

April 20, 2005

Re: EWG response to solicitation of support for Sewage Sludge in Food Production Consumer Notification Act.

From: Kenneth (Prepared by Leah, Assistant to President)

To the board of directors:

I have been approached by the office of Representative Jose Serrano (D-NY) asking for EWG's support on HR 207, the Sewage Sludge in Food Production Consumer Notification Act. HR 207 would require labeling of food produced on land to which sewage sludge has been applied within the preceding year. While we don't generally support labeling as a viable policy response to an under regulated toxic stream, I would like to give the Congressman our support. I have outlined a brief case against the current methods of land application of sewage sludge and a summary of how EWG can play a role in shaping this debate.

Background

- Today, about 60% of sewage sludge produced in wastewater treatment is recycled through land application. Because wastewater treatment plants process residential, industrial, and hospital wastes, farm and roadway runoff, and, in some cases, landfill leachate, a changing mix of toxic chemicals, pathogens, and heavy metals ends up concentrated in the sludge. These toxins pollute soil, air, and water when sludge is spread on land.
- A substantial body of credible scientific opinion has indicated that the EPA's regulation of land applied sewage sludge is insufficiently strict. Notably, a 2002 National Research Council Report concluded that the data gaps in the science behind current rules suggest that the EPA cannot assure that land application practices are protective of human health.¹ In a 2003 CBS interview, an EPA administrator could not confirm that sludge was safe for human health.² A former EPA microbiologist was forced to resign after questioned sludge safety in *Nature* and *Journal of Environmental Science and Technology*.
- Land application of sewage sludge has already been allowed to take its human and environmental toll. Exposure to sewage sludge has been blamed for the deaths of two boys in Pennsylvania and a 26-year old New Hampshire man.³ When a Washington dairy farmer lost six of his cows after applying sludge fertilizer to his fields, a lab analysis found the sludge dust laced with arsenic, beryllium, lead, titanium, chromium, copper, and mercury. And a city in Colorado is under investigation by the EPA for overapplying sewage sludge to municipal land and contaminating the ground water with excess nitrates, which can be toxic to infants who drink the water.⁴ It seems clear that our farmlands and public spaces are being used as repositories for toxic waste, with little interference by the Environmental Protection Agency.

¹ National Research Council. 2002. *Biosolids Applied to Land: Advancing Standards and Practices*.

² "Sewage Fertilizer Under Fire." 29 October 2003. *CBS Evening News*. Available at: <http://www.cbsnews.com/stories/2003/10/29/eveningnews/main580816.shtml>

³ Tuohy, John. "CDC Sounds a Warning on Risk of Sludge". 13 July 2000. *USA Today*. Available at: <http://www.acereport.org/cdc52603.html>

⁴ Hartman, Todd. "Sludge Dumping Probed" 13 September 2004. *Rocky Mountain News*.

Our Sludge History

As some of you may remember, EWG has entered the sludge arena before. In 1998, as the National Organic Standards were being debated, we published a Policy Analysis paper titled “Dumping Sewage Sludge on Organic Farms? Why USDA should just say no.”⁵ When sewage sludge was taken off of the organic table, we turned to other issues. In 2003, we decided not to sign on to the Center for Food Safety’s petition for a moratorium because we did not have the capacity at the time to meaningfully represent another issue.⁶ Today, with an asset profile of \$1.5 million dollars and a steadily increasing revenue stream, I believe we have the resources to step back into this brawl. We are also singularly positioned to move this issue forward. The resounding theme of writing over the last decade on land-applied sewage sludge has been the dearth of rigorous, actionable scientific information on the health and environmental risks of the practice. EWG surely knows how to inject a debate with indisputable data.

