

Letters to Editor of Leesburg Today

Below are a series of Letters to the Editor that were not published. Leesburg Today is a local paper published in Leesburg, Virginia covering local news in Loudoun County, Virginia

January 14, 2004

Misrepresented or Ignored Facts in Sludge Issue

The article in the January 9, 2004 issue of Leesburg Today by Margaret Morton on the sludge issue was not factually accurate, and leaves out important controversial issues the paper refuses to cover. It has become standard for this paper not to interview me, or any concerned citizen. Rather, your reporter decides what we would say or do. At the same time, all the pro-sludge participants are interviewed and directly quoted without researching facts.

One of the glaring errors is a statement by Dr. Goodfriend and Bruce Clendenin that "the scientific data to prove or disprove the notion is not there yet." There are currently three peer reviewed articles that conclude that sludge is linked to illness and death. Further CDC's NIOSH (recall Dr. Goodfriend says CDC should be involved) has a "*Guidance For Controlling Potential Risks to Workers Exposed to Class B Biosolids*" which states "EPA does recognize that occupational exposure can occur". Further: "Class A biosolids may also present some health risk to workers." The Guidance includes farm workers, and the public in the warnings. Illnesses "... can develop into more serious diseases in sensitive populations such as immune-compromised individuals, infants, young children, and especially the elderly."

It should be noted there is not one study in the literature that conclusively proves sludge safe for public health.

The article claims the state court cases "severely limit" options for Loudoun County. This is misleading because the court decision was very narrow and only covered an outright ban. The county has leeway in using both health and zoning to limit use of sludge. The Health Department, which (in an outrageous conflict of interest) also oversees the sludge program, has refused to help in this respect.

I have written at least 3 letters to the editor regarding the extremely controversial sludge research conducted in Loudoun County. None were published. I asked the paper to cover the issue, but they also declined to do that. Basically, the Health Department invited, against the advice of the committee studying sludge, a controversial scientist who performed extremely controversial research in Loudoun County. The controversy entailed the fact that the scientist has been closely connected to the sludge industry, and the research was partially funded by the industry whose product was being tested. Remember the cigarette industry research? The Health Department passed up the preferable option of inviting a team of both independent and sludge affiliated scientists to do the research.

You can find the rejected letters, new research, recent media coverage of the problem with sludge from the NY Times, Herald Tribune, CBS Evening News, etc., (all of which was ignored for this article.) as well as other information regarding sludge at the Loudoun Neighbors Against Toxic Sludge website: www.LoudounNATS.org.

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October 20, 2002

A public record is needed of what transpired at the 9/17/02 meeting of the Loudoun County Technical Committee on Land Application of Biosolids, since the meeting wasn't taped. 50 to 60 angry citizens filled the Lovettsville room to voice our grave concerns about the growing incidence of illnesses occurring in communities near sludged fields. We brought a petition, signed by almost 500 additional signatures, calling for a moratorium on sludge. We left with far more concerns than when we came.

The "public input" meeting was conducted essentially as a sludge propaganda output meeting, in which the citizen "input" was relegated to answer the committee's "prepared" questions. When the committee revealed this, the crowd erupted.

The 6 members of the Supervisors-appointed committee either manufacture, use, haul, or consult for the sludge industry or government. Of 1,032 farms in Loudoun County, only 15 or less use sludge. Why are there no farmers who do not use sludge on the committee? Why are there no professionals who voice health concerns, and no citizens who believe they are victims? The citizen response to this biased membership, was a demand that the committee disband and a new committee that better represents the needs and concerns of citizens be formed.

This unrepresentative committee continues to meet. At their 10/03/02 meeting they decided to invite guest speakers that would represent views that were consistent with their pro-sludge agenda. They succeeded brilliantly by inviting John Walker, who has a reputation as a staunch EPA sludge program defender, to speak at the 10/15/02 meeting. His speech defended all the science and technology that the National Academy of Science (NAS) and the EPA's own Inspector General declared outdated, weak and non-existent. He touted a research project in Pennsylvania which includes public sludge critics. I checked with one of them who reported they have been excluded from the project.

In the September and October meetings of this committee, they have never addressed the deep concerns expressed by the citizens about ordinance compliance and questions of outdated sludge producer data.

After 10 months, the County Department of Health/Environment has still not produced accurate information on sludge spreading in the county. To date Desiree Lopasic (regional sludge co-coordinator) nor Dr. David Goodfriend, Director of both the Health Department and the county sludge program, have been able to produce any current peer-reviewed literature to indicate the public health of those living near sludged fields is assured. They are relying on studies that are precisely those the NAS and EPA Inspector General have strongly criticized as grossly outdated and technologically and scientifically unsound.

Since there is NO SCIENCE assuring sludge is not harmful to the public health, and neither EPA, Virginia, nor the County have anything approaching a competent monitoring system, the only way to assure public health, is to call an immediate moratorium until these defects are corrected. The citizens are committed to achieve this result.

