

Reducing Risk from PFOA and PFOS in Biosolids: US Environmental Protection Agency Issues Draft Guidance



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The US Environmental Protection Agency ("EPA") on June 29th issued a document titled:

Draft Guidance for Reducing Risk from Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) in Biosolids ("Draft Guidance")

The Draft Guidance was transmitted from Jessica L. Kramer who serves as EPA's Assistant Administrator for the Office of Water.

The Draft Guidance states that if finalized, it will provide:

- Recommendations that may be helpful to operators of wastewater treatment plants and related facilities, landowners and farmers, state and Tribal water agencies, and the public.
- Voluntary recommendations for potential ways to mitigate risks from perfluorooctanoic acid and perfluorooctane sulfonic acid involving land application of biosolids.

EPA is taking comments on the Draft Guidance for sixty days following its publication in the Federal Register which took place on July 6th. See 91 Fed. Reg. 41020.

The Draft Guidance addresses the Draft Risk Assessment ("Draft Risk Assessment") that was issued by EPA on January 14th, 2025, by the Biden Administration. The Biden EPA document is described by the Draft Guidance as being aimed at understanding potential risk (i.e., the chance of harmful effects to humans) by PFOA and PFOS and sewage sludge.

The July 6th Draft Guidance states in regard to the Biden era Draft Risk Assessment that:

... After careful review of the comments provided by stakeholders, the EPA has determined that the Draft Risk Assessment exhibited a number of serious flaws that have caused confusion among the public and the regulated community. This confusion has resulted in a lack of clarity in how the public should consider and potentially apply the preliminary findings of the Draft Risk Assessment in their daily lives, or put another way, in how to determine what the findings of the Draft Risk Assessment might mean for them.

By way of summary, the flaws as described by the July 6th Draft Guidance include:

- Departing from typical agency practice by failing to conduct a national survey to document occurrence of PFOA and PFOS in sewage sludge (stating that national sewage sludge surveys are helpful to determine the range of chemicals that are actually in biosolids and therefore the range of potential risks they pose).

- Only evaluated sewage sludge management practices with higher potential for human health risk in hypothetical scenarios that do not reflect the majority of land application in the U.S. (stating that the EPA did not estimate how often these higher-risk scenarios occur in the U.S.).
- Preliminary findings of the Draft Risk Assessment suggested that sometimes risks of adverse health effects were possible when using or disposing of sewage sludge containing 1 part per billion (ppb) of PFOA or PFOS (stating that this concentration was only used as a starting concentration to determine if use or disposal would result in any unacceptable risk for the hypothetical circumstances presented/use of 1 ppb was not intended to be interpreted as a “safe level” in sewage sludge in all circumstances).

Topics addressed in the Draft Guidance include:

- What are Sewage Sludge and Biosolids
- What are PFOA and PFOS
- EPA’s 2025 Draft Risk Assessment
- Current Management Practices and Examples
- Existing Practices for Managing PFAS in Biosolids
- Reducing PFAS loading from industrial dischargers
- Monitoring requirements in permits
- Prohibitions on land application
- Recommendations For Bulk Land Appliers of Biosolids
- Recommendations for the General Public
- Recommendations for Wastewater Treatment Plants and Other Sewage Sludge Generators

A copy the Draft Guidance can be found [here](#).