

Trump Reverses Biden-Era EPA Sewage Sludge Risk Assessment: What Agricultural Operators & Municipalities Should Know

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On June 29, 2026, the Environmental Protection Agency (EPA) proposed guidance criticizing the Biden EPA Draft Sewage Sludge Risk Assessment (Risk Assessment) ([2026 p. 3](#)), which was released by EPA in January 2025. Some see the move as an indication that the administration does not intend to regulate per- and polyfluoroalkyl substances (PFAS) in sewage sludge ([Trump EPA departs from Biden-era report detailing cancer risk from 'forever chemical' contaminated farms](#)).

The initial Risk Assessment sought to evaluate the potential effects of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS)—the two most studied PFAS and those of highest concern—in sewage sludge (biosolids) when land applied, surface disposed, or incinerated ([2025 p. 1](#)). The Biden EPA relied on human epidemiological studies, animal toxicology studies, monitoring data, biosolid surveys, and plant/animal uptake studies ([2025 pp. 11-39](#)) and concluded that biosolids could potentially cause cancer, immune system suppression, developmental effects, liver toxicity, and cardiovascular effects ([2025 pp. iv-vii](#)). Of particular concern was land application of biosolids on crop and pasture farms ([2025 pp. vi-vii](#)). The Risk Assessment concluded that, assuming 1 part per billion (ppb) of PFOA and PFOS in biosolids ([2025 p. 49](#)), land application could lead to contaminated milk, drinking water, fish, beef, and eggs. ([2025 pp. vi-vii](#)).

In its 2026 guidance, EPA criticizes the Risk Assessment, writing that it “exhibited a number of serious flaws that have caused confusion among the public and the regulated community” ([2026 p. 3](#)). Much of the Risk Assessment focused on risks to those people living on or near land where biosolids were applied. “The agency did not estimate how often these higher-risk scenarios occur in the US, nor did the agency assess risks to the public . . .” ([2026 p.4](#)). In its 2026 draft guidance, the Trump EPA finds three main faults with the 2025 Risk Assessment. First, the assessment failed to conduct a nationwide survey on the occurrence and concentrations of PFOA and PFOS in biosolids to contextualize possible risks. Second, the Risk Assessment’s methodology was based on land application techniques the Trump EPA considers high-risk, hypothetical, and uncommon. Finally, the Risk Assessment’s reliance on a 1 ppb PFOA and PFOS concentration was considered confusing and misleading, as it was not meant to set a regulatory standard or be interpreted as a safe level. The 2026 draft guidance then proposes voluntary recommendations ([2026 pp. 3-4](#)).

For example, it recommends that biosolids not be applied near fishable waters, open sources of drinking water, and areas that have a high risk of groundwater impacts. In addition, biosolids should be kept away from areas accessible by children under five years old. It further recommends land application only for crops with a low risk of human exposure such as grain, fiber, or energy ([2026 p. 7](#)).

Wastewater treatment plants (WWTPs) and their associated municipalities should monitor biosolids for PFOA and PFOS and attempt to determine their possible sources ([2026 p. 8](#)). EPA recommends composite liners for surface disposal units and performance testing of incinerators for those WWTPs that dispose of biosolids to prevent leaching and to ensure complete combustion respectively ([2026 pp. 8-9](#)). WWTPs should also ensure compliance with 40 C.F.R. Part 503’s regulations on contaminant concentrations, monitoring, reporting, and disposal ([2026 pp. 8](#)).

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Given EPA's recent criticism of the Risk Assessment, it appears unlikely that the Trump EPA will regulate PFAS in biosolids. As a result, several states have attempted to fill the void by regulating biosolids. In fact, the Trump EPA cites the Michigan Department of Environment, Great Lakes, and Energy (EGLE) as a model for reduction of PFAS in biosolids (2026 p. 5). EGLE is focused on identifying the upstream sources of PFAS in biosolids rather than looking at health markers and achieved a 99% reduction in PFOS biosolid concentrations (2026 p. 6). Several other states such as Washington, Oregon, and Florida now require monitoring programs for WWTPs while Connecticut and Maine have completely banned the practice of land application (2026 p. 6). Agricultural operators and municipalities should continue to stay updated on their state's requirements and sentiments on biosolids.

MG+M continues to monitor this important regulatory development as it enters its comments phase. Please continue to watch this space for updates on PFAS regulations.

MG+M Law Clerk Abhay Paharia is a contributing author of this article.

Bluebook Citations

- + 2026 EPA Guidance
- + Draft Guidance for Reducing Risk from Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) in Biosolids, 91 Fed. Reg. 41020 (Proposed July 6, 2026)
- + 2025 Risk Assessment
- + Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS), 90 Fed. Reg. 3859 (Proposed Jan. 15, 2025)
- + Trump EPA departs from Biden-era report detailing cancer risk from 'forever chemical' contaminated farms
- + Rachel Frazin, *Trump EPA departs from Biden-era report detailing cancer risk from 'forever chemical' contaminated farms*, The Hill (July 2, 2026 at 6:30 PM ET), <https://thehill.com/policy/energy-environment/5952290-biden-trump-sewage-sludge/>