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February 3, 2003

The Sludge Technical Committee was reconvened to look at the sludge health issue. All members were linked to sludge; a hauler, plant manager, 2 farmers who use, an industry consultant, and a consultant to County Government. Though charged with protecting the public health, the County Government promotes sludge, an obvious conflict of interest.

Last summer, I asked the Board of Supervisors to appoint sludge victims and farmers who don't use sludge to the Committee. Neither victims nor farmers were considered. At the same time, a sludge industry member on the Committee moved; a search was initiated to replace him.. There are letters between Larry Yates, Department Environmental Health, and another industry member confirming solicitation of his application. Lloyd Wright, also an industry member, was invited to join. Even though Mr. Wright has never been formally appointed by the Board, he is Committee vice-chairman and exercises full voting rights, often directing discussions.

At a 9/17/02 Tech Committee meeting, citizens in attendance loudly objected to the apparent pro-sludge bias of the Committee. Citizens felt none of the current members had expertise in, or knowledge about, public health issues. Citizens called for the Committee to disband and a new, more appropriate committee representing ALL stakeholders be appointed. The BOS still did not respond.

Perhaps realizing it lost credibility with the citizens, the Committee publicly advertised for additional members. One person responded and was accepted.

I and my husband were encouraged to apply together for membership by the Committee. No other Neighbors Against Toxic Sludge members would apply because they felt the Committee was too biased and it was an insincere invitation. How right they were. We did apply. In an interview, I was questioned by Lloyd Wright who asked if I would curtail my anti-sludge activities if on the Committee. I wonder if Mr. Wright was asked to curtail his sludge spreading if on the committee? This question applies to all current members, yet a double standard was set for me. Mr. Clendenin, chairman, questioned whether my husband and I should serve together (after asking us to contribute our different expertise). I offer perspective as a sludge victim/expert after countless hours of research and work, a stakeholder position still sorely lacking on this committee. My husband offers legal expertise.

The committee voted me down and asked my husband to join. He declined the position because he lacks my depth of knowledge on the health issue. Also, he doesn't want to feel muzzled by his Committee participation, or accused of disloyalty to the Committee based on his views. Perhaps this is what the committee hoped for.

It is interesting to note this BOS and the Committee do not seem interested in procedure when it comes to appointing pro-sludge members on the committee, nor when it comes to participation and voting by non-members, but extraordinary constraints are used to eliminate potential members with dissenting views.

Still no anti-sludge committee members, and the taint on the Committee composition is as pungent as sludge itself. .

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May 23, 2003

The citizens of Loudoun County remain opposed to the financial influences of the sludge industry on our Technical Committee. Citizens are against financial interests directing Committee decisions. For this reason, they are opposed to scientists whose financial/professional ties may cause them to engage in possibly biased research in Loudoun County. This includes scientists who have a history of close ties to those with a substantial stake in the outcome of the research. I know Ian Pepper and Charles Gerba are closely affiliated with sludge trade associations whose function is to promote and protect the sludge industry, and with EPA's Office of Water which promulgated the sludge Rule and has spent the last 10 years defending it. The industry and EPA financed research and held symposiums specifically designed to support sludge and attack and disparage sludge critics. It reminds one of the tobacco research wars.

I opposed these scientists coming to Loudoun County. TCLAB suggested they come as part of a joint project with independent researches with no financial/professional ties to industry or EPA's Office of Water. It was agreed this was preferable to research that inevitably would be mired in doubt and controversy. I had extensive email correspondence with Dr. Goodfriend, Director of the Loudoun County Health Department and the county sludge program, on the issue. In the correspondence, Dr. Goodfriend ignores the arguments of financial influence, continues to ignore existing research linking sludge to illness and death, and admits "Specifically, nowhere in my email did I state that there is any proof that the land-application of biosolids is a safe practice, just that there is no significant evidence to support that it is a health hazard."

EPA and industry are now reacting to the public outcry about weak or absent science. Many, including our Health Department, are anxious to produce the testing that was never done prior to marketing sludge. They invited Pepper and Gerba to do studies in spite of TCLAB's decision. The rationale by the Health Department is best characterized as any studies are good for Loudoun County. I and Loudoun NATS (Neighbors Against Toxic Sludge) disagree, vividly remembering the bogus cigarette industry research.

On May 6, 2003 Ian Pepper, Charles Gerba, and two students came to Loudoun County to put on a presentation of their work. Much of what they said can be disputed. They were not forthcoming in where funding for specific studies originated. One of the studies Pepper presented denied *Staphylococcus aureus* is a bacteria found in sludge although it is listed as appearing in sludge in at least two EPA documents 1) EPA 600R95016-Pathogen Risk Assessment Methodology for Municipal Sewage Sludge Landfilling and Surface Disposal; 2) EPA 600/1-79-015, 68pp. For more information visit <http://www.LoudounNATS.org/>

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June 18, 2003

Last night the Virginia Health Department held a sludge "meeting" to discuss issues in relation to the permit reissuance applications for Synagro on 6,600 acres in Loudoun County. They held the meeting in the far western part of the county at 6:30 pm, making it extremely difficult to attend. The official announcement was in a very obscure place in a newspaper.

