

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to provide comments on proposed H.B. 1674, which, if enacted, would result in higher sewer bills and require Texas farmers to buy more expensive synthetic fertilizer (which likely contain PFAS). NACWA represents the interests of 360 clean water utilities of all sizes across the United States, including 17 municipal wastewater utilities in Texas.

Per- and polyfluoroalkyl substances (PFAS) are perhaps the most challenging and complex suite of contaminants the public wastewater sector has ever faced. Municipal clean water utilities are passive receivers of PFAS – they enter publicly owned treatment works (POTWs) and biosolids from upstream industrial, manufacturing, and even domestic sources (e.g., from laundry detergents, toilet paper, cosmetics, and cookware). But wastewater utilities were not designed to treat these “forever chemicals” and there is no currently available technology that can remove or treat PFAS at POTWs.

By setting allowable PFAS concentrations arbitrarily low, the bill will impose a de facto ban on land application of municipal biosolids, thereby eliminating the most sustainable management option for public agencies. The only two other biosolids management options – incineration and landfilling – are not enough to handle the amount of biosolids produced daily and carry their own PFAS challenges.

Any legislation addressing PFAS in municipal biosolids should be based on data and demonstrated risk. H.B. 1674 is grounded in neither, and would stop the U.S. Environmental Protection Agency and Texas Commission on Environmental Quality from studying both. It would also significantly increase the cost of providing basic sanitation services in Texas, to the detriment of public ratepayers.

One thing H.B. 1674 would *not* do, however, is actually resolve the issue of PFAS contamination in Texas. This pollution comes from many sources including, studies are increasingly finding, pesticides.

Rather than the ill-conceived biosolids approach proposed in H.B. 1674, the Legislature should instead consider following the lead of states that have already been proactive in tackling PFAS problems. These states, like Michigan, have adopted a true tiered strategy – rather than an all-out ban on land application – which has showed early signs of success, especially when coupled with additional study and critical source control measures.

The Legislature should also call on regulators to conduct assessments of the State’s landfill capacity and the costs associated with having to eliminate land application of municipal biosolids so that any future decisions made by lawmakers will be fully informed by the facts.

Clean water utilities must be part of the States' PFAS solutions, not victims of them. NACWA and its members look forward to working with the Legislature on this critical environmental issue.

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