



Virtual Testimony on Draft Guidance for Reducing Risk from PFOA and PFOS in Biosolids

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My name is Larry Zaragoza. I am a volunteer with the Environmental Protection Network, a nonpartisan network of more than 800 former EPA staff. I worked for EPA for over 40 years in support of risk assessment, policy development, and regional coordination.

Clean Water Act Section 405(d) requires EPA to “establish numerical limits and management practices that protect public health and the environment from the reasonably anticipated adverse effects of toxic pollutants in sewage sludge.” In 2008 EPA discovered that biosolids applied to farm fields in Decatur, Alabama contaminated drinking water with PFAS. That case put EPA on notice that land applications can spread PFAS contamination. Evidence of the risks has only grown since then. PFAS can contaminate milk, beef, and eggs, leaving farmers and consumers who did not create the pollution to bear the consequences. Rather than follow the requirements in the Clean Water Act, the draft guidance lists a few well-known actions that farmers and the public can take to minimize exposure to PFAS in biosolids. It acknowledges that biosolids can contaminate leafy green and root vegetables, eggs from foraging hens, and children’s play areas. Rather than use rigorously reviewed scientific information to fulfill the requirements of the Clean Water Act, this guidance shifts responsibility to farmers and consumers who may not understand the risks that PFAS pose to the consumers of their products. Contamination can also leave farmers facing substantial economic losses and potential liability.

In 2022 EPA began a major effort to get sewage treatment plants to monitor PFAS in their influent, effluent, and biosolids, which would, when complete, require PFAS contributors to reduce or remove those chemicals before discharging to the sewer system. This draft guidance reports that seven Michigan treatment plants reduced PFOS in biosolids by as much as 99 percent through industrial pretreatment. Yet it declines to recommend such measures nationally. The guidance also omits unfinished federal protections. EPA still has not proposed its long-planned effluent limits and pretreatment standards for PFAS discharges from chemical manufacturers and metal finishers or finalized the proposed water-quality criteria that states and Tribes could use in setting standards and permit limits. These controls are essential to keeping PFAS out of sewage sludge.

EPA was ready to begin a study of PFAS in the influent, effluent, and biosolids of sewage treatment plants in 2025. EPA has not yet started the study, but the draft guidance now maintains that the lack of such a study prevents regulation of biosolids. In 2025, EPA was ready to finalize an assessment of the risks posed by land-application of PFAS-contaminated biosolids. Instead of completing that work, the draft guidance makes unsupported claims that the assessment is so flawed it cannot be

finalized or used to regulate PFAS in biosolids. Any remaining limitations should be addressed through the normal public-comment and scientific-review process, not used to discard years of work and abandon the path toward enforceable protections.

EPN urges EPA to rescind this meaningless guidance document and focus on finalizing all the meaningful actions previously underway, including the adoption of risk-based limits on PFAS in biosolids to prevent PFAS-contamination of lands that threatens crops, livestock, fisheries and other receptors.

Farmers should not have to manage PFAS after it reaches their land, and consumers should not have to become toxic-chemical experts to avoid exposure. They need federal leadership and upstream pollution controls.