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 **Environment**



## **EPA Intimidates Sludge Critics, Congress Told**

**By Michael Vatalaro**

**WASHINGTON, DC**, March 22, 2000 (ENS) - Members of the House Science Committee blasted the U.S. Environmental Protection Agency today for inappropriate responses to citizens and scientists who voiced concern over the use of sewage sludge as fertilizer on farmlands.

The hearing, "EPA Sludge Rule: Closed Minds or Open Debate?" focused on allegations that the EPA has failed to foster sound science with an open exchange of ideas in drafting its rules for sewage sludge, and has been overly antagonistic toward critics of sludge fertilizers.

Taken to task was J. Charles Fox, assistant administrator of the Office of Water, where some of the violations occurred during the previous administration. Drawing the strongest protest from the committee was the alleged intimidation of a concerned citizen carried out by a senior scientist at EPA.

Jane Beswick, a California dairy farmer, testified that she received 10 unsolicited letters from Alan Rubin, a senior scientist in the EPA Office of Water.

Beswick stated that she would receive a letter each time she spoke out against the use of sewage sludge in her home state. Beswick perceived the letters to contain threats of increased regulation and federal inspections of her dairy farm.

"I feel the EPA is an agency that needs to be reigned in by Congress," said Beswick.

**Representative Sherwood  
Boehlert (Photo courtesy  
Office of the Representative)**

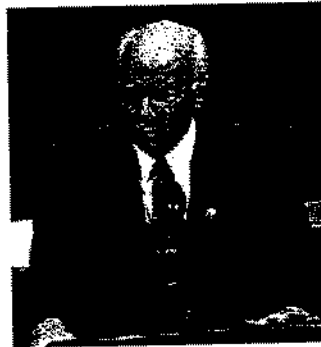


The actions taken by the Office of Water were "at best inappropriate and unprofessional," said Representative Sherwood Boehlert, Republican of New York.

Fox said he could not comment in detail about these issues, as the EPA is now faced with an internal investigation by the Office of the Investigator General, the agency's own policing office, into whether Rubin acted improperly in sending those letters.

Fox's testimony regarding the science behind the sludge rule and the agency's attitude toward criticism was tainted by the revelation that it was prepared, in part, by Rubin himself.

"Mr. Fox cannot expect his testimony to be seen as unbiased," said Representative Vernon Ehlers, Republican of Michigan. "That's not the way it works in the real world."



**Representative Vernon  
Ehlers addressing the  
House in February (Photo  
courtesy Office of the  
Representative)**

Rubin's actions are a symptom of the EPA's increasingly defensive stance on the use of sewage sludge as fertilizer. According to testimony given before the committee, the EPA has suppressed the opinions of both EPA and independent scientists and tried to discredit science that did not agree with their safety assessments.

These actions have included filing unfounded ethics violations against EPA scientists who spoke out against the sludge rule, as well as the four year investigation and subsequent firing of Senior Science Advisor William Marcus, who was later reinstated by a successful whistleblower lawsuit.

The safe disposal of sewage sludge is an enormous task. American sewage treatment plants produce 11.6 billion pounds of sewage sludge each year. More than a third is spread on farmland or otherwise mixed into soils. In addition to being "human manure," sewage sludge can contain toxic chemicals, heavy metals and

pathogens.

Stephen Kohn, chairman of the Board of Directors for the National Whistleblowers Center, cited the testimony of Joseph Cocalis, an industrial hygienist at the Centers for Disease Control and Prevention, who said that the position currently being taken by the EPA concerning sludge was "indefensible from a public health standpoint."

The EPA regulates nine metals commonly found in sewage sludge, including arsenic, copper, lead and mercury. Citizens and researchers are concerned that EPA regulation is too lax, because the limits for each metal set by the EPA are less stringent than those of European countries and those set by the state of New York.

Ellen Harrison, director of the Cornell Waste Management Institute, testified that when the institute published "The Case for Caution," a paper critical of the risk assessment process used by the EPA to set the current standards, the EPA responded with criticism of their own. The Office of Water's Assistant Administrator at the time, Robert Perciasepe, sent a letter denouncing the science in the Cornell paper to both the New York State Department of Environmental Conservation and the President of Cornell University.

"The Case for Caution," on which Harrison is the lead author, details 14 areas of the risk assessment process used by the EPA to set the sludge standards which the report calls questionable and non-protective. Included are the striking inconsistencies between risk assessment techniques used to set sludge standards and those applied by the EPA in other areas.

**Picking strawberries  
grown with sewage sludge**  
(Photo courtesy Agricultural  
Research Service)



According to Harrison's written testimony, in the case of metals leaching into ground water, the EPA's standards for soils present at a contaminated site are lower than those allowed in the sludge itself. In addition, the risk assessment did not allow for safety or uncertainty factors, and calculated acceptable increased cancer risk at one in 10,000 instead of the more common one in 1,000,000.

The risk assessment was conducted by the Office of Water, which actively promotes the use of sewage sludge as fertilizer.

Harrison contends that the agency's risk assessment duties should be separate from its regulatory duties, and that it would be impossible to assume objectivity within the office that promotes sludge use through activities such as the annual "Beneficial Use of Biosolids Awards."

The EPA is currently considering regulating levels of dioxins in sewage sludge, but has not announced plans to reassess existing standards for other contaminants.

New agricultural standards for foods labeled as "organic," proposed this month by the U.S. Department of Agriculture, would ban the use of sewage sludge on organic crops or crops fed to animals which produce organic milk or meat products.

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