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Forever Chemicals Legislation Passes in Maryland and Virginia, But More Needs to be Done

Bills regulating sewage sludge used as fertilizer on farmlands but often contaminated with PFAS await Governors' signatures in Maryland and Virginia.

In the absence of federal action, states are stepping up to regulate toxic PFAS, known as “forever chemicals,” which persist in the environment and pose serious risks to human health. Maryland and Virginia made progress this year, though more will need to be done. Both states passed bills regulating sewage sludge used as fertilizer on farmlands that are contaminated with PFAS. Sewage sludge is the solid waste produced during the treatment of municipal and industrial wastewater. During the treatment process at sewage treatment plants, these PFAS chemicals become concentrated in the sewage sludge that must later be disposed of.

Sewage sludge used as fertilizer can contain dangerous levels of PFAS, generally from industrial facilities discharging into public sewer systems. These contaminants can run off into waterways and leach into groundwater, contaminating our drinking water. PFAS accumulate in crops, livestock, and wildlife—impacting both farmers and surrounding communities. Despite longstanding knowledge of these risks, regulatory action has lagged.

In Virginia, a suite of bills awaits the governor’s signature, including SB386/HB1443 that requires monthly testing of sewage sludge at wastewater treatment plants, numeric thresholds, and farmer disclosure of any amount of PFAS in sewage sludge prior to applying it to farmland. However, the threshold of 50 ppb is too high to reduce PFAS in the environment or protect human health.

“States like Maryland and Virginia are stepping up where the federal government has failed—and that matters,” said Betsy Nicholas, President of Potomac Riverkeeper Network. “Requiring testing and disclosure is a critical first step, because you cannot manage what you don’t measure. But we also know that PFAS are harmful at far lower levels than what these laws

allow. If we are serious about protecting our drinking water, our farms, and the people who depend on them, we have to set stronger standards and stop this pollution at its source.”

Maryland’s General Assembly passed a bill to limit the use of PFAS contaminated sewage sludge. SB719/HB925 sets limits on PFAS concentrations in sewage sludge, requires source tracking when levels are elevated, and strengthens authority to control industrial discharges of PFAS at the source. Like Virginia, the threshold of 25 ppb is higher than it needs to be to substantially reduce PFAS in the environment or protect human health. In addition, the farmer notification requirement is limited to sewage sludge containing levels of PFAS between 25 ppb and 50 ppb, unlike Virginia’s requirement of disclosure at any amount.

“Farmers have a right to know exactly what’s being applied to their land—at any level,” said Brent Walls, Upper Potomac Riverkeeper. “These chemicals don’t just disappear. They build up in soil, crops, livestock, and water, and that risk shouldn’t be hidden behind thresholds that are too high to be protective.”

“We are confident Maryland’s legislation will at least start to put much greater focus on stopping PFAS at the source, before industrial sources can send PFAS into public sewers where it will contaminate our rivers, farms, and drinking water,” said Evan Isaacson, Senior Staff Attorney with Chesapeake Legal Alliance.

Additional progress was made in Virginia with the passage of bills that clarify that local governments have the right to test sewage sludge applications in their jurisdictions for PFAS (HB1072), and require sampling and reporting of PFAS at certain industrial facilities that discharge to publicly owned wastewater treatment plants (SB138/HB938).

“For too long, farmers have been left in the dark about what’s being spread on their land,” said David Flores, VP and General Counsel for Potomac Riverkeeper Network. “Virginia’s new disclosure requirements are a major step forward in restoring transparency and trust—but we must continue pushing for standards that actually protect farmers, their livelihoods, and the food system.”

Waterkeepers across the country and in the Chesapeake Bay region are on the forefront of filling major data gaps and pushing for regulations to address this urgent public health crisis. In 2022, Waterkeeper Alliance released [an analysis](#) of American waterways that showed 83% of waterways tested by Waterkeepers were found to contain at least one type of PFAS. In the Chesapeake Bay region, 100% of the samples found levels of PFAS. Waterkeeper Alliance’s [second study](#) in 2025 centered on locations both upstream and downstream of wastewater treatment plants, as well as areas where sewage sludge was spread on farmland. 95% of locations downstream from wastewater treatment plants and 80% of sites where biosolids were applied to land showed elevated PFAS levels.

