

Stakeholder Participation and Local Control of Sludge Spreading a Sham

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Serious health concerns have been raised in connection with sludge exposure. The recommendations of the National Research Council, as well as EPA's response to these recommendations, emphasize that stakeholders (sludge victims, neighbors to sludged sites) should be involved in regulating this controversial practice "because local jurisdictions will have better knowledge of local conditions, and are in a better position to establish additional (protective) management practices. . ." (Federal Register page 17391).

However, in real life, stakeholder participation is repeatedly thwarted by a powerful coalition of state and federal agencies and the sludge industry. Citizens who voice concerns about the hazards of sludge spreading face an entrenched industry with tremendous resources (1). Counties that want to promulgate stricter sludge rules have been threatened by the industry with lawsuits (2).

Even when public hearings are held they are not held for the purpose of getting public input but to promote the beneficial use of sludge. These meetings are usually tightly controlled by the same coalition of state agencies, EPA supported trade groups, and the sludge industry in order to prevent the public from getting honest answers to their science-based concerns

The Virginia Department of Health Biosolids Use Regulations (VDHBUR) clearly state that the Board must "...establish a date for a public meeting to discuss technical issues relating to the proposal." As well, proponents of Chapter 681, the recently passed Virginia sludge law, assured citizens there would be **opportunity for citizen comment on the permits**. On June 16, the Virginia Department of Health did hold a sludge "meeting to discuss issues in relation to the permit reissuance applications" for Synagro Mid-Atlantic, Inc. on 6,600 acres in Loudoun County. However, they held the meeting in the far western part of the county at 6:30 pm, making it difficult for stakeholders to attend. It was easy to miss the official announcement. Although the notice for the June 16 meeting expressly states it was a "public meeting", no opportunity for public discussion or comment was allowed. Only industry/government got to advocate their position to captive citizens. The "meeting" consisted of tables set up so citizens could pick up what I view as pure industry propaganda, ask questions of an industry or health department representative, or watch a sludge promotion video. It was clearly planned to suppress expression of any dissent on this highly controversial subject and muzzle Constitutionally guaranteed rights to present information. Interpreting "meeting" in such a restrictive way is only the beginning of the denial of rights the Virginia sludge laws hold for citizens.

The result is the state agency to which regulatory power is delegated promotes the sludge it is charged with policing. Worse, at the time of this “public meeting,” Synagro’s representative later acknowledged that Synagro **had not even submitted the current updated “pertinent details” (required by VDHBUR), no information or map of sites existed to discuss**, so even if the public had been granted time to ask questions they would have been unable to do so in the **absence of any specific details**.

When you consider the preceding example of industry/government denial of citizen’s rights, in combination with other prior actions, you begin to see a frightening picture emerge. Other egregious abuses aimed at those critical of sludge spreading include:

- 1) David Lewis, an EPA award-winning scientist was recently forced out of the EPA in retaliation for publishing research critical of sewage sludge. Now that they have silenced the opposition, EPA/industry is shunning independent research and funding sludge-friendly scientists. Worse, after seeing how EPA and industry collaborated to try everything to destroy Dr. Lewis's reputation and career, to cut off his funds, and all the other obstacles they put in his way when he tried to engage in and publish research, no scientist in his right mind is going to want research sludge and face the same ordeal.
- 2) The House Committee on Science held hearings in March of 2000 to review charges that EPA was “overly antagonistic” towards scientists and activists critical of sludge. At that hearing house members said that good science has to be based on open debate and not stifling public and scientific input.
- 3) EPA has also spent taxpayer money on sludge promotion rather than on sludge safety. In other words EPA (with the help of the industry they are charged to regulate) actively promotes the very practice they supposedly oversee. EPA went so far as to develop a "debunking" campaign to attack and discredit victims instead of evaluating their concerns.
- 4) My county is a microcosm of these issues. Just recently scientists supportive of sludge, were invited to give presentations and do research, while a group of independent scientists were excluded from participation by the Health Department charged to protect citizens health.

All of this adds up to **an affront to freedom of science, freedom of speech, protection of public health and the environment, and democracy**.

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(1) September 23, 2002 letter from Chesley Blevins, Chief Counsel for Synagro to Keith Massey.

(2) e.g. Buckingham County VA and Rush Township PA.

cc: Loudoun County Board of Supervisors; Technical Committee on Land Applied Biosolids; all Virginia BOH members; R. Stroube, R. Hicks, J Woods, Sen. W. Stosch;

Sen. R. Saslaw, Del. H. Morgan Griffith; Del. F. Hall; Senator H. R. Potts; Senator W. Mims; Senator W. Bolling; Del. J. May; K. Bowers; Senator B. Frist; Senator J. Inhofe; Senator J. Warner; all Senators/Environment and Public Works Committee, Rep. S. Boehlert; Committee on Science; Rep. F. Wolf; Rep. E. Cantor; G. Clark; D. Lopasic