

August 5, 2002

The Honorable Christine Todd-Whitman, Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Whitman:

Our names are Russell and Antoinette Pennock and we are writing to you about our situation pertaining to sludge application and the death of our son, Daniel Pennock. We are also writing on behalf of Dr. David L. Lewis, EPA microbiologist.

We are shocked and outraged at the way your agency, in collaboration with the sludge-hauling industry and their trade groups, has treated Dr. Lewis for publishing research on the flawed federal regulations that govern land application of municipal sewage sludge.

We would like to see the application of sewage sludge stopped immediately. We have tried to find answers from the Pennsylvania Department of Environmental Protection (DEP) concerning the death of our oldest son, Daniel. We live near a property that had municipal sewage sludge applied to its farmland.

In March of 1995, our son was hospitalized with viral and bacterial pneumonia (staphylococcal) and rotavirus, which are both found in sludge. For thirteen days, our son struggled to survive. On April 1, 1995, he passed away. How does a healthy teenager play basketball on Thursday, March 16, 1995 end up in a hospital on March 19, 1995 fighting for his life?

It was February 25, 2001, when our local paper the Reading Eagle ran a story on sludge. We contacted the reporter of the story, Jason Brudereck, who put us in contact with Dr. David L. Lewis, an EPA microbiologist. After reviewing Daniel's records, Dr. Lewis stated, "All things considered, I would say that Daniel and others in your home probably developed the S. aureus and rotavirus infections as a result of prolonged exposure to the dusts and irritant gases blowing from the farm treated with pathogenic sewage sludge." Since the DEP started their investigation, we have been at odds with them. Their opinion is that sewage sludge is safe, and that no one has ever gotten sick or died from land application of sewage sludge. We are sure you are well aware that sludge giant Synagro Corporation recently settled the first wrongful death suit in which a New Hampshire family claimed their 26 year old son died as a result of exposure to sludge. Shayne Connor died a month after sewage sludge was dumped near his home.

Not only did we lose our oldest son, but from 1993 to 1997, 8 family members contracted boils at various times of the year while living or visiting our home, due to sludge application. We are by no means against traditional farming. We are against our rights being taken away from us as American citizens. We have been forced to endure odors, swarms of flies, headaches, ear and sinus infections, and the horrible, horrible tragedy of the death of our son, Daniel. We would not call these frivolous issues and by no means are we psychosomatic. The PA DEP works for the sludgers who they refer to as "their clients." DEP has lied to us, interrogated us, shown up at our house unannounced, followed us after a DEP hearing about a renewal permit, and sent several investigators to Washington, DC to meet with Dr. Lewis in the hopes of obtaining our son's records. Yet DEP can't seem to give us records, which it should have on file. The "DEP" should stand for the Department of Environmental Politics. Who are they really protecting?

We would like the people who are highly recommending the application of sewage sludge to answer one question: "How would you like to watch your son or daughter gasping for his or her last breath?" These people can't even begin to imagine what our son went through because he could not breathe. I remember one day in the hospital, my wife and I watched in horror as our son lay thrashing his arms and legs wildly in the air. Hysterically, we called out to the nurse, asking

what was wrong? She answered, "His medicine is wearing off, and he is getting the feeling that he is suffocating." "I'm so sorry", she said, "This is a horrible, horrible thing to have to witness."

As our son lay dying, we held his hands and told him that we will always love him and there will be a time when we will all be together again. It was the most heart wrenching moment of our lives. How do you tell your child that it is OK to let go? How do you prepare your child to die? Or how do you get up the courage to wake your other son and tell him that his only brother just died? Our sons were only a year apart in age. Not only were they brothers, but they were best friends. We pray that no one else dies from this sham of a product the EPA, the sludge industry and the DEP call fertilizer. We speak for our whole family when we say the loss of our son has left a hole in our hearts and we will never be the same. When you lose a child, it takes something out of you, which you can never replace. You go through the motions of every day living, and do what you have to do to survive. The loss is like a prison sentence. No chance for early release for good behavior and no parole ever. It feels like we are doing time for a crime we did not commit. Our release is the day we die.

We are not writing to tell you what a wonderful son, Daniel was, what he did in his 17 years of life, what he learned about life and what he wanted to do with the rest of his life, or what people thought of him. He was a very good son and was loved by many. It does not matter what life you lead or what your character says about you, no one, should have to suffer and die because of a toxic poison being spread by sludge corporations. I can't forget one evening when I went into his room to see him. There were so many tubes and machines hooked up to him I could barely get to the side of his bed. He was connected to a respirator so he could not speak to me. I told him how much I loved him and was so proud to be his father and have him as my son. I promised him, I would never stop searching for the cause of his illness. I know he heard me because a tear came from his eye. I can still feel that tear today. I have found the cause. It is a flagrant misuse of corporate power over families and our communities. That must be stopped.

American citizens who live in rural areas feel victimized by our government and sludge corporations. The DEP has downplayed and dismissed the deaths of two young boys in Pennsylvania. Not only was our son, Daniel, victimized, we feel his civil rights were violated. We only have memories of what once was. Daniel will never grow up and never grow old. We thank God every day for the 17 years our family had with this fine young man. Maybe by his dying, he can help someone to live.

