

The Food Rights Network

A Project of the Center for Media and Democracy
520 University Avenue, Suite 260
Madison, Wisconsin 53703
(608) 260-9713

Sent Via Email and FedEx

March 30, 2011

Norman Lear, Founder
Debbie Levin, President
Environmental Media Association (EMA)
5979 W. 3rd Street, Ste. 204
Los Angeles, CA 90036

RE: EMA Unknowingly Contaminating School Children's Gardens with Sewage Sludge

Dear Ms. Levin and Mr. Lear,

Congratulations to you and the Environmental Media Association (EMA) for your decades of leadership in environmental awareness and protection. We applaud your work which is more needed than ever.

However, we are writing to bring to your attention a very serious problem pertaining to EMA of which we are sure you are not aware.

We have been investigating how, across the nation, sewage sludge is being dumped on farms and gardens, deceptively labeled as "organic compost," "natural fertilizer," or sometimes the PR term "biosolids." Our investigation has discovered that EMA has -- unknowingly -- made an alliance with a company selling Los Angeles sewage sludge as "compost" -- a company that is promoting growing food with this sewage sludge and putting it on school gardens where it is handled by children growing food.

We are referring to Kellogg Garden Products, whose Kathy Kellogg is on EMA's corporate advisory board. Kellogg uses sewage sludge "compost," purchased from the city of Los Angeles, in its branded products including Nitrohumus, Gromulch, Amend and Topper. Indeed, although there is no label or information on the bags that would provide the purchaser with this critically important information, about 70% of Kellogg's total annual sales is derived from sewage sludge based products.

Sewage sludge is hazardous material containing tens of thousands of contaminants that are pulled from sewer water by sewage treatment plants and then are concentrated in the sludge. Dioxins, PCBs, medical wastes, industrial solvents and chemicals, heavy metals, endocrine disruptors, flame retardants, and pathogens -- these are some of hazardous materials that end up in sewage sludge. The sludge industry and sludge promoters have greenwashed sewage sludge first by renaming it "biosolids" and now, shockingly, branding it as "compost" and "natural organic fertilizer."

Longtime environmental protection advocate Abby Rockefeller has written, "while human excreta contribute to sewage an agricultural fertilizer of known value, sewage's many thousands of industrial and domestic chemicals are making sludge a lethal menace instead." (*Sewers, Sewage Treatment, Sludge: Damage Without End*. New Solutions, Vol. 12(4) 341-346, 2002.)

The National Organic Standards Act makes it illegal to use sewage sludge on farms and gardens growing food labeled "organic." However, the Environmental Protection Agency (EPA) -- which provides the majority of financing for building and operating sewage treatment plants -- is, in order to save money, allowing and encouraging sewage plants such as those in Los Angeles to dispose of their toxic sludge as "fertilizer."

Numerous scientific papers and all Federal Court decisions concerning "land application" of sewage sludge have documented its hazards. Specifically, Federal Judges have ruled that the promoters of growing food on sludge -- EPA and the sewage sludge industry -- have harassed scientists, media firms, journalists and citizens who have exposed the hazardous nature of sewage sludge. In the most famous Federal Court case on sewage sludge, a company hauling and dumping New York city sludge onto land in an impoverished Hispanic county in Texas sued filmmaker Michael Moore, TriStar, and others for a 1994 national NBC television report exposing this situation. The Fifth Circuit Court, the most conservative Federal Appellate Court in the United States, threw out the case. The Federal Judges unanimously ruled that "land application" of sewage sludge is "controversial," and that despite the claims of the sludge industry and the EPA, "experts have yet to establish a consensus on the safety of land application of sludge." This ruling has never been appealed or overturned.

(See: Peter Scalamandre & Sons, Inc. v. Kaufman, 113 F. 3d 556 - Court of Appeals, 5th Circuit 1997.
<http://scholar.google.com/scholar_case?case=6654412296609419509&q=Scalamandre.+Kaufman&hl=en&as_sdt=2,4>)

Another major Federal Court case, this one in Georgia, has ruled on the EPA and sludge industry promotion of this controversial and dangerous practice of growing food in sewage sludge. The Federal District Court judge in Georgia ruled that "the administrative record contains evidence that senior EPA officials took extraordinary steps to quash scientific dissent, and any questioning of the EPA's biosolids program." In that federal case, in which over 300 cows had died of poisoning, milk sold was also contaminated by the use of sewage sludge on the farm. The farm family was awarded compensation from the United States Department of Agriculture for the destruction of their farmland and livestock by sewage sludge. This federal ruling also has never been appealed or overturned.

(See: McElmurray v. US Dept. of Agriculture, 535 F. Supp. 2d 1318 - Dist. Court, SD Georgia 2008.
<http://scholar.google.com/scholar_case?case=16820900229468098646&q=535+F.Supp.2d+1318+&hl=en&as_sdt=2,4>)

We value EMA's commitment to organic gardening and real recycling, and we are therefore sorry that we have had to bring this serious problem to your attention.

John Stauber will be in Los Angeles on Wednesday, April 13, and would welcome an opportunity to meet and discuss this issue with you.

Sincerely,



John Stauber, co-author, *Toxic Sludge Is Good for You*;
Advisor to Food Rights Network, a project of the Center for Media and Democracy
(Bio: <<http://www.prwatch.org/profile/john-stauber>>)



Lisa Graves, Executive Director, Center for Media and Democracy
(Bio: <<http://www.prwatch.org/users/35268/lisa-graves>>)

cc: Ed Begley, Jr. and Abby Rockefeller