



August 14, 2000

Marilyn Fingerhut, Ph.D.
Chief of Staff
National Institute for Occupational Safety and Health
Room 715-H, Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Dr. Fingerhut:

On behalf of the members of the Water Environment Federation (WEF) and the Association of Metropolitan Sewerage Agencies (AMSA), we would like to thank you again for meeting with us last week to discuss our concerns with the recently released NIOSH Hazard ID 10, *Workers Exposed to Class B Biosolids During and After Field Application*. We appreciate the opportunity to have an open discussion with you regarding the process for developing this document and our specific concerns with certain NIOSH recommendations. As you know, this Hazard ID is already having serious implications within the wastewater treatment industry as evidenced by recent initiatives by both legislators and other outside interests, citing NIOSH's report and calling for the ban of Class B biosolids land application (see attached).

We were encouraged to hear you speak to NIOSH's commitment to do good science, and equally encouraged by your willingness to consider revisions to HID 10 to ensure that it provides comprehensive and appropriate recommendations to minimize worker risks. We reiterate our belief that the current document has taken an overly broad approach to addressing problems that were identified at one specific site, and contains recommendations that may be inappropriate or ambiguous. We are currently drafting a set of formal recommendations for NIOSH, which we will transmit to you in the near future. In addition, we thank you for discussing the possibility of a NIOSH response on the July 13, 2000 *USA Today* article which mis-characterized the intent of NIOSH's report and has alarmed the public into believing that all Class B biosolids are unsafe. We will solicit a formal response from NIOSH regarding the article in a forthcoming letter.

As we discussed at the meeting, both AMSA and WEF have a long history of promoting POTW worker health and safety, and look forward to working with you in the future. If you have any questions, please call either one of us at 202/833-4653 (K. Kirk), or 703/684-2429 (A. Gray).

Sincerely,

Ken Kirk
Executive Director, AMSA

Albert Gray
Deputy Executive Director, WEF

cc: Dr. Linda Rosenstock, NIOSH



August 4, 2000

**Linda Rosenstock, M.D., M.P.H.
Director, National Institute of Occupational Safety and Health
Hubert H. Humphrey Building.
200 Independence Ave., SW
Room 715H
Washington, DC 20201**

RE: NIOSH Hazard Identification Report #10

Dear Dr. Rosenstock:

The Association of Metropolitan Sewerage Agencies (AMSA) and Water Environment Federation (WEF) have reviewed the July 28, 2000 release of the National Institute of Occupational Safety and Health's (NIOSH) "Hazard Identification Report #10 for Workers Exposed to Class B Biosolids During and After Field Application." Both of our organizations submitted letters to you on July 25th requesting a meeting and would like to reiterate our desire to meet with you at the earliest possible time to discuss several issues pertaining to the report.

Both AMSA and WEF commend your agency for endorsing standard personal hygiene practices and use of personal protective equipment where needed to prevent potential health problems in Class B biosolids workers. Not only are the report's recommendations emphasizing personal hygiene practices and protective equipment already routinely administered at the vast majority of publicly owned treatment works, but our organizations have actively supported and promoted these practices for years in its Manuals of Practice, publications, and other training materials. As an example of our past collaboration, during the 1980s WEF played a significant role and received an award from your agency for its active participation in the NIOSH Confined Space Fatality and Accident Circumstances Evaluation (FACE) program.

The following issues and concerns, however, have been raised during our review. These concerns include:

- What information did NIOSH use as the basis of its recommendations for the engineering controls? Both AMSA and WEF believe that an external review by our groups and others could have made these engineering controls more effective.**
- The current language in the report regarding engineering controls is ambiguous. For example, NIOSH recommends that Class B biosolids should be incorporated (thoroughly mixed) into the soil, where feasible. In other sections, feasibility is not included. Under actions that should be taken, NIOSH recommends personal protective equipment should be used when engineering controls are not feasible; before engineering controls are installed; or when installed engineering controls are**

Dr. Linda Rosentock

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being repaired or maintained. We would like to discuss some of these engineering control issues to ensure that the recommendations will be effective in protecting worker health & safety.

- We would like to work collaboratively with NIOSH to find ways to clarify the intent of the Hazard ID #10 report. A number of groups have been mischaracterizing the Hazard ID report and have been calling on EPA to prohibit land application of Class B biosolids.

