

Barbara L. Rubin  
P.O. Box 381  
Waterford, VA 20197

June 7, 2004

Hon. Robert B. Stroube, M.D.,M.P.H.  
Health Commissioner  
Department of Health  
1500 East Main Street  
Richmond, VA 23219

Via Email

I am in receipt of your May 11, 2004 letter which Senator Allen asked you to send to me in response to my two complaint letters dated April 5, 2004. ([http://www.loudounnats.org/pdf/Letter\\_Wolf\\_Apr\\_4\\_2004.pdf](http://www.loudounnats.org/pdf/Letter_Wolf_Apr_4_2004.pdf) and [http://www.loudounnats.org/pdf/Letter\\_Allen\\_Apr\\_4\\_2004.pdf](http://www.loudounnats.org/pdf/Letter_Allen_Apr_4_2004.pdf)) I read your response with great interest and note that you refute that you or any VDH staff have denied "the existence of complaints alleging illness caused by land applied biosolids or refused to view the video tape that you prepared." Both of these denials are contradicted by documentation. It should be noted that I am not limiting my definition of "denial" to the semantic literal interpretation by which you attempt to excuse VDH's actions of denying, dismissing and/or ignoring health complaints. Instead I am using the broader interpretation which was intended by my complaint letters to the Senators and Representative. The broader interpretation includes VDH's dismissal of complaints as invalid. This universal denial/dismissal/ignoring of complaints is confirmed by the lack of any procedures or mechanism to track or investigate these complaints by VDH.

The latter assertion that you never refused to view the video tape that we prepared is definitively disputed by CW Williams who has documentation that he extended an open invitation to you to view the video. In fact he has written to you and the BOH requesting information so that he can forward the video. To date, five weeks after his written invitation he has **not received any response**. No one in VDH or BOH has seen the video in spite of knowing about its existence for months. The former assertion that you or your staff "have never denied the existence of complaints alleging illness caused by applied biosolids" is equally untrue demonstrated by the documentation below enumerating some of the many venues in which these denials or casting of dispersion on valid complaints took place. They include news article, letters, Loudoun County sludge committee meetings and the Loudoun County Health "Evaluation."

A) In a [Richmond Times-Dispatch](#) 10/18/01 article, Cal Sawyer contradicted a citizen who believed neighbors were sickened by sludge exposure: "**Not true**, said Cal Sawyer, Director of wastewater engineering for the Virginia Department of Health. "**Sludge has been spread on Virginia farms for fields as free-fertilizer for more than 20 years, and there is no evidence that even one person has been harmed, Sawyer said.**"

B) Cal Sawyer's 11/25/02 letter to Barbara L. Rubin says: "**VDH cannot deny permits based on unsubstantiated claims of health problems.**" (Yet VDH has no problem giving permits based on the EPA and sludge industry's unsubstantiated claims sludge is safe.) He goes on to further proclaim: "The policy of VDH is and has been that land application of biosolids practiced in compliance with issued permits and the regulations **will not endanger public health nor pollute state waters.**" (Of course, there is no scientific proof at all to support this statement.)

C) The May 30, 2002 "*Evaluation of Health Concerns in Waterford Virginia and their Possible Association with Biosolid Applications*" was written by a member of your extended staff, Loudoun County Health Director Dr. David Goodfriend. Some of the more egregious problems with the "Evaluation" are as follows: 1) The two main assumptions are not scientifically valid; 2) It cites **non-existent studies**; 3) It includes made up sludge spread dates (in an effort to claim sludge was spread a year before illnesses); 4) It only reported on 3 fields although at least 14 were spread in and around Waterford, concomitant with reported illnesses; 5) It only reported on a selected 33 out of 44 families who participated; 6) It did not include 2 signature sludge exposure illnesses that were reported by at least 2 people each; 7) It relied on only one source, attached to the evaluation, which in fact **contradicted** the "Evaluation's" conclusions and assumptions; 8) It does not report the **unusual** nature of all reported illnesses, falsely claiming the illnesses were routine; 9) **None** of

the survey participants nor their medical consultants were ever interviewed by Dr. David Goodfriend. I believe that the intended purpose of these misstatements was to conclude sludge did not cause these illnesses. (Again denying existence of valid complaints)

[http://www.loudounnats.org/pdf/Waterford\\_Health\\_Evaluation.pdf](http://www.loudounnats.org/pdf/Waterford_Health_Evaluation.pdf) Report

[http://www.loudounnats.org/pdf/Health\\_Evaluation.pdf](http://www.loudounnats.org/pdf/Health_Evaluation.pdf) NATS Response to report

D) Throughout 2002 and 2003 Larry Yates of the Loudoun County Health Department consistently denied the existence of health complaints about sludge in spite of scores of complaint letters, phone calls, emails, personal appearances, and protests at public meetings.

E) Lynchburg News and Advance a 5/9/04 article by Jennifer L. Berghom titled *Campbell Co. Residents concerned about safety*:

VDH officials deny complaints have validity "**officials with the Virginia Department of Health maintain that the treated sludge is safe and meets stringent requirements.**" (Emphasis added) (Safe for what? Where is the proof?)

VDH maintains this indefensible position in spite of a variety of peer-reviewed studies linking sludge exposure to illness (including a Center for Disease Control, National Institute of Occupational Safety and Health Guidance titled **Guidance for Controlling Potential Risks to Workers Exposed to Class B Biosolids**) and a growing number of Virginia doctors linking sludge exposure to illness like Dr. Gordon quoted in the same article: "**Dr. Edward I. Gordon has treated several people who claim biosolids aggravated their illnesses or caused their sickness, said he has seen a correlation between the spread of treated sludge in a neighborhood and health complaints.**" Dr. Gordon goes on to say "...they haven't proven they're not a problem."

