; Accompanied a new draft H.4288; Reported favorably to the House Committee on Ways and Means where no further action was taken.

#### Current Law

Chapter 16 of the Massachusetts General Laws relates to the Department of Environmental Protection's (DEP) powers relating to waste disposal.

Chapter 20 of the Massachusetts General Laws establishes the Department of Food and Agriculture (now the Department of Agricultural Resources – MDAR). It establishes the internal structure of the MDAR and includes the establishment of special funds related to agricultural activities.

Chapter 21A of the Massachusetts General Laws establishes the Executive Office of Energy and Environmental Affairs and describes its structure and duties. Section 8 of chapter 21A concerns the

powers and duties of the Bureau of Environmental Sanitation. This section lists sections from chapter 111 of the General Laws which this bureau has the power to enforce.

Chapter 29 of the Massachusetts General Laws establishes the General Fund and many special funds.

Chapter 61A regulates the assessment of lower tax assessment rates land which is over 5 acres in size, is used directly in agricultural activities, and meets minimum amounts of revenue generated from agriculture. Section 12 of chapter 61A details a conveyance tax which is applied to agricultural land when it is transferred to another owner within 10 years of its last transfer, or within 10 years of it coming into agricultural use. Section 13 of chapter 61A details roll-back taxes which are applied retroactively for the previous five years' assessments if land enrolled in the agricultural tax rate is taken out of agricultural production.

Chapter 111 of the Massachusetts General Laws contains a wide variety of sections all relating to public health. This includes environmental safety and pollution issues.

Chapter 128 of the Massachusetts General Laws relates to agriculture. Section 66 of chapter 128 concerns registration of fertilizers by the manufacturer and a license to distribute fertilizer and other soil amendments, as well as language about the application process, fees, and types of soil amendments included in these processes.

## Summary

Section 1 exempts farmers from civil liability for any claims that arise from per- and polyfluoroalkyl substances (PFAS) present in the soil or located on agricultural land, as long as this is a result of standard agricultural practices. This exemption would include the spreading of biosolids from treated wastewater sources as fertilizer.

In this section and all others where PFAS is mentioned, PFAS is defined by chapter 182 of the Acts of 2024. This definition was recommended by the PFAS Interagency Task Force in their final report, published on June 14th, 2022.

Section 2 would create a special fund to support farmers who have incurred losses as a result of PFAS which was introduced through standard agricultural practices. The fund would be credited from public appropriations, gifts, federal grants-in-aid, interest, and from funds recovered by the Commonwealth which relate to PFAS contamination on agricultural land from biosolid application.

The fund would be managed by the Treasurer, with the commissioner of the Department of Agricultural Resources (MDAR) directing the expenditure of money. Purposes for expenditure would include soil and water testing, education, PFAS remediation, health needs, and research capacity at UMass Extension. The Commissioner of MDAR would report on the fund annually to the House and Senate Committees on Ways and Means, and the Joint Committee on Agriculture.

This section would also create another special fund for the purpose of assisting farmers who experience increased fertilizer costs resulting from a ban on biosolid application (section 6 in this bill). The fund would be managed by the Executive Office of Energy and Environmental Affairs (EEA), in consultation with the Commissioner of MDAR. Disbursements to farmers from the fund would be noncompetitive.

Sections 3 and 4 would prevent conveyance taxes or roll-back taxes assessed by Chapter 61A on enrolled land which is taken out of agricultural production due to PFAS contamination. For agricultural land, conveyance taxes are assessed when agricultural land is sold for another purpose within 10 years of its most recent change in ownership. Roll-back taxes are assessed when land is taken out of agricultural production, for a period of 5 years retroactively including the tax year when the change took place.

Sections 5 and 6 would prohibit the application of biosolids on any land in Massachusetts, as well as any fertilizer which is derived from biosolids. Fertilizer manufacturers would have to test their products for the presence of PFAS and notify the Department of Environmental Protection (DEP) of the results. DEP would be responsible for the enforcement of these provisions.

Section 7 would prevent the Commissioner of MDAR from issuing any license for the retail sale of fertilizer in Massachusetts which has not been tested for PFAS or which contains any detectable levels of PFAS. Fertilizer cannot be sold in Massachusetts without such a license.

Section 8 would direct DEP to investigate ways to safely dispose of sewage sludge without causing PFAS contamination in the environment. Currently, biosolid and sludge usage as fertilizer is a major disposal method. This investigation would include public hearings and the maintenance of a master plan for managing public health and sludge disposal. It would also direct DEP to establish a grant

program to assist public wastewater treatment facilities in adopting PFAS removal and remediation strategies.

Section 9 would allow municipalities to receive full reimbursement from the Department of Revenue for any increased sludge disposal cost.

Section 10 would require that DEP's master plan (from section 8 of this bill) must be completed by the end of 2026, and directs that this plan should be submitted to the House and Senate Clerks, the House and Senate Committees on Ways and Means, the Joint Committee on the Environment and Natural Resources, and the Joint Committee on Agriculture.