



CANADIAN PUBLIC WORKS ASSOCIATION

123 Slater Street, Suite 700
Ottawa, ON K1P 5H2
ph 202-408-9541
fax 202-408-9542
www.cpwa.net

20 February 2024

Fertilizer Program
c/o Premarket Application Submissions Office (PASO)
Canadian Food Inspection Agency
59 Camelot Drive
Ottawa, ON | K1A 0Y9

Email: cfia.fertilizermodernization-modernisationengrais.acia@inspection.gc.ca

Re: Implementation of the interim standard on per- and polyfluoroalkyl substances in biosolids

Dear Fertilizer Program Team,

We are writing today in response to your [consultation](#) on the [implementation of the interim per- and polyfluoroalkyl substances \(PFAS\) standard for municipal biosolids imported or sold in Canada as fertilizers](#). As the public works professionals responsible for municipal sewer systems throughout Canada, your proposal to “adopt a standard of less than 50 parts per billion (ppb) of perfluorooctane sulfonate (PFOS; as an indicator of PFAS contamination) in domestic and imported biosolids” is an important one. So too is the requirement “to import or sell biosolids in Canada as fertilizer, proponents will need: a certificate of analysis (CoA) for PFOS as an indicator (dated within the previous 6 months), and an attestation from the responsible party (importer, manufacturer, or seller) that the certificate is valid.”

In this submission, we will address your three key themes for discussion.

1. What are your thoughts on the CFIA standard – its objectives and implementation?

For decades limited guidance and resources were provided regarding PFAS, yet many public works professionals were at the forefront learning and addressing pollution from “forever chemicals” in the communities they serve. Therefore, we appreciate your efforts on a workable standard. CPWA has

consistently supported standards and practices that are informed by thorough research and peer-reviewed scientific studies in collaboration with public works professionals responsible for implementation and remediation. Concurrently, CPWA wants to make certain those standards are thoughtfully developed, enforced appropriately, and practices are understood and followed accordingly.

Our members are already anticipating and preparing for a multitude of PFAS and other regulatory changes that they will be subject to including in effluent and drinking water. Costs from proposed changes are already anticipated to put significant financial strain on waste and water infrastructure. Although an American example, a [comprehensive study](#) recently released by the state of Minnesota's pollution control agency showed removing PFAS from the state's wastewater streams alone is projected to cost \$14 billion to \$28 billion over the next twenty years.

We bring this up knowing that CFIA has considered approaches and regulatory controls used by other jurisdictions including the Michigan Department of Environment, Great Lakes, and Energy, which has served as a model in this instance. Their approach appears informative though may require adjustments as more is learned from Canada's experience. We are grateful that "CFIA also considered potential impacts of a regulatory limit on the sector and waste diversion efforts across Canada" and "reviewed the beneficial uses of biosolids and data on levels of PFAS in biosolids collected by Environment and Climate Change Canada, and results of analysis from private companies voluntarily submitted to the CFIA." It was encouraging that the analysis of data collected revealed the vast majority of domestic biosolids (92%) had PFOS concentrations below 50 ppb. It is our hope that as more data is collected those numbers do not substantially change though we trust if they do CFIA will remain true to their commitment to continue to work with federal and provincial partners and stakeholders and review this interim approach in a years' time.

2. Is the CFIA proposed approach clear?

Your proposal notes that "a CoA will be required from a laboratory accredited for US EPA method 1633 for biosolids. This is an interim measure that will change as more validated methodologies become available and laboratories obtain their accreditation." CPWA would like more clarity on timelines and mechanisms for how this test would change in the future.

We also note that your "current approach is applicable only to municipal biosolids and does not include products that contain or are made from biosolids inputs such as composts, anaerobic digestates, ash from incinerated biosolids and pulp and paper sludges. The PFAS profile of these other materials has not been well-characterized (especially in Canadian context) and thus it would be premature to implement an interim standard without supporting empirical data. As more Canadian data on the levels of PFAS in these products become available the scope and product coverage of the

standard can be adjusted accordingly.” While we appreciate the need to limit scope in an area where the science is still evolving, we suggest that there is risk that such a limitation may lead to more incineration of biosolids as a method of avoiding the application of the standard. We are also concerned, and echo your [“what we heard report”](#) that places a disproportionate burden on municipal biosolids—and not other sources of PFAS, particularly upstream sources—as legal risks have been shown to mount.

3. Do you have any additional suggestions for improvement?

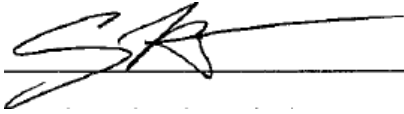
We would like to reiterate that caution is taken when pursuing regulatory changes and transparency is maintained so parties involved such as public works can reasonably anticipate future compliance especially how changes may inform or interact with other new or modified standards. Already the uncertainty of future compliance and legal risks is creating disruptions with rising costs and wastewater treatment plants rejecting leachate from landfills over contamination fears and landfills refusing to accept waste from water facilities for the same concerns. Meanwhile, farmers suffering from fertilizer shortages could face further exacerbation by losing access to biosolids, which are composed of solid organic matter recovered from the sewage treatment process. There has been a rapid increase in litigation in the United States surrounding these chemicals and ongoing cases appear unlikely to resolve questions of culpability. Increased costs will ultimately be passed on from water and waste systems to customers who will pay higher rates for services than they otherwise would for the same improvements.

As the [threat of PFAS litigation coming to Canada](#) grows, we strongly recommend public works facilities that abided by best practices for treatment and disposal should not be held liable for something they did not create, and the proposed standards not inadvertently place an unjust legal burden on water systems and the communities which they serve.

It is important to highlight that our members deliver essential public services that do not involve the manufacture or use of PFAS. We are passive receivers of media containing PFAS that are ubiquitous in the water supply, wastewater treatment process, stormwater, biosolids management, and solid waste streams. Each of our sectors is interdependent: landfills rely on wastewater treatment facilities for their leachate discharge while water and wastewater treatment facilities depend on landfills and compost facilities for biosolids management and disposal of spent water filtration systems. Although our members carry-out the delivery of public health services consistent with the government requirements, disruption to the interdependence of passive receivers by driving each sector to revisit the acceptance of influent streams that might contain PFAS concentrations would impact our ability to recover resources that can contribute to significant reductions in greenhouse gas emissions.

Thank you for considering our submission. Please do not hesitate to contact us for any further discussions.

Sincerely,

A handwritten signature in black ink, appearing to be 'SL', written over a horizontal line.

Scott Lamont
CPWA President

A handwritten signature in black ink, appearing to be 'Scott Grayson', written in a cursive style.

Scott Grayson
CPWA CEO

About the CPWA

The Canadian Public Works Association (CPWA) was founded in 1986 to enhance the services of the American Public Works Association (APWA) to the Canadian public works community. Since that time, CPWA has become the voice of public works in Canada, with a board of directors filled by public works professionals from municipalities across Canada. Collectively, APWA and CPWA represent over 30,000 public works professionals in North America who work on both sides of the border to innovate and assure excellence in the public works profession.