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March 20, 2008

BY FEDERAL EXPRESS

Julia B. Anderson, Esq.
Department of Law
State of Georgia
40 Capitol Square, S.W.
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Re: My letter to you dated February 29, 2008 and
Your response dated March 13, 2008
DHBB File No. 2829/002

Dear Julie:

This letter is in reply to your letter dated March 13, 2008. The intent of my letter dated February 29, 2008, to University of Georgia President Michael P. Adams was to personally inform Dr. Adams of the ruling by Judge Anthony A. Alaimo of the United States District Court for the Southern District of Georgia. I believed that Dr. Adams needed to know that the data published by the University, which were represented as valid data, and provided to the EPA Assistant Administrator and the National Academy of Sciences, were fabricated.

I assumed, apparently incorrectly, that it was not possible that the President of the University of Georgia would ever entangle himself in a scheme to publish fabricated scientific data in order to obtain and protect federal funding; and that he would do so to protect other opportunities provided to the University of Georgia by the United States Environmental Protection Agency ("EPA") and the United States Department of Agriculture ("USDA").

Your letter sends a loud and clear message that neither the President of the University of Georgia nor the Attorney General of Georgia care to correct the intentional publication of a University-backed scientific paper that was specifically designed to destroy

cases filed by Georgia dairy farmers and the career of a renowned scientist. Obviously, you are refusing to take corrective action simply to protect pots of federal money and false national acclaim given to the University of Georgia.

I can fully appreciate the ramifications it would have on the University of Georgia's bid to become a national center for agro-bioterrorism research if President Adams were to truthfully acknowledge the role that his office has played in the fabrication of scientific data by the College of Agriculture and Environmental Sciences.

Your claim that Augusta's land application data, relied upon and published by the University of Georgia in the *Journal of Environmental Quality* ("JEQ") in 2003,¹ are not the same as Augusta's land application data as described by U.S. District Court Judge Anthony A. Alaimo in his February 25 ruling, is disingenuous and ludicrous. Judge Alaimo defined that very same data as being clearly "fudged," "fabricated," and "invented."

In every court hearing, including hearings before the Georgia Court of Appeals and the United States District Court for the Southern District of Georgia, I have asked all government lawyers to show me one sewage sludge application document created by the City of Augusta between 1979 and the end of 1998 that is an accurate document. No lawyer or witness has ever provided a copy of such an accurate document. The stunning revelation from your letter stating that Dr. Adams stands behind the publication of such false data and believes that he too can magically convert "invented" and "fudged" data into a valid basis for a University-backed journal article, is shocking. Clearly, the emperor has no clothes.

In addition to the false and fabricated article about sewage sludge published by Julia Gaskin and others, who represented Augusta's sewage sludge data to be accurate, other intellectually dishonest and inappropriate actions have been taken against anyone affiliated with the University of Georgia who has attempted to expose the shocking deceit by certain employees of the EPA and the University of Georgia. The University of Georgia has supported, and continues to assist, a cadre of employees within the EPA and the University who are attempting to protect bad science and fabricated data. These data were

¹ Julia W. Gaskin, Robert B. Brobst, William P. Miller, E. William Tollner, *Long-term Biosolids Application Effects on Metal Concentrations in Soil and Bermudagrass Forage*, J. Environ. Qual. 32:146-152 (2003).

created to destroy any individual who advances real science demonstrating significant health and bioterrorism issues related to illegal and unmonitored hazardous wastes in land applied sewage sludge distributed by municipalities under the guise of safe fertilizer.

For example, Senior Vice President and Provost Arnett Mace went so far as to quash the University of Georgia's press release about an article published by Dr. David Lewis and another University scientist, which was published by the National Institutes of Health in 2003 and contained valid data about harmful experiments involving unknowing African Americans.² Moreover, we have sworn testimony from University of Georgia faculty that Dr. Gale Buchanan, former dean of the College of Agriculture and Environmental Sciences, prevented faculty from testifying about the University's cover-up of hazardous chemical wastes, including potential bioterrorism agents, in Augusta's sewage sludge. These hazardous wastes, including chlordane, mercury and thallium, killed hundreds of dairy cattle on my clients' dairy farms and contaminated the milk supplies in several states.

According to your letter, President Adams' official position, as parroted by you, is that Augusta's sewage sludge monitoring data published by the University of Georgia and Robert Brobst in the *JEQ* are not the same monitoring data from Augusta that Mr. Brobst provided to the USDA, which United States District Court Judge Anthony A. Alaimo addressed.

You and Dr. Adams are woefully wrong. Even though you state that you have reviewed all information, you obviously have never examined the record in Plaintiffs' case upon which Judge Alaimo relied in ruling that Augusta's monitoring data provided by Mr. Brobst were fabricated.³ If you had, you would realize that the position taken by you and President Adams is utterly preposterous. Mr. Brobst is the second-listed author of the *JEQ* article; Mr. Brobst summarized Augusta's environmental monitoring reports in the *JEQ* article; it is the *JEQ* article that Mr. Brobst provided to the USDA to argue that the McElmurrays' lands were not contaminated by hazardous wastes in Augusta's sewage

² Gattie, D.K. and Lewis, D. L., *A high-level disinfection standard for land-applied sewage sludge (biosolids)*. Environ. Health Perspect. 112: 126-31 (2004).

