

**HOUSE . . . . . No. 101**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul A. Schmid, III***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting our soil and farms from PFAS contamination.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/17/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/1/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/1/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/1/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/1/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/1/2023</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/1/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/1/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>2/1/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/1/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/1/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/10/2023</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/10/2023</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>2/10/2023</i>
<i>Anne M. Gobi</i>	<i>Worcester and Hampshire</i>	<i>2/10/2023</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/10/2023</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/10/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/10/2023</i>

<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/10/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/10/2023</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>2/10/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/10/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/10/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/10/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/27/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/27/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/27/2023</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/27/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/27/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/27/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/27/2023</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/27/2023</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/27/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/27/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/27/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/27/2023</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Plymouth and Bristol</i>	<i>2/27/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/27/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/27/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/27/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/1/2023</i>

**HOUSE . . . . . No. 101**

By Representative Schmid of Westport, a petition (accompanied by bill, House, No. 101) of Paul A. Schmid, III and others for legislation to establish the agricultural PFAS relief fund to assist farmers who have suffered losses due to the presence of PFAS in soil, water, or agricultural products. Agriculture.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act protecting our soil and farms 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 20 of the General Laws is hereby amended by inserting after  
2 section 32 the following section:-

3 Section 33. An individual or entity engaged in the practice of farming, as defined in  
4 section 1A of chapter 128, shall be immune from suit and civil liability for any damages  
5 resulting from claims based on harms caused by PFAS present in soil, water, or agricultural  
6 products as a result of standard agricultural practices. For the purposes of this section, “PFAS”  
7 shall mean a class of fluorinated organic compounds containing at least one fully fluorinated  
8 carbon atom.

9 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after  
10 section 2QQQQQ the following section:-

11           2RRRRR. There shall be established and set up on the books of the commonwealth a  
12 separate fund to be known as the Agricultural PFAS Relief Fund, which shall be used  
13 exclusively to assist farmers in the commonwealth who have suffered losses or incurred costs  
14 resulting from standard agricultural practices that may have resulted in the actual or suspected  
15 presence of PFAS in soil, water, or agricultural products.

16           For the purposes of this section, “PFAS” shall mean a class of fluorinated organic  
17 compounds containing at least one fully fluorinated carbon atom.

18           The Agricultural PFAS Relief Fund may receive money from: any appropriations  
19 authorized by the general court specifically designated to be credited to the fund; gifts, grants  
20 and donations from public or private sources; federal reimbursements and grants-in-aid; and any  
21 interest earned from the fund. The commissioner of agricultural resources shall promulgate rules  
22 and regulations to direct the expenditure of money from this fund for purposes including, but not  
23 limited to: testing of soil, water, or agricultural products for PFAS; costs incurred from adapting  
24 management and business practices as a result of the disallowance of use of products containing  
25 PFAS or the disruption of business caused by the presence of PFAS; development and  
26 implementation of educational resources for farmers to adapt to management changes resulting  
27 from the presence of PFAS; physical and mental health needs of farm owners and personnel  
28 resulting from exposure to PFAS; remediation practices and needed infrastructure for the  
29 elimination of PFAS; development of PFAS testing capacity at The University of Massachusetts  
30 Amherst Center for Agriculture, Food and the Environment. Regulations shall follow the  
31 department of agricultural resource’s environmental justice policy.

32           The state treasurer shall be the custodian of the fund and shall receive, deposit and invest  
33 all funds under this section to ensure the highest interest rate available consistent with the safety  
34 of the fund. The books and records of the fund shall be subject to an annual audit by the state  
35 auditor.

36           The department of agricultural resources may expend money in the fund without further  
37 appropriation and no expenditure from the fund shall cause it to be in deficiency at the close of a  
38 fiscal year. The commissioner of agricultural resources shall report annually to the house and  
39 senate committees on ways and means and the joint committee on environment, natural resources  
40 and agriculture on income received into the fund and sources of that income, any expenditure  
41 from the fund and the purpose of that expenditure and the fund's balance. Money in the fund at  
42 the end of the fiscal year shall not revert to the General Fund and shall be available for  
43 expenditure in the subsequent year and shall not be subject to section 5C of chapter 29.

44           SECTION 3. Section 12 of chapter 61A of the General Laws is hereby amended by  
45 inserting after the second paragraph the following paragraph:-

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

53 SECTION 4. Section 13 of chapter 61A of the General Laws is hereby amended by  
54 adding the following subsection:-

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

63 SECTION 5. Chapter 111 of the General Laws is hereby amended by inserting after  
64 section 171 the following section:- Section 171A. (a) For the purposes of this section, the  
65 following words shall have the following meanings:

66 “Biosolids”, treated sewage sludge used for land application and surface disposal;  
67 provided, that the department of environmental protection may further define biosolids and  
68 sludge for the purposes of this section.

69 “PFAS”, a class of fluorinated organic compounds containing at least one fully  
70 fluorinated carbon atom.

71 (b) All biosolids being transported from point of origin for land application including, but  
72 not limited to, transfer to composting and fertilizer production facilities, shall be tested by the  
73 department of environmental protection for presence of PFAS. The testing results and records of  
74 the location where 10 tons or more of the biosolids were applied, including street address and

75 parcel number, shall be kept and maintained by the transporter, offered to the land or facility  
76 owner, and submitted to the department of environmental protection.

77 SECTION 6. Chapter 128 of the General Laws is hereby amended by inserting after  
78 section 66 the following section:-

79 Section 66A. The commissioner shall not issue a license pursuant to Section 66 for the  
80 retail sale of any fertilizer, compost, mulch, top soil replacement, or other soil amendments that  
81 have not been tested for the presence of perfluoroalkyl and polyfluoroalkyl substances.

82 The department shall set maximum levels for the amount of perfluoroalkyl and  
83 polyfluoroalkyl substances that may be in any fertilizer, compost, mulch, top soil amendment or  
84 other soil amendment sold in the retail market.

85 All fertilizer, compost, mulch, top soil replacement or other soil amendment for retail sale  
86 that contains any detectable perfluoroalkyl substance or polyfluoroalkyl substance must contain a  
87 warning label that states, "Warning: This product is made from sewage sludge (treated human or  
88 industrial waste). This product has been tested and found to contain perfluoroalkyl and  
89 polyfluoroalkyl substances (PFAS), which may be absorbed in plants and can cause harmful  
90 health effects at very low levels."