

# HOUSE . . . . . No. 4853

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, December 31, 2025.

The committee on Agriculture and Fisheries, to whom was referred the petition (accompanied by bill, House, No. 109) of James C. Arena-DeRosa and others relative to farming and damages caused by PFAS, reports recommending that the accompanying bill (House, No. 4853) ought to pass.

For the committee,

NATALIE M. BLAIS.

**HOUSE . . . . . No. 4853**

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**The Commonwealth of Massachusetts**

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

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:*

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

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

6           (i) “MassDEP PFAS Testing Study for NPDES POTWs (PRF77),” published on June 30,  
7 2025, which documented PFAS contamination in influent, effluent and sewage sludge generated  
8 at every publicly owned treatment works in the commonwealth, with sludge consistently  
9 containing the highest concentrations of PFAS measured anywhere in the wastewater treatment  
10 system; and

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

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

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

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

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

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

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

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

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

- 35 (A) an in-state landfill;
- 36 (B) an out-of-state landfill;
- 37 (C) a monofill landfill;
- 38 (D) an incinerator;
- 39 (E) a composting or co-composting facility; or
- 40 (F) any other processing site; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

80 The plan shall prioritize providing technical assistance and funding to entities that own a  
81 POTW; provided that the plan and any included funding formula or grant application criteria  
82 shall also prioritize geographic equity and environmental justice principles, as defined in section  
83 62 of chapter 30.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

195 “Biosolids”, treated or untreated sewage sludge.

196 “Department”, the department of environmental protection.

197 “Fertilizer”, shall be as defined in section 64 of chapter 128.

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

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

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

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

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

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

224 SECTION 9. Notwithstanding any general or special law to the contrary, cities and towns  
225 which can demonstrate that they are incurring additional costs for sludge disposal under section  
226 171A of chapter 111 of the general laws, as inserted by this act, shall annually submit to the  
227 division of local services within the department of revenue, itemized financial statements  
228 demonstrating costs for sludge disposal for the current fiscal year as well as for the 3 years  
229 preceding the effective date of this act. The division shall certify costs submitted by  
230 municipalities within 90 days of having received a submission. Any additional costs incurred by  
231 a city or town for sludge disposal under section 171A of chapter 11 of the general laws, as  
232 inserted by this act, as certified by the division, shall be reimbursed at a rate of 100 per cent not  
233 more than 30 days after the costs have been certified, provided that the reimbursement shall be  
234 discounted equal to the estimated rate of inflation. For the purposes of this section, sludge shall  
235 be defined by section 18 of chapter 16 of the general laws. The department of revenue shall  
236 promulgate regulations for the implementation and administration of this section not later than  
237 June 30, 2027.

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

242 SECTION 11. The study and comprehensive statewide master plan required by section  
243 25 of chapter 16 of the general laws shall be completed not later than June 30, 2027 and shall be  
244 submitted to the joint committee on agriculture and fisheries, the joint committee on the  
245 environment and natural resources, the house and senate committees on ways and means and the  
246 clerks of the house of representatives and the senate.

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

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

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

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