“Our local monitoring confirms what the national data is showing, which is that PFAS are moving from wastewater onto our farms, into our rivers, and ultimately into our communities,” said Matt

Pluta, Choptank Riverkeeper at ShoreRivers. “Without stronger safeguards, we’re going to continue cycling these chemicals through the environment indefinitely, impacting drinking water, local seafood and the greater food chain.”

“This is not just an environmental issue—it’s an urgent public health issue and an economic issue for farmers and rural communities,” said Robin Broder, Acting Director of Waterkeepers Chesapeake. “We need policies that reflect the full lifecycle of PFAS contamination and prioritize prevention, not just management.”

“Virginia has taken meaningful steps to shine a light on PFAS contamination in our farming communities, and we are encouraged by the legislature’s recognition that PFAS in sewage sludge demands regulatory attention,” said Jacqueline Goodrum, Of Counsel and Associate Director of Virginia Policy for Chesapeake Legal Alliance. “At the same time, the science is clear that harmful exposure can occur well below the thresholds set here. We will continue to work with legislators, Virginia DEQ, and other stakeholders to ensure that the standards are based on the best available evidence so all Virginians can trust that what’s in their water and on their land won’t make them sick.”

Background

From non-stick cookware to waterproof mascara and carpets, PFAS (per- and poly-fluoroalkyl substances) have spread to every aspect of daily life. PFAS are a group of 15,000+ chemicals that have been used by industries and manufacturers since the 1940s for their fire- and grease-resistant properties. These toxic forever chemicals can enter your body through multiple pathways, including drinking water, food, air and dust, and from multiple common consumer products. According to the CDC, 97% of Americans have PFAS in their blood.

PFAS in the human body, whether short-term or long-term, have been linked to several health effects, including a weakened immune system, high rates of disease such as high cholesterol and liver, thyroid and kidney diseases, and elevated rates of cancer. Pregnant women can experience hypertension, higher risk of gestational diabetes, and premature delivery.

Since 2003, EPA has known that sewage sludge can contain alarming levels of PFAS. In [a 2018 report](#), the Environmental Protection Agency’s (EPA) Inspector General accused the agency of failing to properly regulate biosolids. However, it wasn’t until January 2025 that the [EPA’s draft Sewage Sludge Risk Assessment](#) was released. It highlights the severe risks posed by PFOS and PFOA levels as low as 1–5 parts per billion, linking exposure to contaminated water, wildlife, and crops to serious health issues, including immune dysfunction, thyroid disease, and cancer. In 2024, Potomac Riverkeeper Network joined Texas ranchers, a Texas county, and the Maine Organic Farmers and Gardeners Association in a lawsuit challenging EPA’s failure to regulate PFAS in land applications of sewage sludge. The litigation is pending.

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Waterkeepers Chesapeake, a nonprofit coalition of local Waterkeepers, fights for clean water and a healthy environment by supporting Waterkeepers throughout the Chesapeake and coastal regions as they protect their communities, rivers, and streams from pollution. <https://waterkeeperschesapeake.org>

Potomac Riverkeeper Network is a non-profit organization with three regional Waterkeeper branches: Potomac Riverkeeper, Upper Potomac Riverkeeper, and Shenandoah Riverkeeper. PRKN's mission is to protect the right to clean water for all communities and all those who live in and rely upon the Potomac and Shenandoah watersheds by stopping pollution, making drinking water safe, protecting healthy river habitats, and enhancing use and enjoyment for all. <https://potomacriverkeepernetwork.org/>

ShoreRivers protects Maryland's Eastern Shore waterways through science-based advocacy, restoration, education, and engagement. With four Riverkeepers advocating on behalf of the Chester, Choptank, Miles, Wye, and Sassafras rivers, plus the Bayside Creeks and Eastern Bay, our vision is thriving rivers cherished by all Eastern Shore communities. <http://shorerivers.org>

Chesapeake Legal Alliance is a nonprofit organization dedicated to providing free legal services, with a mission to apply the power of the law to protect and restore clean water and promote healthy, resilient ecosystems for communities across the Chesapeake Bay watershed. <https://www.chesapeakelegal.org/>

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