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Robert Stroube, M.D., M.P.H.  
State Health Commissioner  
Virginia Department of Health  
109 Governor Street  
Richmond, VA 23218

Dear Dr. Stroube:

Victims of sludge exposure want to complain in the strongest possible terms about the complete disregard for Commonwealth citizen health and welfare. This outrageous neglect has been engaged in by health and environmental regulatory agencies, as well as by local, state and federal politicians. Virginia has relied on EPA's claim that sewage sludge is "safe." Not only is it preposterous to claim a product of "unknown" content is "safe," but most important, EPA no longer makes this scientifically unsupportable assertion. Knowing this, VDH continues to intentionally misrepresent this fact to county after county in their effort to force this harmful product on unwilling citizens. VDH can only function with the assistance of politicians. The politicians also chose to disregard known facts while consistently bowing to the demands of the waste industry, which lobbies for their votes and rewards their loyalty with contributions.

We hold Virginia's Assembly and health agencies responsible for the two extremely ill Commonwealth citizens whose lives have been endangered because of the willful disregard of their pleas by public officials. These two women have stepped forward heroically to expose the harm and injustice being perpetrated on rural citizens.

The stories of the two citizens are telling. It has been determined by at least three different doctors that Janice Buchholz has suffered severe chemical burning and obstructive pathway disease caused by sewage sludge exposure. Physician letters to support these claims have been made public.<sup>1, 2, 3</sup>

After the initial horrific harm done by this unnecessary chemical exposure, Ms. Buchholz and fellow citizens complained forcefully to local, state, and federal authorities. VDH did respond, but in inadequate, inappropriate and misleading ways. VDH's inadequate response of only halting applications "in the immediate vicinity of the individual..." is the cause of Ms. Buchholz's continued adverse health affects. She is not only subject to bioaerisols from other land application sites, but is exposed when she travels down public roads for her daily needs.

Documents show authorities falsely and inappropriately claimed sludge applied to land one mile from neighbors "should not affect your health." This claim has absolutely no scientific or medical support. VDH's own physician, Dr. Mark Levine concedes "I am unable to offer an opinion as to what would constitute a safe buffer distance."

VDH and the sludge hauler, by the most nefarious means possible, eventually acknowledged that sewage sludge land applications could cause the severe health consequences suffered by Ms. Buchholz. Since written documentation from Jane Woods, Dr. Robert Stroube, and Scott Haley show sewage sludge spread near Ms. Buchholz was applied according to the BUR, VDH has also completely discredited their usual misleading insistence that BUR regulations, if followed, protect citizen health.

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<sup>1</sup> [http://www.loudounnats.org/pdf/letter\\_dr\\_corbett\\_jan\\_11\\_2005.pdf](http://www.loudounnats.org/pdf/letter_dr_corbett_jan_11_2005.pdf)

<sup>2</sup> [http://www.loudounnats.org/pdf/letter\\_dr\\_donkor\\_may\\_2\\_2005.pdf](http://www.loudounnats.org/pdf/letter_dr_donkor_may_2_2005.pdf)

<sup>3</sup> [http://www.loudounnats.org/pdf/letter\\_dr\\_goldberger\\_jan\\_7\\_2005.pdf](http://www.loudounnats.org/pdf/letter_dr_goldberger_jan_7_2005.pdf)

It is infuriating, and perhaps illegal, that in spite of the health warnings by Dr. Levine, and clear actions to acknowledge health harm by VDH and the sludge industry, VDH continues to process new permits, willfully disregarding the threat to the lives and health of countless more citizens.

On August 17, 2005, a few weeks after sewage sludge was land applied to neighboring land in Frederick County, Linda Messick experienced her 4<sup>th</sup> near fatal allergic reaction linked to sludge exposure. Each successive attack has been worse than the previous one, and Ms. Messick is warned every time by hospital staff and her doctor that the next one could be fatal. The drugs administered to save her life are unfortunately detrimental to her overall health. Ms. Messick's doctor says in his letter "She has a known sensitivity to mold and I feel the symptoms are made worse by the application of biosolid fertilizers that have been applied to neighboring farms. I feel most likely this is a hazard to her health."

Frederick County citizens also begged officials to halt sewage sludge land applications. Although the requests were accompanied by doctor's letters<sup>4</sup>, detailed descriptions of past sewage sludge linked health injury and, in Ms. Messick's case, notice to farm operators of the grave condition of citizen health, these compelling requests (including avoiding a potential loss of life) were arrogantly and intentionally ignored. Officials passed the buck, or erroneously claimed sludge is safe.

Citizens want action and lawsuits appear their only remaining recourse. Sovereign immunity, so often invoked by government officials, is not ironclad. Officials acting outside their governmental duties, for example, deliberately causing public harm, could be subject to civil liability. Private parties like farmers and industry might be charged with nuisance, negligence and intentional cause of harm. To avoid this later exposure, the sludge industry has systematically worked with Congress to engineer their exemption from all environmental laws.<sup>5</sup> They have also successfully lobbied the Virginia Assembly to gut local powers and regulatory control over their potentially harmful product. Perhaps it is the politicians who are most responsible for this health debacle by selling out to the waste industry, thereby exposing scores of innocent citizens to unnecessary health harm. All the above parties are held responsible in the court of public opinion and perhaps eventually in our public courts too.

I again request that the VDH and Commonwealth officials on all levels of government who have supported this heinous program cease and desist their role in spreading health harm in Virginia and institute an immediate moratorium on all land applications. Failure to do so will be a call to arms for citizens.

Barbara L. Rubin  
Loudoun Neighbors Against Toxic Sludge

cc: VDH, Governor Warner, US Senators Allen and Warner, VA Assembly, press, media.

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<sup>4</sup> [http://www.loudounnats.org/pdf/Letter\\_Dr\\_McQueen\\_07\\_22\\_2004a.pdf](http://www.loudounnats.org/pdf/Letter_Dr_McQueen_07_22_2004a.pdf)

<sup>5</sup> *The Dirty Work of Promoting "Recycling" of America's Sewage Sludge* by Caroline Snyder, PhD  
[www.ijoeh.com/pfds/IJOEH\\_1104\\_Snyder.pdf](http://www.ijoeh.com/pfds/IJOEH_1104_Snyder.pdf)