³ *McElmurray v. United States Department of Agriculture*, United States District Court, Southern District of Georgia, Case No. CV105-159. Order issued February 25, 2008.

sludge; and, Judge Alaimo reviewed and made his findings based upon Mr. Brobst's presentation of the same Augusta data used in the *JEQ* article.

Furthermore, Judge Alaimo confirmed in his February 25 ruling that the EPA's and USDA's chosen official position about Plaintiffs' case is the letter from EPA Assistant Administrator G. Tracy Mehan, III (*See* Order, p. 30, para. 1). Again, had you reviewed the Court record, you would know that Mr. Mehan based his conclusions directly on the *JEQ* article and the false Augusta data, as follows:

On February 2, 1999, Region 4 staff and the BIRT met with University of Georgia veterinarian scientists and soil scientists to discuss the livestock deaths and the University's possible participation in assessing soil and forage characteristics in Burke and Richmond Counties. On August 5, 1999, EPA Headquarters issued a grant to the University of Georgia to assess soil characteristics on biosolids land application sites in Burke County. This effort resulted in the publication of a paper entitled Long-Term Biosolids Application Effects on Metal Concentrations in Soil and Bermudagrass Forage (Gaskin et al., 2003). The paper presents the University of Georgia's findings of their analyses of trace metals levels in soils and feed that were implicated in the Georgia case.

The paper indicates "that toxic levels of metals have not accumulated in the soils due to long-term biosolids application. Overall forage quality from the biosolids-amended fields was similar to that of commercially fertilized fields; however, due to the relatively high sulfur and potential for a low copper to molybdenum ratio, copper supplements should be used to ensure ruminant health" (Gaskin et al., 2003). Thus, EPA's investigation of the site and the sewage sludge did not find any substantiation to the allegations that exposure to sewage sludge applied to the pasture land caused illness or death of the dairy cattle that grazed on the pasture.

At the bottom of page 147 of the *JEQ* article, Mr. Brobst and the University of Georgia authors describe the source of their data concerning Augusta's land application program as follows:

Monitoring data on biosolids chemistry, application rates, and numbers of fields in the land application program reported to the Georgia Department of Natural Resources, Environmental Protection Division [EPD] were obtained and summarized for a general overview of the land application program and the amounts of biosolids that were applied to the fields in the study.

If you have reviewed all of the documents as you state, you would know that documents obtained by our clients from the University of Georgia, pursuant to a Georgia Open Records Act request, confirm and prove, in addition to other unchallenged evidence, that Ms Gaskin, her co-authors of the *JEQ* article, and others, knew that the data used for the article, including representations about the quality and application rates of Augusta's sewage sludge, were false.

For example, a copy of the 1998 audit by the Georgia Environmental Protection Division concluded that these data were unreliable and likely fraudulent. The authors of the *JEQ* article, Gaskin, Brobst and Miller, knew that the Augusta data provided by Robert Brobst were false and unreliable, as reflected in their own notation on this report, "May 2000. Given to me from CASP." More importantly, Dr. William Miller, one of the University co-authors of the fraudulent study, included a handwritten note to Ms. Gaskin in his review of the final manuscript of the study, in which Dr. Miller states: "We should fess up here that we DON'T know exact rates of application, or specific characteristics of sludge applied...??"

Moreover, Dr. Miller wrote on the title page of Ms. Gaskin's copy of the *JEQ* manuscript: "generally, try not to be too overly optimistic, tho – express some 'cautious optimism' – discuss overall sludge quality – pretty BAD in this case." None of these admissions of the falsity of the data used to support the *JEQ* article were uncovered or disclosed until we found them buried among University records that were provided by the Open Records Officer for the University.

Julia B. Anderson, Esq.
March 21, 2008
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Finally, Judge Alaimo ruled as follows on page 17 of his February 25, 2008 Order: “There is also evidence that the City fabricated data from its computer records in an attempt to distort its past sewage sludge applications. ... In January 1999, the City rehired [former supervisor Allen] Saxon to create a record of sludge applications that did not exist previously.”

You state in your letter that you have “reviewed all of the documents that the Plaintiffs have made available” and conducted your own investigation. You state that your review of the facts supports President Adams’ position that summaries of Augusta’s monitoring data published by the University of Georgia are truthful and accurate. As I have outlined in this letter and stated on the record to all other lawyers who have made similar foolish and doomed arguments in the past, I challenge you to forward to me one sewage sludge application record that was created by the City of Augusta between January 1, 1979 and December 31, 1998, that you can represent as being accurate. You will either remain silent in response to that request or you will fail if you attempt to produce an accurate record. In either event, your and Dr. Adams’ conduct reflected herein only serves to further prove the lack of validity of the *JEQ* article and the data used to support it.

Sincerely,



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Edwin Hallman, Jr.

For DECKER, HALLMAN, BARBER & BRIGGS

FEHjr:kps

c: David L. Lewis, Ph.D.
Mr. Robert A. (Andy) McElmurray, III