

May 21, 2008

The Honorable Barbara Boxer
United States Senator
Hart Senate Office Building
Suite 112
Washington, D.C. 20510

Dear Senator Boxer:

I heartily commend and thank you and the Environment and Public Works Committee for initiating hearings to educate the public on the problems inherent in the land application of sewage sludge.

In meetings with your EPW staffers, Bettina Poirier and Erik Olson, I continue to find them very helpful. I look forward to working with them as they prepare for the Committee hearing scheduled for this summer. The first step in educating the public about sewage sludge disposal policy and practice is to hear from those that have suffered from the practice, and thus to identify the problems that have emerged.

Thousands of people living near fields on which sewage sludge has been spread have described severe health problems. Therefore, I feel strongly that the first panel in the sludge hearing must be a victims' panel. Once the people who have suffered have had a chance to speak, the Committee can move to identify options for fixing the problems and dealing with the governmental agencies commissioned to prevent harm to human health and the environment.

Many recent newspaper articles (note especially several Associated Press stories) have documented the growing nation-wide problems associated with the land spreading of sewage sludge, both for people who live near areas where sludge is "applied" and for those who eat food grown on sludge treated land.¹ One of the recent AP stories ("Sewage-Based Fertilizer Safety Doubted," March 7, 2008) documented that milk sold throughout the U.S contained high levels of thallium (the primary toxin in rat poison), which had been present in the sewage sludge spread on crops fed to dairy cows.

Because of the decades of documentation of serious harm to human and animal health connected to the land application of sewage sludge, in October 2003, seventy-three farm, labor, and environmental organizations petitioned EPA to place an immediate moratorium on this practice.² On Christmas Eve, December 24, 2003, the Petitioners received an answer from EPA: there will be no changes.

In February 2008, Judge Anthony Alaimo of the 11th Circuit Court ruled that the EPA's negative response to the 2003 sludge petition was based on data that was "unreliable, incomplete, and in some cases, fudged." This order was addressed to Andy McElmurray, a dairy farmer from Georgia. Its primary judgment was that the sludge applications on his farm were responsible for killing hundreds of dairy cattle and for destroying the farm value of his land.³

The Petitioners and many others, including myself, are hoping that Congress will do the heavy lifting to – finally – really address the massive problem of sewage sludge. The first step should be initiating a moratorium on the land application of sludge – because there is no scientific evidence that this practice is safe.

I thank you, your staff, and your colleagues on the Committee for taking on the necessary responsibility for protecting public health that the executive branch has abnegated.

Best regards,
Abby A. Rockefeller

Cc: EPW Committee members
Bettina Poirier
Erik Olson

References

1 “Sewage-Based Fertilizer Safety Doubted,” March 7, 2008, John Heilprin and Kevin S. Vineys (AP)

<http://www.commondreams.org/archive/2008/03/07/7533/>

“Sludge Makeup Hard to Know,” April 13, 2008, Kevin S. Vineys (AP)

<http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2008/04/13/national/a085925D43.DTL>

“Sludge Tested As Lead-Poisoning Fix,” April 14, 2008, John Heilprin and Kevin S. Vineys (AP)

<http://abcnews.go.com/Health/wireStory?id=4646032>

2 Place an immediate moratorium on the land application of sewage sludge.

(1) Freeze the issuance of new National Pollutant Discharge Elimination System (NPDES) permits authorizing the Land Application of Bulk Sewage Sludge.

(2) Rewrite and reissue NPDES permits to require a method of sludge disposal other than land application to replace all NPDES permits currently in force that allow the Land Application of Bulk Sewage Sludge.

(3) Initiate rulemaking to change the Part 503 Sludge Rule (promulgated under the authority of the Clean Water Act at 40 C.F.R. §503) to eliminate land application as an acceptable practice for sludge disposal.

<http://www.centerforfoodsafety.org/pubs/FinalPetitionSludge.pdf>

3 “National policy brought sludge to Augusta farms: Ruling for farmer disputes government data,”

March 9, 2008, Associated Press,
http://chronicle.augusta.com/stories/030908/met_190330.shtml