January 28, 2026

Hon. Liz Krueger
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Hon. J. Gary Pretlow
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Dear Senator Krueger and Hon. J. Gary Pretlow:

Re. 2026 Joint Legislative Public Hearing on 2026 Executive Budget Proposal: Topic Environmental Conservation, re. Funding for A.6192B (Kelles) / S.5759A (Harckham)

The Solid Waste Advisory Boards of Manhattan, the Bronx, Brooklyn, and Queens support the policy expressed in A.6192B (Kelles) / S.5759A (Harckham), which addresses the management of PFAS in biosolids by establishing a moratorium on their land application and requiring the testing and reporting of certain groundwater, biosolids, and soil. Any amount of PFAS in drinking water is dangerous; accordingly, New York State has set limits on its presence.[1] The state also has established a preliminary framework[2] to limit certain PFAS chemicals in biosolids and to address upstream sources of contamination,[3] which so far is not protective enough of health

[1] New York State Department of Health. "Public Water Systems and Drinking Water Standards for PFAS and Other Emerging Contaminants." Available at: https://www.health.ny.gov/environmental/water/drinking/emerging_pfas_publicwater.htm

[2] DEC Issues Suite of PFAS Response Actions and Resources to Protect Communities, A "Decade of Progress on PFAS" is Recognized, with More Work Underway to Direct the State's Ongoing Response, December 11, 2025, https://dec.ny.gov/news/press-releases/2025/12/dec-issues-suite-of-pfas-response-actions-and-resources-to-protect-communities

[3] Reference: New York State Department of Environmental Conservation, DMM-7: Biosolids Recycling in New York State, https://extapps.dec.ny.gov/docs/materials_minerals_pdf/dmm7.pdf

and the environment.[4] By taking the time to fully address the issue of PFAS, the moratorium on land application not only protects farmers now but also helps prevent further contamination of drinking water supplies and food, reducing the long-term risks to public health.

We are in this situation because biosolids have been marketed to farmers as a "win-win" solution that would provide a plentiful, nutrient-rich, and inexpensive fertilizer for their crops, and also allow for continuous disposal of biosolids. But the evidence showing that PFAS, commonly found in biosolids, are associated with immune dysfunction, cancer, hormonal imbalances, and liver damage is mounting[5] and the microplastics and other chemicals also found in biosolids[6] have the potential to cause numerous other health issues.[7] In January 2025, the US EPA even issued a warning about using biosolids as fertilizer, due to the presence of PFAS.[8]

Knowing the risks posed by "forever chemicals," NYS enacted a ban on PFAS in food packaging in 2022[9] and, as mentioned above, has set limits on PFAS in drinking water. Other states[10] have already banned the spreading of biosolids on farmland, and, in the absence of state and federal action, counties and towns in NYS have put moratoria on the application of biosolids on farmland in place.[11]

Despite these concerns, in 2022, New York City's 14 Wastewater Resource Recovery Facilities exported 126,574 dry metric tons of biosolids, including for "Agricultural Land Application"[12]

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[4] PFAS National Primary Drinking Water Regulation. (2024, April 26). U.S. Environmental Protection Agency. https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation

[5] Bline, Abigail P., Jamie C. DeWitt, Carol F. Kwiatkowski, Katherine E. Pelch, Anna Reade, and Julia R. Varshavsky. "Public Health Risks of PFAS-Related Immunotoxicity Are Real." Current Environmental Health Reports, March 25, 2024. https://pubmed.ncbi.nlm.nih.gov/38526771/

[6] According to the EPA in 2022, 739 chemicals have been found in biosolids, https://comptox.epa.gov/dashboard/chemical-lists/BIOSOLIDS2022

[7] Pozzebon, E.A., Seifert, L. Emerging environmental health risks associated with the land application of biosolids: a scoping review. *Environ Health* 22, 57 (2023). https://ehjournal.biomedcentral.com/articles/10.1186/s12940-023-01008-4

[8] In a First, the E.P.A. Warns of 'Forever Chemicals' in Sludge Fertilizer, Hiroko Tabuchi, January 14, 2025, https://www.nytimes.com/2025/01/14/climate/epa-pfas-forever-chemicals-sludge-fertilizer.html,

[9] PFAS in Food Packaging Law, New York State Department of Environmental Conservation, https://dec.ny.gov/environmental-protection/recycling-composting/businesses/pfas-in-food-packaging#:~:text=The%20law%20prohibits%20the%20intentional,be%20free%20of%20PFAS%20content.
7https://www.nysenate.gov/newsroom/press-releases/2025/pete-harckham/leg

[10] State of Maine, Chapter 641 Public Law H.P. 1417 - L.D. 1911, Approved April 20, 2022 by Governor, https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1417&item=8&snum=130

[11] Two more New York towns take action against the spreading of biosolids, Spectrum News 1, December 3, 2025, https://spectrumlocalnews.com/nys/central-ny/news/2025/12/03/two-more-new-york-towns-take-action-against-the-spreading-of-biosolids-

