Biosolids on Trial: The PFAS Lawsuit Against Synagro

By Brian D. Gross | Mikaela Barbour

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A recent lawsuit against Synagro Technologies, Inc. raises important questions about the role of biosolids in PFAS contamination and the legal responsibilities of manufacturers. The case, *Farmer v. Synagro Tech., Inc.*, No. C-03-CV-24-000598 (Baltimore Cty. Cir. Ct. Feb. 27, 2024), was filed in Maryland state court by Texas farmers who claim that Synagro's biosolids-based fertilizer contaminated their land with per- and polyfluoroalkyl substances (PFAS), resulting in financial losses and potential health risks. The lawsuit alleges that Synagro either knew or should have known its product contained PFAS and seeks both monetary damages and an injunction to prevent further harm.

As scrutiny of PFAS grows, the role of biosolids in contamination—and who should be held responsible—remain subjects of debate. While policymakers push for stricter regulations, industry stakeholders warn against disrupting biosolid recycling without clear evidence of harm. Given the widespread presence of PFAS from various sources, establishing a clear causal link between contamination exposure and manufacturers may prove challenging and could influence how courts approach similar evidentiary issues in the future.

Legal Claims and Scientific Debate

The farmers assert three key legal claims against Synagro:

+ Strict liability product defect—The plaintiffs argue that Synagro's biosolids contained PFAS at the time of sale, making them unreasonably dangerous.
+ Negligence—They claim Synagro failed to test for PFAS or warn customers about potential risks, violating its duty of care.
+ Private nuisance—The plaintiffs allege that PFAS contamination has substantially impaired their ability to use their land.

In support of these claims, plaintiffs cite test results from the Texas Commission on Environmental Quality (TCEQ), which reportedly found PFAS concentrations in surface water exceeding 84,700 parts per trillion (ppt)—far above the Environmental Protection Agency's (EPA) health advisory limits. Testing of a newborn calf on one of the farms involved allegedly revealed a PFAS level of 3,200 ppt, raising concerns about agricultural impacts.

Synagro has denied allegations and filed a motion to dismiss the plaintiffs' case, pointing to scientific uncertainty regarding the sources of PFAS in the environment. The company cites research from Purdue University scientist Linda Lee and environmental consulting firm Parsons Corp., which reportedly found no direct link between Synagro's biosolids and the PFAS contamination in Johnson County. The study also suggested that most PFAS detected were at levels consistent with background contamination commonly found in soil nationwide, except for one ultra-short-chain compound (PFPrA), which Synagro argues could not have come from its product.

Additionally, Synagro may rely on Texas' “Right to Farm” law, which protects agricultural operations from legal claims for nuisance and “any other action to restrain an agricultural operation.” if they comply with federal, state, and local law. The Texas Right to Farm Act applies to all “agricultural operations,” which are defined by statute to include cultivating the soil; producing crops or growing vegetation for human food; and raising or keeping livestock or poultry.

Regulatory and Industry Fallout

The lawsuit has already had practical consequences in Texas. For example, in February 2024, Johnson County

declared a state of emergency over PFAS contamination. Shortly thereafter, Fort Worth ended its 10-year contract with Synagro, which managed the city's biosolids program, producing 26,500 tons of fertilizer annually. While the contract termination suggests growing concerns over biosolids use, it also raises questions about whether local governments and biosolids producers have adequate scientific data to guide their decisions.

At the federal level, the Environmental Protection Agency (EPA) recently released a draft risk assessment warning that even low levels of PFAS in biosolids could pose health risks. If finalized, this assessment could lead to strict new limits on PFAS in biosolids, affecting wastewater treatment facilities and farmers who rely on biosolids as an affordable fertilizer. Some industry experts warn against sweeping regulatory changes without further research, citing the economic consequences of restricting biosolids use.

Implications for Future Litigation

Farmer v. Synagro is among the first lawsuits attempting to hold biosolids manufacturers liable for PFAS contamination. If successful, it could prompt more lawsuits and increased scrutiny of biosolids-based fertilizers. Proving causation in PFAS cases remains challenging, however, given the widespread presence of these chemicals in industrial and consumer products.

Maine's 2022 decision to ban the land application of biosolids illustrates the regulatory divide—some see such bans as necessary, while others view them as premature given scientific uncertainties. As courts navigate these issues, they must balance environmental concerns with the economic realities of farming and wastewater management. The outcome of *Farmer v. Synagro* may set an important precedent for future litigation and PFAS regulation.

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