Strategies for Results

- *Advocacy Campaign:* I propose that EWG create a web-based advocacy campaign in support of HR 207. We should create an issue link on our website for sludge labeling that lays out the important points clearly and simply. As usual, we should make use of photography, graphics, and interactive features wherever possible. We should make available an archive of documents and articles written about land-applied sewage sludge over the last fifteen years and we should track current media coverage of the issue. We will launch this new feature through our newsletter and through press releases. We must also alert the press that our expert interviewees are available to dialogue on this issue. Such a campaign can help Representative Serrano leverage public pressure and bring other legislators on board.
- *Issue Framing:* EWG has played a central role in shaping the terms of the debate over agricultural subsidies. In our messages to the public, we must similarly frame the sludge issue as one in which the American consumer is being inadequately protected by an EPA more concerned with corporate interests than public and environmental health. In this context, sludge labeling allows consumers to protect themselves. While the idea of farmlands fertilized by toxic sludge may be compelling enough of an issue for most Americans, we must also incorporate the human-interest element wherever possible.
- *Environmental Investigation:* I also move that EWG pursue funding to undertake original research on the health and environmental risks of land-applied sewage sludge. While an advocacy campaign fits into the legislative timeframe, only new primary research can truly move this debate forward. While such research takes time and money, when we expose the risks to communities, consumers, and the environment that the EPA has failed to regulate, EWG will be in the headlines again as Washington’s savviest environmental watchdog.

Political Gains

If HR 207 is written into law, EWG will be able to proudly claim a role in shepherding new public health legislation. We could also use the labeling legislation as a stepping-stone to garner media publicity for the underlying problem: the under regulation of the sludge industry. If we continue our information campaign on the dangers of land applied sewage sludge, newly informed consumers will shun sewage-fertilized foods, effectively shutting down the industry.

⁵ Available at: <http://www.ewg.org/reports/sludgememo/sludge.html>

⁶ I’m ad libbing here. It’s unclear if they were approached about the petition, and if so, why they didn’t sign on.

On the other hand, HR 247 may very well fail. Congressman Serrano has introduced the same Act in the last five sessions of Congress, and the bill has never left subcommittee. It may take years to pass a bill on this issue. However, if we launch our sludge research initiative in a timely manner, we will eventually have the evidence needed to open a window of opportunity on this issue. We may even push the policy debate beyond labeling of sludge-fertilized food to the drafting of sound regulation of land-applied sewage sludge. When a future version of HR 247 does become law, we can show our commitment in having supported the issue from the beginning.

In conclusion, I believe that the regulation of land-applied sewage sludge is a meaningful and fruitful new issue area for EWG. Please support these proposed actions so that our organization can again lead the way on an important public-interest initiative.

Organization Information Sheet

NGO Name: Environmental Working Group

Mission: The Environmental Working Group (EWG), founded in 1993, uses the power of information to protect human health and the environment.

Main Activities: EWG uses computer-driven data analysis of public information to expose threats to public health and the environment. They turn raw data into usable information for the public and policy makers. Their activities are geared toward electronic activism to help Americans be informed and engaged environmental citizens.

Issue Areas:

- Farm subsidy database
- Pesticides and children/Pesticide testing on humans
- Nuclear waste transportation
- Mercury in tuna
- Farmed salmon and PCBs
- Toxics (Teflon/Scotchguard, flame retardants, percholate)
- Arsenic in wood
- Phthalates in cosmetics
- Mining and land use
- Ford SUV rollover risk

Leadership: EWG President Ken Cook co-founded the organization with Richard Wiles, Senior Vice President, in 1993. This year, Mr. Cook was recognized as one of Washington's top non-profit lobbyists by *The Hill* and as one of "Agriculture's 100 Most Influential Leaders" by *Progressive Farmer*.

Structure:

- Full-time staff of 21 people
- A Washington D.C. headquarters and a California field office
- Not currently a membership organization

The Board of Directors is composed of nine members. The President has been Chair of the Board within the past two years and continues to sit as a member. Other membership includes:

- David Baker (Community Against Pollution)
- Charlotte Brody (Healthcare Without Harm)
- Sandy Buchanan (Ohio Citizen Action)
- Drummond Pike (Tides Foundation/Tides Center)

Budget: In FY 2003, EWG received \$2,835,245 in total revenue from a combination of contributions, program services, investments, and other sources. In the same year it had a total expenditure of \$2,412,054, making for a net gain of \$423,191. Program expenses made up 78.9% of organizational expenses, administration expenses constituted 15.8%, and fundraising expenses constituted 5.2%. At the end of FY 2003, EWG held net assets of \$1,322,374. The President was paid a salary of \$129,375.

Major Funding Sources: The majority of EWG's funding comes from private charitable foundations. They also welcome the support of individual donors and select corporations.

History of role vis a vis the government:

- Active in forcing government action -- legislation, regulation, investigation -- by publicizing obscured information
- Has been called a "lean, mean, muckraking machine"
- Recently spawned an affiliated 501(c)(4) organization, the EWG Action Fund, to increase ability to lobby elected officials on critical issues