F) The Lynchburg News Advance, *Lexington, VA., Conference Addresses Issue of Biosolids Disposal* by Shannon Brennan 4/1/04:

At an annual environmental conference at Virginia Military Institute, Cal Sawyer of VDH responds to a Prince Edward County Board of Commissioner's question about the state's need to monitor ground water to be sure wells are safe, by defending Virginia's heavy usage of sludge: "Only 20 or 30 wet tons are spread per acre, **not enough to create a concern about ground water.**" (How could Cal Sawyer know whether well water was making people sick if VDH has **consistently refused** to test wells near sludged fields. Is this not denying complaints?)

G) Dr. Stroube letter to Barbara L. Rubin 5/11/04 included another group of denials of valid complaints by the following claims:

1) Sent C. Swanson to Loudoun County to "investigate" Loudoun County Health Department complaints of violations and Swanson "did not observe potential damage to groundwater quality at the site in question." (Without water tests how can one "observe" groundwater quality? Again they are denying complaints.)

2) "We believe in order to establish a valid cause and effect association between exposure to biosolids (and any associate aerosols) and disease or death, a number of studies employing different scientific methodologies need to be performed." ( Again denying a link between sludge exposure and illness in spite of **existing peer-reviewed papers** listed below, and a common physicians handbook that all show a link:)

a) "**A High-Level Disinfection Standard for Land Applying Sewage Sludges (Biosolids)**", David K. Gattie and David L. Lewis, *Environ Health Perspect*, February 2004  
<http://ehp.niehs.nih.gov/members/2003/6207/6207.pdf>

b) "**Interactions of pathogens and irritant chemicals in land-applied sewage sludges (biosolids)**" 2002 David L. Lewis, David K. Gattie, Marc E. Novak, Susan Sanchez and Charles Pumphrey  
<http://www.biomedcentral.com/1471-2458/2/11/qc>

c) David L. Lewis, David K. Gattie, 2002

**Pathogen Risks from Applying Sewage Sludge to Land**, Environ. Sci. Tech. 2002 36(13): 286A-293A  
[http://pubs.acs.org/journals/esthag/index\\_magazine.html](http://pubs.acs.org/journals/esthag/index_magazine.html) (Available free through August, 2002)

d) **CDC's NIOSH** (National Institute of Occupational Safety and Health) July 2002 Guidance for Controlling Potential Risks to Workers Exposed to Class B Sludge: <http://www.cdc.gov/niosh/docs/2002-149/2002-149.html>

e) There are also many papers that link sludge and/or sludge odor exposure and illness like:

1. *Potential Health Effects of Odors of CAFOS and Land Spreading of Sewage Sludge* by Dr. Susan Schiffman, Duke U. And Dr. John Walker, USEPA Journal of Agronomedicine, November 2000. Why neighbors of sludge sites (as well as workers) are getting sick.

2) Sam Hadeed-WEF- *ODORS-The Biosolids Odor Albatross-Health Effects*. Low levels of odors from biosolids may be potentially contributing to respiratory health symptoms.

f) The common physicians handbook *The Merck Manual* warns about the serious risks of a combined exposure to some pathogens and irritant chemicals, such as some gases associated with sewage sludge.

g) "However, the fact that EPA identified 15 pollutants does not mean that it has concluded that these pollutants in biosolids adversely affect human health or the environment." (Again blindly defending sludge and happy to assume the pollutants don't affect human health even though **there is no science** to assure the public.)

h) Dr. Stroube's 8/6/03 letter to Barbara L. Rubin where you cited Dr. Varghese, in a presentation to the VBOH parroting the factually incorrect and totally unrepresentative phrase from the 2002 NAS report "**no documented scientific evidence that the Part 503 Rule has failed to protect public health.**" (Virginia's Health Director citing this phrase is particularly difficult to defend and brings VDH's interest in citizen health into question. Why do you insist citizens provide scientific proof of harm in addition to the hundreds of anecdotal cases they report? While at the same time, you blindly accept EPA and industry's unsubstantiated claims sludge is safe! Further, you highlight one phrase out of context, and in total contradiction with the rest of the 266 pages of a report that roundly criticizes the adequacy of the 503 rule, and clam that is your justification for forcing potentially harmful pollutants on unwilling Virginia citizens. Is this not denial?)

Dr. Stroube the bottom line is that VDH has no legitimate scientific grounds to claim sludge is safe for public health, therefore VDH puts every citizen of Virginia in harms way by selectively ignoring all documented evidence that links sludge exposure to illness and death. Below is a list of general methods used by VDH to deny/ignore valid health complaints;

- 1) VDH refuses to acknowledge current peer-reviewed studies linking sludge exposure to illness and death
- 2) VDH refuses to do general health surveys.
- 3) VDH refuses to do air tests.
- 4) VDH refuses to do analysis of sludge content.
- 5) VDH refuses to test wells.
- 6) VDH refuses to acknowledge physicians opinion letters or to investigate illnesses identified.
- 7) VDH refuses to identify a "safe" setback for the public, yet proclaims it safe. Dr. M. Levine, MD MPH, VDH Piedmont District Director of Health reported on 4/11/04: "The local health Department has not, as you have assumed, made a determination about what is a 'safe' distance in the proposed sewage sludge application." He goes on to admit: "We have no sludge content analysis."

8) VDH refuses to establish procedures and mechanisms to track and verify health complaints. They merely dismiss them.

Barbara L. Rubin

Loudoun Neighbors Against Toxic Sludge

cc: Senators Warner and Allen, Representative Wolf, press