[12] Queens Solids Waste Advisory Board spreadsheet, US EPA NPDES FORM 6100-035 for NYC WRRFs provided by NYS DEC FOIL, https://docs.google.com/spreadsheets/d/1o8bCHr4fkXQ4lhDuTIfnjNFSDLiyX7ZB/edit?usp=sharing&ouid=109911572423113744595&rtpof=true&sd=true

and New York State's 2023-2032 Solid Waste Management Plan proposes an increase in the amount of biosolids spread on farmland, from 22 percent of all of the sewage sludge generated in the state in 2018 to 57 percent in 2050. The New York State Department of Environmental Conservation's purblind rationale is that this will boost the state's total recycling rate.
If passed, the sludge land application moratorium law will prevent the state from further damaging farmland in our state by mandating a five-year moratorium on spreading biosolids on land, while requiring permit holders for biosolids to test for PFAS in groundwater and soil, and for wastewater treatment facilities to test for PFAS too. The data generated during the moratorium will enable NYS to assess the extent of PFAS contamination in NYS's farmland and in biosolids, and consider how to separate out PFAS from biosolids.

This New York State legislation is needed now more than ever. To paraphrase Assembly Member Kelles, our bodies and our farmland should not be dumping grounds for toxics.

State-level legislative (A.6192B (Kelles)/S.5759A (Harckham)) developments call into question the Department of Sanitation of New York (DSNY) Draft Local Solid Waste Management Plan's (SWMP'26) reliance on co-digestion at sewage treatment plants as the primary destination for New York City's organics stream. Legislation currently under consideration in New York State would impose a moratorium on the land application of biosolids due to widespread PFAS contamination concerns, reflecting a rapidly shifting regulatory and public-health landscape.

Moreover, the New York Farm Bureau has reversed their position and is now opposing the land application of "contaminated sewage sludge" and will encourage testing[13] prior to spreading.[14] These developments underscore that biosolids management pathways assumed to be viable over the planning horizon of SWMP'26 may, in fact, face significant legal, environmental, and political constraints.

Yet DSNY's SWMP'26 does not evaluate how such constraints could affect the feasibility, risk profile, or long-term sustainability of directing municipal organics toward co-digestion rather than composting. Given active New York State legislation proposing a moratorium on land application of biosolids due to PFAS contamination, and the increasing number of town and county-level restrictions already in place, how does DSNY assess the long-term viability and regulatory risk of directing a substantial portion of the City's organics stream toward co-digestion, which necessarily increases biosolids production? How does the Draft SWMP'26 account for this legislative trajectory when comparing co-digestion to composting as organics management pathways?

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[13] Dead livestock, lost farms and PFAS: Why pressure is mounting to rein in toxic sludge, ABC 7 News, January 22, 2026, https://wjla.com/news/spotlight-on-america/dead-livestock-lost-farms-pfas-toxic-sludge-contamination-forever-chemicals

[14] "New York Farm Bureau Concludes 2025 State Annual Convention, December 8, 2025, https://nyfb.org/news/press-releases/nyfb-2025-stacon

Food scraps and biosolids are fundamentally different materials with materially different climate and environmental outcomes.[15] Co-digestion converts a large share of organic carbon into near-term greenhouse gas emissions — methane and carbon dioxide — and produces additional biosolids requiring downstream management, whereas composting food scraps preserves biological carbon, builds soil organic matter, and achieves direct carbon sequestration with substantially lower methane risk.

Recent City planning efforts for biosolids management acknowledge the difficulty of identifying durable, beneficial end uses for biosolids and rely on blended, scenario-level assumptions to achieve carbon benefits[16], without properly accounting for and including upstream digestion-stage methane leakage or combustion emissions to the biosolids fraction. As a proposed solution, the NYC Department of Environmental Protection and the DSNY have engaged in the development of a “Biosolids Master Plan” which is referenced multiple times in the Draft 2026 SWMP starting on page 9 of the Draft 2026 SWMP Executive Summary. The "Biosolids Master Plan" touts gasification and or pyrolysis solutions as the best approach for eliminating toxicants from biosolids or sewage sludge so that the sludge can be put to “beneficial use” instead of landfilled or disposed of via standard incineration. The "beneficial use" of biosolids produced via co-digestion will allow the DEP and DSNY to achieve GHG emissions/savings comparable to composting according to a Northern Tilth study.[17]

Without the "beneficial use" of biosolids (e.g. land application of biosolids), the GHG models show that co-digestion of food scraps with sewage cannot match the benefits as provided by composting. The economic justification for using millions of dollars to build a gasification or pyrolysis plant to eliminate PFAS from biosolids to facilitate "beneficial use" is not known. Additionally, as more communities pass laws to protect themselves from the PFAS, microplastics, and heavy metals in biosolids, it is not certain that biosolids that go through Advanced Thermal Treatment will be fit for beneficial use.[18] By contrast, composting food scraps avoids these upstream emissions entirely and yields a stable, land-applied product with demonstrated carbon sequestration benefits. Against this backdrop, the Draft NYC SWMP’26 does not explain why a high-value, climate-positive feedstock is being routed into a system optimized for sewage waste treatment and high-cost energy recovery rather than soil carbon retention.