SB 1088, the recently passed sludge bill I strongly opposed, makes our county ordinance obsolete and concentrates all power to issue permits in the state. Localities and those directly impacted by sludge application have been silenced by a state government intent on promoting the powerful and well funded sludge industry. When SB 1088 was proposed, I remember hearing that there would be public meetings before permits were issued, so the public could comment on the permits. The notice for last night said "A public meeting to discuss technical issues in relation to the permit reissuance application..." However, no opportunity for public discussion or comment was allowed. The "meeting" consisted of tables set up so citizens could pick up what I view as pure industry propaganda and ask questions of an industry or health department representative who answered your questions with more propaganda. Or you could watch an industry propaganda video. This was clearly a sludge promotional meeting involving the industry and excluding public participation. When I complained about the format and said I expected a meeting where people spoke and had an opportunity to express their views, I was told by Desiree Lopasic, VDH WBE, I misunderstood. This was not a "hearing" or even a public input forum, but "an informational meeting." It was clear this was planned as the ultimate sham to suppress expression of negative public views. It was listed as a "public meeting" in the announcement, not a restricted "informational meeting." A review of SB1088 confirms that the Board must "...establish a date for a public meeting to discuss technical issues relating to the proposal." Interpreting "meeting" in such a restrictive way is only the beginning of the denial of rights SB 1088 holds for citizens.

I have been to many sludge meetings that are set up to "minimize public input" by allowing industry to speak for the whole meeting, leaving only 5 to 10 minutes at the end for questions which must either be written out (allows presenters to select which to ask) or are pre-written by presenters (limiting what is acceptable to ask.) Industry/government has finally found a format to ABSOLUTELY prevent public input in matters regarding sludge. Only industry/government get to advocate their position to captive citizens. I and other speakers had valid objections to the legal, health, and scientific aspects of these permits. This outrageous and restrictive format muzzled our Constitutionally guaranteed rights to present information and stifled any dissent on this highly controversial subject.

I protest in the strongest manner.

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October 4, 2003

The Loudoun County Health Department, the Technical Committee for Land Application of Biosolids, and the Board Of Supervisors missed an opportunity to get to the bottom of the controversy surrounding sludge exposure. Instead of choosing the available option of unbiased research by utilizing a team of 6 scientists, both independent and affiliated with industry, our Health Department selected one researcher who is financially affiliated with the industry and whose work was already controversial. This choice was made in spite of the fact the problems were pointed out in great detail to the LCHD, TCLAB, and BOS months prior to Dr. Ian Pepper's presentation and research. Have we this soon forgotten the lessons of the tobacco industry?

Pepper refused to answer adequately my question about the source of funding at his May 6, 2003, presentation in Loudoun County, and my subsequent emails to him. It is now revealed by an unbiased source that **at least partial funding for this project came from the sludge industry which stands to benefit from his study.** This industry has large revenues at risk if sludge is found to be hazardous to public health. It should be evident to all that it is unethical for anyone to appear at a public forum and refuse to disclose the funding source of the specific research he is presenting. Dr. Pepper even claimed that the Staph research was funded by the National Science Foundation. Rebecca Renner, an editor of the journal that published the University of Arizona study noted that "**...the work was partially paid for by the sludge industry...**" Rather than address the possibility of bias, Dr. Pepper appears to have concealed it from his Loudoun County hosts.

If this blatant lack of full disclosure were not sufficient to discredit Dr. Pepper's presentation, Kelly Love of Synagro distributed his press release as if the conclusions constituted incontrovertible science. However, The Director of the Cornell Waste Management Institute comments regarding the UA study "**... colleagues failed to address what could be happening at problem sites.**" (Environmental Science and Technology, Science News- August 21, 2003).

Caroline G. Snyder, of the Sierra Club Sludge Task Force says: "It is unwise to base public safety on research, such as that done by Ian Pepper and others at AU, which is supported by an industry defending itself from litigation involving the adverse effects." I concur completely. This seems self evident, yet the Board of Supervisors refuses to take a public stand on this issue; therefore exposing Loudoun County residents to potentially harmful infections and nuisance? The citizens of Loudoun County deserve action on these issues of paramount public health concern.

Pepper's refusal to disclose his funding source, when directly asked at a public meeting convened to consider his research and views, at a minimum should bar Dr. Pepper from any future work in Loudoun County. Further, the validity of his research and opinions should be discounted or rejected in view of the absence of full disclosure.

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