



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,

A handwritten signature in black ink, appearing to read "K Kirk".

Ken Kirk  
Executive Director, AMSA

A handwritten signature in black ink, appearing to read "A. Gray".

Albert Gray  
Deputy Executive Director, WEF

cc: Dr. Linda Rosenstock, NIOSH

July 28, 2000

Hon. Carol M. Browner  
Administrator  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Dear Administrator:

I am writing to you on behalf of the National Whistleblower Center (Center). In response to the Centers for Disease Control's National Institute of Occupational Safety and Health (NIOSH) Hazards Identification Report's findings and recommendations released today, July 28, 2000, the Center calls upon you to immediately suspend the use of the EPA's 503 sludge rule and all permits granted under it to use Class B sludge for agricultural purposes.

The Center also requests that you implement the following recommendations in regard to improving the regulation of the land application of sludge:

- Implement emergency interim regulations, that utilize the NIOSH Hazard Identification's finding, that protect the general public from exposure to Class B sludge, especially during the application process and the one year restricted period, and within 60 days, require notice posting at all sites where Class B sludge has been applied or is being stored in anticipation of being applied;
- Require and promote the use of Class A sludge whenever possible;
- Require a new risk assessment be performed by the EPA on the safety of the land application of Class B sludge. This risk assessment should include a review of allegations raised by Dr. David Lewis and a full risk assessment of the pathogens in sludge;
- Create regulations to provide for the enforcement of the EPA's regulations for the land application of sludges;
- Request the Office of Inspector General investigate possible misconduct of an alleged attempt by EPA officials to pressure NIOSH to report recommendations that exclude or provide less protection for the general public than workers.
- Reverse or rescind all adverse actions taken against EPA scientists and/or division directors who have opposed or criticized the sludge rule and/or supported others who did.

I look forward to a prompt response within ten working days. If I do not receive a response, the Center may be compelled to file, on its own behalf and the behalf of specific individuals, a Citizen's suit pursuant to the Clean Air Act, 42 U.S.C. §7604, the Clean Water Act, 33 U.S.C. §1365 and the Safe Drinking Water Act, 42 U.S.C. § 300J-8.

Thank you for your attention to this very important matter.

Respectfully,

Mary Jane Wilmoth  
Program Director  
National Whistleblower Center

**| Top of this page | Home | News/Events | FBI Whistleblowers |**  
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**| Publications | Internships | Law Library | Legal Protections |**  
**| FOIA | E-mail Us | Contributions | Forensic Justice Project |**

## **REP. GEORGE SEEKS SUSPENSION OF CLASS B SLUDGE APPLICATIONS IN PA**

HARRISBURG, Aug. 3, 2000 - State Rep. Camille "Bud" George, Democratic chairman of the House Environmental Resources and Energy Committee, today called for the immediate suspension of all Class B sludge applications in Pennsylvania.

"The Centers for Disease Control's latest study confirms that workers may be exposed to disease-causing organisms while handling or disturbing Class B sludge on farms or mine reclamation sites," said Rep. George, D-74 of Houtzdale.

"The state Department of Environmental Protection must immediately halt Class B sludge dumping and begin protecting workers and the public," Rep. George said in a letter to DEP Secretary James M. Seif.

The CDC's recommendations include engineering controls, personal protective equipment, immunizations and training for workers handling the pathogen-laden mix of sewage and industrial and hospital waste that make up Class B sludge.

The study, released July 28 by the CDC's National Institute of Occupational Safety and Health, found:

- Class B sludge contains E.coli, salmonella, cryptosporidium and other pathogens.
- Exposure to it may result in disease or a carrier state where disease can be spread to others.
- Class B sludge stored before it is applied contains high levels of coliform.
- Workers may be exposed to disease-causing organisms while handling Class B sludge.

Potentially disease-causing bacteria were found in bulk and air samples at a sludge-processing facility in LeSourdsville, Ohio. Class B sludge is the likely source of gastrointestinal diseases among sludge handlers at the Ohio plant.

"NIOSH can only recommend changes in the workplace, but its study should sound the alarm for the public and the state and federal agencies that are supposed to protect the public," Rep. George said.

"About 400,000 dry tons of sludge are applied throughout Pennsylvania each year and there's nothing to keep everyone -- neighbors, children, hunters, whomever - from being exposed to the pathogens the CDC found," Rep. George said.

Sludge is suspected in the death of 11-year-old Tony Behun of Clearfield County, who died in 1994 a week after playing in a mine site where Class B sludge was applied. The site contained no warnings of the sludge, despite federal regulations requiring warnings, and the DEP apologized to the boy's mother after it had maintained her son died of a bee sting and that the site had not been sludged.

A second NIOSH investigation also is underway into illnesses contracted by United Mine Workers members working with Class B sludge in Centre County.

Sludge also is suspected in the 1995 death of a New Hampshire man. In a lawsuit, family members say 26-year-old Shane Conner was sickened by the parade of trucks carrying sludge past his home.

"How many workers have to get ill, how many suspicious deaths must be tallied before the DEP puts protection of the public's health above protection of sludge applicators' profits?" Rep. George said.