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July 15, 2022

Jaina Nian  
Agricultural Marketing Service  
United States Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250-0201  
Submitted via [www.regulations.gov](http://www.regulations.gov)

**Re: Access to Fertilizer: Competition and Supply Chain Concerns (Docket No. AMS-AMS-22-0027)**

Dear Jaina Nian:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to provide written comments on the U.S. Department of Agriculture (USDA) Agricultural Marketing Service request for public comment on Docket No. AMS-AMS-22-0027, Access to Fertilizer: Competition and Supply Chain Concerns. This information request seeks input on difficulties facing, and potential policy solutions for, the fertilizer market.

NACWA represents over 350 public wastewater and stormwater utilities nationwide. Our members are municipal agencies and special districts, from across our country's largest cities to small towns. Our members collectively provide essential clean water services to more than 150 million Americans daily to protect public health, water quality, and support economic growth.

A core component of operating a municipal wastewater treatment system is the safe management of the thousands of tons of biosolids generated every day across the United States, a commitment our members take very seriously. Biosolids are generated 24 hours a day, 7 days a week as residuals of municipal wastewater treatment and are tightly regulated by U.S. EPA.

Municipal biosolids – which are distinct from other types of sludges, with which in common parlance they are sometimes grouped – are highly regulated under the federal Clean Water Act. NACWA and its members support a robust regulatory framework for biosolids management.

Used in accordance with U.S. EPA's regulations, biosolids have become widely accepted by soil scientists and agronomists as a tool in the soil

amendment and fertilizer marketplace. U.S. EPA reporting from 2019 shows that of 4.75 million dry metric tons of biosolids generated, 1.4 million (29 percent) was applied to agricultural land. Approximately 21 percent was applied to non-agricultural land, another 21 percent was landfilled, and 16 percent was incinerated. In other words, beneficial reuse is currently the largest biosolids management choice by weight—and there is also opportunity to increase biosolids land application to the benefit of farmers, communities, and the environment alike.

For farmers, biosolids offer a nutrient rich alternative to manufactured fertilizers. They are also a reliable alternative, being generated 24/7/365 as a product of the water reclamation process. From an environmental standpoint, biosolids offer a way to sustainably reuse byproducts of the treatment process that contain valuable nutrients—nutrients which would otherwise be diverted to a landfill or incinerated. And land application can also be a win for local communities, reducing the environmental and cost impacts of biosolids management and ultimately keeping clean water utility rates lower for the community.

As USDA considers opportunities to expand fertilizer capacity, including whether there are existing processes that might be leveraged and expanded to better meet our nation's fertilizer needs, we urge continued support for and access to biosolids by the nation's farmers to meet the demand. We also urge close engagement between USDA and U.S. EPA to address farmer questions regarding the safe land application of biosolids, to ensure clarity and confidence in the marketplace.

Thank you for your consideration of our comments. The clean water community stands ready to help advance beneficial reuse of this domestically produced, nutrient-rich resource. Please contact me at 202-833-4655 or [ksurfus@nacwa.org](mailto:ksurfus@nacwa.org) if you have any questions.

Sincerely,

*Kristina Surfus*

Kristina Surfus  
Managing Director, Government Affairs