

Loudoun Neighbors Against Toxic Sludge
P.O. Box 684
Hamilton, VA 20159
April 21, 2003

Senator Bill Frist
461 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Frist:

I would like to draw your attention to a serious health problem that threatens rural populations in Tennessee and in at least twenty other states: the stockpiling and land application of limed Class B municipal sewage sludge near residential areas.

Overwhelming anecdotal evidence¹ as well as documented evidence in peer reviewed technical and medical journals² indicate that people exposed to land applied sludge are getting ill. Even deaths have been linked to this practice.³ The national press has focused on the issue⁴ and victims are finally being heard.⁵

In 1997, the Cornell Waste Management Institute issued a warning that the current rules that govern this practice are not protective of human health, agricultural productivity or the environment.⁶

December 2001, the nation's largest environmental organization, the Sierra Club, announced its opposition to the land application of sewage sludges because the current rules do not protect human health and the environment.⁷

Last year, both the National Research Council and the EPA Office of Inspector General⁸ released studies that warned that the current land application rules are not based on recent and sound science and that there is an "urgent need for health studies among rural

¹ Sludge Victims Report by Helane Shields, Cornell Waste Management Institute tracks 350 sludge linked illnesses.

² "*Interactions of pathogens and irritant chemicals in land-applied sewage sludges (biosolids)*" David L Lewis, David K Gattie, Marc E Novak, Susan Sanchez and Charles Pumphrey; David L. Lewis, David K Gattie. 2002. *Pathogen Risks from Applying Sewage Sludge to Land*, Environ. Sci. Tech. 2002 36(13): 286A-293A

³ Second wrongful death lawsuit article.

⁴ Making a Stink, US News and World Reports by Megan Barnett

⁵ Whistleblowers article by Scott Carroll

⁶ Cornell Waste Management Institute, Director Ellen Harrison, Murray B. McBride and David R. Bouldin *Land application of sewage sludges: an appraisal of the US regulations*

⁷ Sierra Club web page.

⁸ web site EPA OIG March 28, 2002 Report ,
http://www.epa.gov/oigearth/ereading_room/BIOSOLIDS_FINAL_REPORT.pdf

populations exposed to sludge.”⁹ The lack of credible science shows that EPA is using unsuspecting and unwilling populations as human experiments, exposing them to interactions of pathogens and toxins that have never been previously considered much less studied.

Yet EPA’s Office of Water has consistently collaborated with the sludge industry to debunk any criticism of its sludge rule, has given grants to sludge trade groups in order to “break down public resistance to sludge spreading”, and has harassed and tried to silence any critics, including one of its own scientists, who has raised questions about the safety of current EPA sludge policies.¹⁰ Even now the EPA’s response to the withering criticism of its Sludge Rule is to defend the Rule and propose cosmetic studies to vindicate its position.

Severe health consequences alleged from exposure to sludge, resulted in two recently filed lawsuits. One is filed in your home state of Tennessee by Danny Jones against Erwin Utilities. The conservator for Michael Seth Jones , an extremely sick young man, is suing farmers, a municipal utility, and the manager of the Water and Wastewater Treatment Plant. Plaintiff alleges wrongful acts, conduct, and breaches of common law and statutory duties amounting to negligence, public nuisance and product liability.¹¹ The second health related suit was filed in Florida by Earth Justice on behalf of 17 DeSoto County Florida residents who allege health problems from exposure to sludge. Plaintiffs are suing two sludge companies and five ranchers. Plaintiffs also allege trespassing because sludge fowls the air, water, reduces property values, and is a public nuisance.¹²

It is very difficult and intimidating for ordinary citizens to take on the EPA, State and local governments, plus a multi-billion dollar aggressive industry. We need the help of Congress. Only Congress can halt this outrageous experiment on the American public until the health problems of sludge are researched by independent and qualified scientists who have no ties to the waste industry. Unless this research is based on sound science and can clearly demonstrate that sludge will be disposed of in such a way that it does not pose a threat to public health, there will continue to be more sludge victims, like Michael Seth Jones and the 17 Florida plaintiffs.

Sincerely,

Barbara L. Rubin
Loudoun NATS (Neighbors Against Toxic Sludge)

Enclosures (Documents identified in footnotes.)

⁹ National Academy of Science July 2002 Report:
<http://www4.nas.edu/news.nsf/isbn/0309084865?OpenDocument>

¹⁰ Lycos report on House of Representatives Science Committee hearings March 2000

¹¹ Tennessee lawsuit complaint

¹² Florida lawsuit complaint