

To: U.S. Environmental Protection Agency

From: Loudoun *Neighbors Against Toxic Sludge* (NATS)
www.LoudounNATS.org
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Subject: EPA Response to NRC Recommendations
Docket ID OW-2003-0006

Date: June 12, 2003

EPA must address the serious health problem that threatens rural populations in my state of Virginia and at least twenty other states: the stockpiling and land application of limed Class B municipal sewage sludge near residential areas. This problem has also spread to suburban and urban areas, which apply EQ sludges to parks, school fields, recreational areas, and public gardens.

Overwhelming anecdotal evidence¹ as well as documented evidence in peer reviewed technical and medical journals² indicate that people exposed to land applied sludge are getting ill. Even deaths have been linked to this practice.³ The national press has focused on the issue⁴ and victims are finally being heard.⁵

In 1997, the Cornell Waste Management Institute issued a warning that the current rules that govern this practice are not protective of human health, agricultural productivity or the environment.⁶

In December 2001, the nation's largest environmental organization, the Sierra Club, announced its opposition to the land application of sewage sludges because the current policies do not protect human health and the environment.⁷ On May 21, 2003, the Sierra Club condemned EPA's totally inadequate response to the recurring criticism of weak science behind the Sludge Rule. (See Public Comment at www.epa.gov/docket/OW-2003-0006.) The National Farmers Union (with over 300,000 members) declared at its March 3, 2003, Convention its opposition to land application of sewage sludge for similar reasons.

¹ Sludge Victims Report by Helene Shields, Cornell Waste Management Institute tracks 350 sludge linked illnesses.

² "*Interactions of pathogens and irritant chemicals in land-applied sewage sludges (biosolids)*" David L. Lewis, David K. Gattie, Marc E. Novak, Susan Sanchez and Charles Pumphrey; David L. Lewis, David K. Gattie. 2002. *Pathogen Risks from Applying Sewage Sludge to Land*, Environ. Sci. Tech. 2002 36(13): 286A-293A

³ Second wrongful death lawsuit article.

⁴ Making a Stink, US News and World Reports by Megan Barnett

⁵ Whistleblowers article by Scott Carroll

⁶ Cornell Waste Management Institute, Director Ellen Harrison, Murray B. McBride and David R. Bouldin *Land application of sewage sludges: an appraisal of the US regulations*

⁷ Sierra Club web page.

Last year, both the National Research Council and the EPA Office of Inspector General⁸ released studies that warned that the current land application rules are not based on recent and sound science and that there is an “urgent need for health studies among rural populations exposed to sludge.”⁹ EPA’s own Inspector General said in a Memorandum dated September 6, 2002, to Christine Todd Whitman: “EPA does not know whether current regulations, when adhered to, are protective of public health...” Because of this lack of credible science, EPA is using unsuspecting and unwilling populations as human experiments, exposing them to interactions of pathogens and toxins that have never been previously considered much less studied.

Yet EPA’s Office of Water has consistently collaborated with the sludge industry to debunk any criticism of its sludge rule. It routinely gives grants to sludge trade groups in order to “break down public resistance to sludge spreading.” Most disturbing, it has harassed and tried to silence any critics, including one of its own scientists, Dr. David L. Lewis, who have raised legitimate questions about the safety of current EPA sludge policies.¹⁰ EPA just recently forced Dr. Lewis out of his job because he published concerns about the current EPA sludge rule and the quality of science at EPA. His termination threatens the foundations of freedom of speech and will discourage other EPA scientists from voicing their concerns about other EPA policies that are not based on sound science. Even now the EPA’s response to the withering criticism of its Sludge Rule is to defend the Rule and propose cosmetic and contrived studies to vindicate its position.

