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Reducing Risk from PFOA AND PFOS in Biosolids: Public Employees for Environmental Responsibility Comments on U.S. EPA Draft Guidance

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Public Employees for Environmental Responsibility ("PEER") submitted August 26th comments on a document the United States Environmental Protection Agency ("EPA") published on June 29th titled:

Draft Guidance for Reducing Risk from Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) in Biosolids ("Draft Guidance").

EPA stated in issuing the Draft Guidance that if finalized, it would provide: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 reduce potential risks posed by perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonic acid ("PFOS") involving land application of biosolids.

The Draft Guidance addressed the Draft Risk Assessment that had been issued by EPA on January 14, 2025, by the Biden Administration. The Draft Guidance argues that EPA has since determined that the Draft Risk Assessment exhibited a number of flaws that caused confusion among the public and the regulated community.

EPA sought comments on the Draft Guidance for 60 days following its publication in the July 6th Federal Register. See 91 Fed. Reg. 41020.

The August 26th PEER comments request that EPA withdraw its proposed voluntary guidance for the referenced substances in biosolid fertilizers made from sewage sludge and instead issue regulations which would include:

- Mandatory numerical limits.
- Management practices.

The organization argues that the Clean Water Act requires that EPA do so.

PEER further argues that the Draft Guidance:

- Defies the law.
- Endangers public health.
- Is based upon non-factual information.
- Ignores both common sense and EPA's own January 2025 Draft Risk Assessment.

In the PEER comments summary, the organization states that the Draft Guidance:

- Tells the public and farmers to try to safeguard themselves.
- Constitutes an abandonment of EPA's responsibilities.
- Allows limitless concentrations of PFOS and PFOA in biosolids.
- Enables sewage sludge providers to continue marketing sludge as fertilizer without telling farmers how much PFOS and PFOA are in it.

The specific arguments made by PEER include:

- The Clean Water Act requires EPA to regulate –not simply issue voluntary guidance about – PFOS and PFOA.
- EPA's Guidance Abandons Farmers.
- EPA's Guidance is Based on Numerous Misstatements of Fact.
- PFOA Production Has Not Halted.
- EPA Mischaracterizes the Extent and Impact of Biosolids Spreading.
- Sewage Sludge Typically Contains PFAS.
- The U.S. Food Supply Is Affected by PFAS from Biosolids.
- EPA's Recommendations Defy Common Sense.
- EPA Does Not Address Alleged Flaws in 2025 Risk Assessment.

A copy of the PEER comments can be found [here](#).