In February of this year, we traveled to Washington, DC to the National Whistleblower Center for a press conference concerning the public health risks associated with the dumping of sewage sludge on farmland throughout the United States and the suppression of the Office of Inspector General (OIG) report on sludge. Many people all over the United States are complaining about being harmed by the application of sewage sludge. There are concerns about the risks to health and to the environment of sewage sludge. Municipal sewage authorities, corporate haulers, and spreaders, as well as the EPA, are constantly defending sludge as being beneficial as a fertilizer as well as being safe. We have yet to go by a sewage treatment plant that has a sign outside, "Come and get your free fertilizer."

With the recent release of the OIG and the NAS reports we now learn that the risk assessments that were supposed to be done were never conducted. Senator Grassley, R-Iowa, expressed concern over the EPA's apparent failure to insure its "503" sludge rule was "based on sound, scientific process." He feels that Congress and the public should have full disclosure on this issue. He also expressed concern that persons "who live near locations where sludge has been applied" are at risk and should be informed. It is amazing that our family was allowed to hunt on the property near our home that was sludged. DEP regulations state that access is restricted for 30 days after sludge is spread in areas with a low potential for public exposure and restricted for one year in areas that have a high potential for public exposure. The owners of the farm near our home were allowed to spread five times a week. The farmer, along with the PA DEP, evidently neglected to enforce this regulation. When we asked the DEP why this was allowed to happen, they never responded to this question. Even Secretary David Hess of the PA DEP would not

answer this question. Allowing anyone to hunt on property that should have been off-limits is a horrendous lack of responsibility. Someone should be held accountable for this utter lack of respect for the health, safety, and welfare of our family.

Recent soil tests found staph levels in all 25 samples taken from the sludged fields near our home. Levels that range from 1300 colonies per gram of soil to 80,000 grams of soil were found nearly seven years after sludge was applied. The DEP's response to this was "Staph is everywhere so, of course, staph was found." When we asked the DEP for split samples, so that we could conduct our own testing, they refused. We were told we had to get permission from the owners of the property in question. It could not be from one owner, but it had to be from all three, since some of the property had been sold. It had to be written permission, not verbal permission. We felt this attempt to obtain samples would be unsuccessful. The owner of the sludged property, and his wife had previously attempted to run my husband off the road when the story first came out about Daniel, and linking his death to sludge. When we asked for slant cultures the DEP told us, "Guess what?" "The soil samples that were taken have been discarded." How convenient. Now, Ms. Karen Sitler, DEP spokesperson states, "We're limited, of course, because this happened six years ago. Maybe this will be a lesson for other people whose kids get sick. Tests should be performed closer to the time of death."

So lets see how this worked out for us. The farmer gets the sludge as free fertilizer, gets a dumping fee to have it spread on his property, and we get to pick out a coffin and headstone for our son. "Well, Ms. Karen Sitler, did we learn our lesson?"

Evidently, Dr. Lewis must also be taught that he has to learn a lesson. I think it is a sad day in this country when a man works for the US government as many years as he has, been given awards, written numerous papers, given so much to the scientific community and will now be silenced for speaking the truth. Dr. Lewis has spent years of putting himself in harms way with the EPA to speak out about the real truth of the risks and dangers of applying sewage sludge as a fertilizer. He has gone through legal litigation, been harassed by government officials and the proponents of the sludge conglomerate empire. There is a smear campaign against his credibility as a scientist. In all of this he has not faltered in his belief that the real truth has to be told. We read where Dr. Lewis was invited to brief China's Ministers of Public Health, the Environment, and Agriculture in mid-October on his sludge research. Now he will have to tell the Chinese government that his own government is forcing him out of his job because he doesn't know how to play well with others.

It discourages us when our son, who voted for the first time in 2000, tells us after all these months of trying to get someone in our legislative branch of government to help us with the sludge issue that he feels, "It really doesn't matter who you vote for, their all the same. Look what is happening to Dr. Lewis. He does the right thing and his reward is he gets ousted." Our son is too young to have such a callous attitude about life. He hasn't lived long enough for that.

I wonder has anyone in the EPA or the sludge industry questioned what this has done to Dr. Lewis' family? Does anyone care how his wife and children will handle all of this? How does he explain to his children that he did his job and he did it well, but there are forces beyond his control who will stop at nothing to harass, humiliate, intimidate him, and smear his good name and character. It sends a strong message to other government scientists: either you follow the party line or risk your job and reputation. Don't dare criticize government policy, even if this policy might harm people and the environment. You will have your career ruined and prevent you from doing further research.

We ask that you immediately ensure that Dr. Lewis is allowed to continue his valuable work at EPA rather than insisting that he resign for publishing scientific research unsupportive of EPA's sludge policies. We urge you, instead to remove EPA managers who have harassed Dr. Lewis, knowing that his research into issues involving the 503 sludge rule was fully justified. Long after it became apparent that sludge spreading was increasingly linked to illnesses and even deaths, the EPA continued to assure the public that sludge spreading, under the current rules, was safe and

beneficial. In fact, the agency, together with the sludge industry, mislead the public and covered up the truth about this controversial practice. Only honest and unbiased research will lead to environmental policies that truly protect people and the environment.

Sincerely yours,

Russell L. Pennock and Antoinette M. Pennock
304 Bunker Hill Road
Robesonia, PA 19551

610-589-5152

cc: US Congress