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Date: May 8, 2025

To: Chairman Brooks Landgraf and the Members of the House Committee on Environmental Regulation

CC: Vice-Chair Claudia Ordaz, Rep. Rafael Anchía, Rep. Keith Bell, Rep. Ben Bumgarner, Rep. Penny Morales Shaw, Rep. Tom Oliverson, Rep. Ron Reynolds, Rep. Steve Toth
Via hand delivery and by email.

From: Adrian Shelley (ashelley@citizen.org), Public Citizen, 512-477-1155

Re: **HB 1674, PFAS controls – Public Citizen testimony in support**

Dear Chairman Landgraf and Members of the Committee:

On behalf of 30,000 members and supporters in Texas, Public Citizen appreciates the opportunity to testify in support of HB 1674, relating to the production, sale, and use of certain agricultural products containing perfluoroalkyl and polyfluoroalkyl substances (PFAS); creating a criminal offense.

Summary of our support for HB 1674:

- PFAS chemicals cause cancer and persist in the environment.
- PFAS chemicals in fertilizers have seriously contaminated land and harmed ranchers.
- HB 1674 ensures that fertilizers will not be produced with too much PFAS contamination.

PFAS in drinking water was recently linked to cancer in the United States

Per- and polyfluoroalkyl substances (PFAS) are very toxic chemicals with multiple negative health effects, including cancer and thyroid problems as well as hormonal imbalances.¹ From the report, “Among males, PFAS was associated with cancers in the urinary, brain, leukemia, and soft tissues. Among females, PFAS was associated with cancers in the thyroid, oral cavity/pharynx, and soft tissue.” The report concluded that PFAS contamination of drinking water may contribute to 4,626 cases of cancer per year in the United States.

PFAS “forever chemicals” persist in the environment.

¹ Li S, Oliva P, Zhang L, Goodrich JA, McConnell R, Conti DV, Chatzi L, Aung M. Associations between per-and polyfluoroalkyl substances (PFAS) and county-level cancer incidence between 2016 and 2021 and incident cancer burden attributable to PFAS in drinking water in the United States. *J Expo Sci Environ Epidemiol.* 2025 Jan 9. doi: 10.1038/s41370-024-00742-2. Epub ahead of print. PMID: 39789195. Available at <https://pubmed.ncbi.nlm.nih.gov/39789195/>.

PFAS chemicals are sometimes referred to as “forever chemicals” because they do not break down in the environment. They have a unique chemical structure that makes them resistant to the natural degradation processes, so they accumulate in the environment. Evidence is shown through the usage of PFAS chemicals to fight chemical fires. PFAS chemicals were used in the March 2019 fire at the ITC facility in Deer Park; the chemicals were found in Galveston Bay months later and many miles downstream.²

PFAS has seriously contaminated the water in Johnson County

In Johnson County, fertilizers made from sewage contaminated with PFAS chemicals have caused serious problems for ranchers.³ Animals have died, and affected landowners have sued both the manufacturer and distributor of contaminated fertilizers.

Texas Attorney General Ken Paxton is also suing.⁴ His lawsuit against 3M and DuPont alleges that these companies knew and did nothing about the health effects of PFAS chemicals. As Paxton put it in a press release: “These companies knew for decades that PFAS chemicals could cause serious harm to human health yet continued to advertise them as safe for household use around families and children.”⁵

HB 1674 would limit the amount of PFAS chemicals in fertilizers made from sewage sludge.

HB 1674 directly addresses the situation in Johnson County—in Representative Kerwin’s district—by limiting the amount of PFAS chemicals that can be present in fertilizers made from sewage sludge. The bill sets concentration limits for seventeen different PFAS chemicals.

The bill ensures that fertilizers will not contain too much PFAS through the following mechanisms:

- Monthly independent testing of products for PFAS levels.
- Stop-sale orders for any company that fails twice in a calendar year.
- Self-testing of every batch of fertilizer manufactured.
- Criminalizing the sale of fertilizers with too much PFAS chemicals.

In conclusion, we ask you to support HB 1674 because it addresses the serious problem of fertilizers made from sewage sludge containing unsafe levels of PFAS chemicals.

² See <https://www.houstonpublicmedia.org/articles/news/energy-environment/2019/11/05/350842/report-harmful-chemicals-lingered-in-houston-ship-channel-for-months-after-itc-fire/>.

³ See <https://www.texastribune.org/2024/12/02/texas-farmers-pfas-forever-chemicals-biosolids-fertilizer/>.

⁴ See <https://www.texastribune.org/2024/12/11/texas-ken-paxton-lawsuit-3M-DuPont-forever-chemicals-pfas/>.

⁵ <https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-sues-manufacturers-toxic-pfas-forever-chemicals-falsely-advertising>