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2007 Virginia Assembly

I hoped to be able to address this Committee in person, but my health has been deteriorating steadily since my original sludge exposure in August 2001. That illness left my immune system greatly impaired, leaving me susceptible to any opportunistic pathogen in my path. Shortly after my initial sludge exposure I also developed numerous neurological problems. Medical care has become a full time job for me

I, and the many other sludge victims I work with around Virginia, have to go to multiple doctors who do not understand what they are up against. Our illnesses may not appear on the normal standards of care protocols because we have been exposed to a toxic soup of pathogens, toxic chemicals and their interactions, never encountered before. Doctors want to know what is in sludge. However, EPA, this Assembly, and the Virginia Department of Health (VDH) have absolutely no idea what is in sludge.

Undaunted, VDH puts itself in the indefensible position of claiming a product whose contents and interactions are unknown, is "safe." In an escalation of the absurd, they further claim, without a shred of medical or scientific proof, that this complex material which all agree contains pathogens, endotoxins, and up to 90,000 chemical toxins "did not cause" citizen illnesses.

EPA Assistant Administrator Paul Gilman said: "I can't answer it's perfectly safe. I can't answer it's not safe." Callously rejecting reasonable caution, this Assembly intentionally plugs their ears to the hundreds of health complaints around the state. Instead they pocket their industry political contributions and come up with bills clearly not protective of public health, and obviously written and blessed by the industry, to which they have sold out.

Since the responsible government bodies refuses to institute an immediate moratorium, two more lawsuits have recently been filed. The first is a Virginia lawsuit which alleges negligence, private nuisance, and trespass caused by defendants slinging and dumping sludge on land adjacent to plaintiffs' homes. The suit also alleges plaintiffs are denied the fundamental right of use of their property, and links their emerging physical and emotional problems to exposure to sewage sludge. The second lawsuit filed in Georgia, is a qui tam claim. It alleges fraud against the federal government. This lawsuit will have enormous impact if it prevails because it will prove victims and activists claims that the so called science behind the sludge rule is a sham. The Georgia plaintiffs are two farmers who prevailed in prior legal actions claiming sludge ruined their dairy farms and killed their cattle, and David Lewis, senior EPA scientist, forced out of his job by EPA and industry for his criticism of sludge. They allege they have documentation that the EPA, in conspiracy with the local governments, knowingly used fraudulent data to dispute their earlier sludge lawsuits. This allegedly fraudulent data has been cited ad nauseam to "verify" sludge is "safe."

Citizens will continue to hold this Assembly and its members accountable for this easily avoidable fiasco.

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