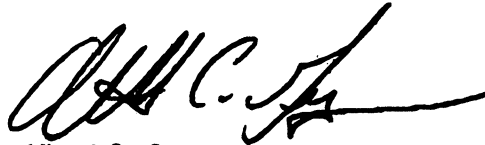
AMSA and WEF respectfully request a meeting to discuss these issues and concerns raised in our July 25th letters. We believe that there are opportunities to collaborate on issues addressed in the report and trust that our discussions will be productive and successful.

If you have questions, please contact Ken Kirk at 202-833-4653 or Al Gray at 703-684-2400, Ext. 7445. We will again contact your office shortly to arrange for a meeting at a mutually convenient time.

Sincerely,



**Ken Kirk
Executive Director
AMSA**



**Albert C. Gray
Deputy Executive Director
WEF**

cc: Dr. Marilyn Fingerhut



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Sewerage Agencies

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Sewer Board
Montgomery, AL

Executive Director
Ken Kirk

July 25, 2000

Linda Rosenstock, M.D., M.P.H.
Director
National Institute for Occupational Safety and Health
Hubert H. Humphrey Bldg.
200 Independence Avenue, SW
Room 715-H
Washington, DC 20201

Dear Dr. Rosenstock:

The Association of Metropolitan Sewerage Agencies (AMSA) recently learned of National Institute for Occupational Safety and Health's (NIOSH) intent to issue a Hazard Identification Report regarding Class B biosolids and worker safety. AMSA represents the interests of nearly 250 of the country's publicly-owned wastewater treatment agencies, which collectively serve the majority of the sewered population in the United States, and generate and treat more than 75 percent of the biosolids produced each day. Over the past 30 years, AMSA has maintained a close working relationship with both Congress and the U.S. Environmental Protection Agency (EPA) in the development of environmental legislation and policy making. In addition to their primary responsibility for treating the Nation's domestic and industrial wastewater, AMSA member agencies play a major part in their local communities, often leading watershed management efforts, promoting industrial/household pollution prevention, and advancing public involvement and education in the wastewater industry.

AMSA members have implemented numerous activities related to the appropriate management and use or disposal of municipal solids, and have a keen interest in the safety and protection of workers in the handling and application of biosolids. We have serious concerns, however, regarding the review process NIOSH has undertaken with respect to this Hazard Identification Report. We do not understand why NIOSH has not solicited

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review outside government agencies, despite the potential impacts the report may have on the wastewater and biosolids reuse industry. Media reporting, such as the *USA TODAY* story on April 13, 2000, has alarmed many of our members and the public, and has left us unable to answer questions concerning the report, despite our repeated requests for a draft copy from NIOSH.

AMSA is concerned that issuing a "Hazard" report will suggest wide-spread problems and result in the public perception of Class B biosolids similar to that which exists for hazardous wastes. These types of negative perceptions are detrimental to the reuse of biosolids, overstate the need for concern based on a limited NIOSH investigation, and undermine the national performance goal of increased biosolids reuse. AMSA advocates the use of appropriate personal hygiene and generally available personal protective equipment, but urges that any further precautions be researched and advocated only after review by EPA and the industries affected. If data from previous reports indicate the need for more research, and NIOSH's intent is to make recommendations for further action, AMSA recommends that NIOSH transmit their findings to EPA directly in the form of a letter. EPA could then include the health and safety of Class B biosolids workers into their research agenda.

We request a meeting with you and your staff to discuss the content of the report, NIOSH's plans for issuing it, the data used to develop the recommendations, and the potential ramifications of the report to the wastewater industry. We understand that the Water Environment Federation (WEF) is also requesting a meeting with you to discuss the document. We urge a joint meeting of NIOSH, AMSA and WEF to address our concerns.

If you have any questions, please contact me at 202/833-4653. We look forward to a positive response to our meeting request.

Sincerely,

A handwritten signature in black ink that reads "K Kirk". The "K" is large and stylized, followed by "Kirk" in a cursive script.

Ken Kirk
Executive Director

cc: Rosemary Sokas, NIOSH
Chuck Fox, U.S. EPA
Rob Fairweather, Office of Management and Budget
Al Gray, WEF