Severe health consequences alleged from exposure to sludge have resulted in lawsuits. One wrongful death case was settled in 2002 with the defendants insisting on sealing the settlement amount. A second wrongful death case was filed a few months ago. There are two other major health-related sludge lawsuits filed recently. One is filed in Tennessee by Danny Jones against Erwin Utilities. The conservator for Michael Seth Jones, an extremely sick young man, is suing farmers, a municipal utility, and the manager of the Water and Wastewater Treatment Plant. Plaintiff alleges wrongful acts, conduct, and breaches of common law and statutory duties amounting to negligence, public nuisance and product liability.¹¹ The second health-related suit was filed in Florida by Earth Justice on behalf of 17 Desoto County Florida residents who allege health problems from exposure to sludge. Plaintiffs are suing two sludge companies and five ranchers. Plaintiffs also allege trespassing because sludge fowls the air, water, reduces property values, and is a public nuisance.¹²

⁸ Web site EPA OIG March 28, 2002 Report, http://www.epa.gov/oigearth/ereading_room/BIOSOLIDS_FINAL_REPORT.pdf

⁹ National Academy of Science July 2002 Report: <http://www4.nas.edu/news.nsf/isbn/0309084865?OpenDocument>

¹⁰ Lycos report on House of Representatives Science Committee hearings March 2000

¹¹ Tennessee lawsuit complaint

¹² Florida lawsuit complaint

While it is a challenge for ordinary citizens to take on the EPA, State and local governments, plus a multi-billion dollar aggressive industry, make no mistake about our resolve. We believe the United States should follow the lead of the European Union, three of whose countries (a fourth in the process) have already banned sludge because of health concerns with the other countries following far stricter regulations than the US. We ask EPA to stop this experiment on the American public while the health problems linked to sludge are thoroughly and honestly researched **by independent and qualified scientists who have no ties to the waste industry**. To that end we have already collected 1,700 signatures from 17 states to the following on-going petition:

WE, THE UNDERSIGNED, OPPOSE THAT LAND APPLICATION OF MUNICIPAL SEWAGE SLUDGES (BIOSOLIDS) UNTIL SCIENTIFIC STUDIES BY INDEPENDENT RESEARCHERS WITH NO FINANCIAL/PROFESSIONAL TIES TO SLUDGE PROMOTION ARE COMPLETED TO PROVE SLUDGE IS SAFE FOR THE PUBLIC HEALTH AND THE ENVIRONMENT. THERE SHOULD ALSO BE ADEQUATE FUNDING TO CARRY OUT AND ENFORCE REGULATIONS.

Loudoun NATS, a civic group, requests that EPA reinstate Dr. David Lewis, who is the kind of scientist EPA needs to have any credibility with the public, so he can continue his valuable service to the citizens of the United States. Unless sludge research is based on sound science and it can clearly be demonstrated that this contaminated and often hazardous material will be disposed of in such a way that it does not pose a threat to public health, there will continue to be more sludge victims, like Daniel Pennock, Michael Seth Jones, and the 17 Florida plaintiffs.

Sincerely,
Barbara L. Rubin

Loudoun NATS (Neighbors Against Toxic Sludge)

Footnote Document Location

1) <http://www.sludgevictims.net> and <http://cwmi.css.cornell.edu/Sludge/INCIDENTS.htm>

2) <http://www.biomedcentral.com/1471-2458/2/11/qc> and
http://pubs.acs.org/journals/esthag/index_magazine.html

3) <http://www.insightmag.com/news/377682.html>

4) <http://www.usnews.com/usnews/issue/archive/020805/5sludge.php>

5) <http://www.whistleblowers.org/sludgepage.htm>

6) <http://cwmi.css.cornell.edu/PDFS/LandApp.pdf>

7) <http://www.sierraclub.org/policy/conservation/solidwaste.asp>

8) http://www.epa.gov/oigearth/ereading_room/BIOSOLIDS_FINAL_REPORT.pdf

9) <http://www4.nas.edu/news.nsf/isbn/0309084865?OpenDocument>

10) <http://ens-news.com/ens/mar2000/2000-03-22-03.asp>

11) <http://www.loudounnats.org/pdf/TN%20Complaint.pdf>

12) <http://www.loudounnats.org/pdf/SludgeComplaint.pdf>