Additionally, Local Law 85 of 2023 (Section 16-308) requires DSNY, as a part of the SWMP ‘26, to “include a plan to maximize the usable composting of organic waste collected."[19] SWMP'26

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[15] https://citymeetings.nyc/meetings/new-york-city-council/2024-02-27-1000-am-committee-on-sanitation-and-solid-waste-management/?utm source=chatgpt.com

[16] “Biosolids Master Plan”, WEF/IWA Residuals and Biosolids Conference 2023, Jane Gajwani (DEP) and Jen McDonnell (DSNY), AECOM, Hazen & Sawer, SYLVIS, JK Muir, June 2023

[17] “Modeling GHG Emissions from Source Separated Organics”, Romy Carpenter and Andrew Carpenter, Bio-Cycle, May 6, 2024: https://www.biocycle.net/modeling-ghg-emissions-from-source-separated-organics/

[18] EPA, Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl Substances— Version 2 (2024) (April 8, 2024).

[19] Local Law 85 for the Year 2023, New York City Council, https://intro.nyc/local-laws/2023-85

notes that 73% of separated organics collected by DSNY were “recovered for beneficial use.” However this number appears to include co-digestion in the calculation. Due to its environmental impacts, co-digestion + biosolids is not nearly as beneficial a use as traditional composting. To comply with the law, the City's Final Local Solid Waste Management Plan must “describe the amount of organic waste collected and sent to composting facilities to be processed into usable compost.”

Expansion of composting within New York City should not be dismissed as infeasible. The Intro 696 report clearly makes the case that composting is more environmentally beneficial as well as economically beneficial (green jobs, tax revenue, community cohesion, participation).[20] Additionally, the Intro 696 report outlines that adequate space for composting exists within New York City.

How does DSNY justify prioritizing co-digestion over composting for the majority of New York City’s food scraps under SWMP’26, given the significantly different carbon, methane, and sequestration outcomes of these pathways under a 20-year greenhouse gas accounting framework, and on what evidence does DSNY rely to conclude that this approach is consistent with the CLCPA, the Climate Action Council’s Scoping Plan, and the City’s diversion and climate objectives?

Recent City Planning efforts for biosolids management explicitly evaluate downstream emissions, transport, end-use fate, and carbon sequestration using a system-level analytical framework. Why does SWMP’26 not apply a comparable lifecycle or system-boundary analysis to municipal solid waste export, including long-distance transport, landfill and incineration emissions, and cumulative environmental justice impacts, and how does DSNY justify this analytical inconsistency in light of the CLCPA and the Climate Action Council’s Scoping Plan?

On what evidence or rigorous economic analysis does the City show it is in the financial interests of the residents of NYC to direct their food scraps to high-cost processing (co-digestion) that produces GHG as fuel, when there are other more affordable energy sources? And what economic analysis does the City use to show that it is further financially beneficial to lock the city into building expensive processing capacity (advanced thermal treatment) for additional biosolids produced as a result of adding food scraps to sewage in the co-digestion process?

Our review of the DSNY Draft SWMP’26 and the accompanying attachments and endnotes indicates that biosolids management and anaerobic digestion are supported by a concentrated body of climate-regulatory-and infrastructure-focused analyses, while composting is referenced primarily through operational and programmatic sources, with little comparable lifecycle or climate evaluation. This imbalance in cited sources mirrors—and helps explain—the Draft’s

[20] “Expanding Composting in New York City: The Case for Passing & Implementing Intro 696-2024”, Brooklyn Borough President, Bronx SWAB, Brooklyn SWAB, Manhattan SWAB, and Queens SWAB, September 2025: https://www.brooklynbp.nyc.gov/reports/

apparent preference for co-digestion over composting as the primary destination for the City's organics stream. The Draft SWMP'26 relies on detailed lifecycle, transport-inclusive, and end-use carbon modeling to evaluate biosolids management pathways, drawing on DEP's Biosolids Master Plan and related analyses. However, the Draft does not apply a comparable analytical framework to municipal solid waste export, composting, or organics diversion pathways—despite their well-documented climate, environmental justice, and public health implications. On what technical or policy basis does the Draft SWMP'26 apply rigorous lifecycle carbon analysis to biosolids management while limiting composting and municipal solid waste export to largely descriptive treatment, without equivalent evaluation of downstream emissions, sequestration potential, or avoided impacts, such as the New York State Legislature is addressing through funding for and passage of a sludge moratorium/testing bill?

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