

Timeline of UGA Involvement

By F. Edwin Hallman, Jr.

September 12, 2008

This week, the University of Georgia (“UGA”) leaked a confidential, settlement-related document in an attempt to torpedo oversight hearings by the U.S. Senate Environment and Public Works Committee. The purpose of leaking the document was to stop the committee from uncovering UGA’s role in publishing false and fabricated data in a 2003 research article.

Fake data published by Julia Gaskin, Robert Brobst of the U.S. Environmental Protection Agency, and other UGA faculty members in UGA’s College of Agricultural and Environmental Sciences were used to cover up hazardous chemical wastes in the Augusta, Georgia’s sewage sludge (biosolids), which the City spread on dairy farms owned by my clients, Andy McElmurray, Bill Boyce, and their families.

Because I am a loyal alumnus of the UGA School of Law, at every step of the judicial and congressional process, I have urged Dr. Adams and his administrators to come clean. The longer they continue to deny what they have done, the more it will harm UGA’s reputation. Thousands of documents discovered in my clients’ previous cases, which they have won, include admissions under oath by City of Augusta officials, senior EPA officials, and UGA faculty members concerning the role UGA administrators played in publishing the fake data establish the following timeline of events concerning UGA’s involvement:

- On December 14, 1998, Julia Gaskin sent a memo to UGA Interim Associate, Dean Bobby Tyson, which described several telephone calls she received from senior EPA officials John Walker and Robert Brobst about the cattle deaths on my clients’ dairy farms. She states: “EPA is very interested in determining what happened. They are setting up to conduct sampling and reconstruct events as best as possible. Mr. Brobst indicated he had money and would like the University to run Quality Assurance Quality Control samples, serve as a technical resource and help gain access to the farmers.”
- According to notes that Walker made of his conversations with Gaskin and her coworkers, Gaskin told him that UGA was concerned about the McElmurray and Boyce cases, because UGA promotes land application of sewage sludge. Miller informed Walker that Augusta’s environmental monitoring data, which Walker wanted UGA to publish, did not contain biosolids concentrations. Walker told Miller to just “estimate” the data.
- On December 23, 1998, Arthur Leed in UGA’s Office of Legal Affairs tried to have me remove a UGA letter posted on a website by an environmental consulting firm in Atlanta.

In the letter, Gaskin's co-author William P. Miller warns the City of Augusta about dangerous contaminants that he found on my clients' farms: "It seems pretty clear that site has been heavily loaded with sludge, and I would stop further applications ... if grass or corn silage was grown, high NO₃ levels can be extremely toxic to animals eating this feed ... you should be aware that groundwater levels of NO₃ below this site may be elevated, and if drinking water wells are affected, there may be serious health effects for infants using this water."

- Internal e-mails and sworn testimony from UGA faculty members state that former Dean Gale Buchanan instructed faculty members not to pursue problems with Augusta's sewage sludge or testify in the McElmurray and Boyce cases.
- On September 18, 2000, one of the companies that applied Augusta's sewage sludge wrote to UGA President Michael Adams suggesting that he investigate former EPA scientist David Lewis, who was investigating human illnesses and deaths linked to sewage sludge, including workers hired to spread hay encrusted with Augusta's sewage sludge.
- After EPA determined that Dr. Lewis had done nothing wrong, UGA Vice President, Judy Curry, informed the company on April 17, 2003 that UGA did not intend to pursue the matter any further. The following day, April 18, State Senator Kasim Reed used official Senate letterhead to inform UGA that he had been hired by the company to get UGA to move forward with scientific misconduct proceedings against Dr. Lewis. UGA Vice President, Regina Smith, then informed Dr. Lewis that UGA's investigations into the company's allegations "was by no means a dead issue."
- The Gaskin paper containing false and fabricated data was published in the Journal of Environmental Quality. On January 29, 2003, UGA issued a national press release titled "Sludge study relieves environmental fears." Gaskin is quoted in the press release saying "Some individuals have questioned whether the 503 regulations are protective of the public and the environment. This study puts some of those fears to rest."
- In November of 2003, Regina Smith called Lewis and said that UGA Senior Vice President and Provost Arnett Mace had been contacted by the company that spread Augusta's sludge to discuss a national press release that UGA was about to issue on Dr. Lewis' research on sewage sludge published by the National Institutes of Health. The paper emphasized the need for EPA to address a national trend in which poor, less educated areas were being targeted for land application of sewage sludge.

Materials Dr. Lewis provided to UGA's press office to accompany the article focused on an African-American community where children drinking water from wells in areas where the company spread sewage sludge in Alabama had difficulty walking and were too sick to attend school. Smith told Dr. Lewis that Mace planned to stop the press release, because it "linked sewage sludge to illness."

- On February 4, 2004, Dr. Lewis testified before the U.S. House of Representatives Committee on Resources, Subcommittee on Energy and Minerals about EPA's scheme to use fabricated data in the Gaskin paper to cover up Clean Water Act violations by the City of Augusta.

Four months later, Gale Buchanan, who oversaw the Gaskin study and prohibited faculty members from helping the McElmurray and Boyce families deal with damages from hazardous wastes in Augusta's sewage sludge, stepped down as dean and director of the College of Agricultural and Environmental Sciences.

- On April 22, 2005, Dr. Rufus Chaney, USDA national spokesperson for sewage sludge, who helped John Walker outline the Gaskin study, sent Ms. Gaskin copies of articles he co-authored with Dr. Jay Scott Angle at the University of Maryland, which he thought would help Gaskin defend against Dr. Lewis's allegations that the data in her paper were faked.

At the time, Chaney was working with Johns Hopkins University's Kennedy Krieger Institute to conduct sewage sludge research in poor, inner city neighborhoods in Baltimore. According to the study, spreading sewage sludge reduces risks of lead poisoning in children living in poor inner city areas where soils are contaminated with hazardous levels of lead.

In 2001, however, a Maryland Court of Appeals ruling likened similar lead contamination experiments by the Kennedy Krieger Institute, in which two children developed symptoms of lead poisoning, to Nazi war crimes and the government's Tuskegee experiments.

- On Jun 3, 2005, UGA Provost Arnett Mace issued a national press release announcing that President Michael Adams was replacing former Dean Gale Buchanan with Jay Scott Angle from the University of Maryland to head its College of Agricultural and Environmental Sciences. In the press release, Mace and Adams praise Angle for his work in Maryland, including publishing research that dispelled environmental concerns over sewage sludge, and his initiatives for conducting research in inner city areas of Baltimore.
- On January 19, 2006, President Bush announced his intention to nominate Dr. Buchanan as Under Secretary of Agriculture for Research, Education and Economics.