

PEER's Comments on EPA's Draft PFAS Biosolids Guidance

Q&A

[PEER comments](#)

[Federal Register notice calling for comments](#)

1. What are PFAS?

PFAS (per- and polyfluoroalkyl substances) are a large group of human-made chemicals that contain at least one fully fluorinated carbon. They are used in things like nonstick cookware, waterproof fabrics, firefighting foam, plastics, pesticides, electronics, and refrigerants.

They're called "forever chemicals" because carbon-fluorine bonds are extremely strong and resist breaking down in the environment or the human body.

They've been linked to health concerns like certain cancers, liver damage, and immune effects, and are now found in water, soil, and blood samples worldwide.

2. What problem is PEER trying to solve by commenting on this Draft Guidance?

PEER is commenting to note for the public record that this guidance will do nothing to solve the crisis of PFAS in biosolids.

Before the current administration took office, EPA evaluated two types of "forever chemicals" called PFOS and PFOA and found that they may present human health risks exceeding EPA's acceptable thresholds when present in biosolids (sewage sludge spread on land as fertilizer) in *exceedingly* small concentrations – one part per billion.

For reference, one part per billion equals about one single M&M out of well over 22 million checkout-sized bags of M&Ms, three seconds out of a century, or half a teaspoon in an Olympic sized swimming pool.

Almost every biosolids sample PEER has seen tested contains one or both substances in concentrations far greater than 1ppb. Indeed, EPA itself says that this is on the "low end of measured U.S. sewage sludge concentrations." Had EPA finalized its assessment in a scientifically sound manner, it would have led to regulations that protected farming families and the public against PFOS and PFOA in biosolids.

Instead, EPA is now planning to issue completely voluntary guidance that does not limit forever chemical amounts in biosolids in any way. Thus, PEER and other groups urge EPA to throw out this useless “guidance” and instead issue actual regulations, which is the only way to adequately protect farming families, our environment, and our food and water supply.

3. Is PEER suing EPA over this issue?

PEER represents several plaintiffs in a lawsuit against EPA for failing to regulate certain forever chemicals in sewage sludge. These plaintiffs are ranchers in Texas who have been severely harmed by PFAS in biosolids, the county in which they live (Johnson County, TX), and two nonprofits who work hard to help their members recover from and fight against PFAS in sludge: the Maine Organic Farmers and Gardeners Association and the Potomac Riverkeeper Network.

The Clean Water Act requires EPA to regulate substances in biosolids when they may be present in sewage sludge in concentrations that may pose a risk to human health and the environment, and that is undeniably true with respect to certain forever chemicals. The case is currently at the DC Circuit Court of Appeals.

4. What does the Draft PFAS Biosolids Guidance purport to do?

EPA's draft guidance purports to reduce risk from PFOA and PFOS in biosolids as part of its “comprehensive, lifecycle-based strategy” to address PFAS. In its press release, EPA says its guidance is part of the administration’s effort to Make America Healthy Again.

5. What does it actually do?

EPA’s proposed voluntary guidance ensures that industry can continue marketing sludge to the public using the deceptive term “biosolids,” while not providing any information or warnings, and biosolids can contain **limitless concentrations of PFAS**.

The guidance also ensures that farmers and consumers are kept in the dark about the risks to their own health and to the health of their land. The guidance shifts the burden to keep us safe from the dangers of toxic pollutants from EPA to the public itself.

In short, the guidance abandons the public, especially those living in rural areas and farming families. EPA is enabling the wastewater industry to continue permanently poisoning American land, water, and food with biosolids, with no regard for the consequences to present and future generations.

6. What do we know about the dangers of PFOA and PFOS specifically?

EPA's own draft risk assessment found that sludge containing as little as 1 part per billion of PFOA and PFOS may pose health risks. EPA concluded in 2024 that there is no safe level of either chemical in drinking water, setting a Maximum Contaminant Level Goal of zero for both. We know that spreading sludge contaminates private drinking water wells with PFOS and PFOA.

7. Why is PEER asking EPA to withdraw the Guidance instead of just improving it?

Voluntary guidance can never satisfy the law or protect the American public. The federal Clean Water Act requires EPA to regulate toxic pollutants in sewage sludge that may harm public health – not merely issue non-binding suggestions.

8. EPA says PFOA has been “phased out.” Isn’t that reassuring?

No. Only eight companies joined the voluntary 2010/2015 stewardship program EPA cites in the draft guidance; many others still produce, import, or use PFOA. For example, it continues to be generated in the fluorination of an estimated 200 million plastic containers a year, which leach PFOA into their contents.

9. Should PFAS be treated differently than other chemicals?

PFAS are a class of thousands of synthetic chemicals that do not readily break down in the environment, so we must take particular precautions to protect the public from them. PEER's comments note that even EPA's own risk assessment failed to account for exposure to the thousands of other PFAS beyond just PFOA and PFOS. Ultimately, EPA must regulate PFAS as a class and ban all non-essential uses. PFAS will continue getting into our wastewater streams (and thus into sewage sludge) until we turn off the PFAS tap.

10. Does sewage sludge fertilizer really contaminate the food supply?

PEER's comments say EPA has no basis for its claim that our food supply is safe. For example, independent testing has found PFAS in nearly 40 percent of non-organic fruit and vegetables sold in California, and EPA's own guidance admits that biosolids should not be used for growing vegetables and should not be used around young children. Despite this, roughly 20 percent of sludge is sold directly to the public for use in home gardens.

11. How widespread is the problem?

No one, including EPA, actually knows. PEER comments note EPA has no data on how much PFAS-laden sludge has been applied since these chemicals entered the wastewater streams decades ago, or where; because PFAS persist for decades and accumulate with each application. The true scope of the damage is likely far greater than any single year's spreading figures might suggest.

12. What is PEER's long-term solution?

PEER's comments call for EPA to regulate PFAS in biosolids under the Clean Water Act, including mandatory numerical limits and management practices rather than voluntary guidance.

On the broader issue of addressing PFAS, PEER supports efforts to regulate PFAS as a class, restrict uses to essential purposes, regulate discharges and emissions of PFAS into the environment, and require the cradle to grave management of PFAS waste.

This approach is similar to the approach being developed in Europe.