

# ***SOME THINGS NEVER CHANGE***

Keynote Address by David L. Lewis, Ph.D.<sup>1</sup>

Annual March to the Athens-Clarke County Landfill

## **Billups Grove Baptist Church**

Pastor Ben Kenneth Willis, First Lady Artherlene Willis

May 2012

**W**hen I graduated from high school and came to the University of Georgia (UGA) in 1966, Chester Davenport had just become the first African-American law student to graduate from UGA. Two years later, I took a part-time job at the "Water Lab" on College Station Road, which was under the U.S. Department of Interior. My favorite duty was going on field trips to sample rivers in North Georgia.

A lab tech named John worked in my section. Whenever we stopped to get drinks and snacks, John would sit in the car. It was many years later when I asked one of the supervisors why that was. "Because blacks weren't welcome back then," I was told. It had never entered my mind. I wasn't raised that way, and neither were my children. John passed away a number of years ago, and I still miss him.

In 1970, Congress created the U.S. Environmental Protection Agency (EPA). Its first priority was to clean up America's polluted waterways. Our lab became part of EPA's Office of Research & Development. I earned a bachelor's degree in microbiology at UGA in 1971, and continued on to get my Ph.D. in ecology. EPA gave me a permanent position as a research microbiologist, and I had my own laboratory. Becoming a scientist and having my own lab was everything I dreamed of since I was a small child.

To clean up the water, President Jimmy Carter undertook the Nation's largest public works program, which was to build sewage treatment plants in every city and town across America. Their purpose was to remove toxic pollutants from the water and

concentrate them in sewage sludge, mainly for disposal in landfills. When President Carter announced the program to Congress in 1977,<sup>2</sup> he warned: "We need to be sure that sewage projects supported by Federal money do not create additional environmental problems...We also must ensure that the systems are operated properly...that there is an effective pretreatment program to remove harmful industrial wastes from these systems; and that we are carefully considering alternative solutions..."

Shortly after President Bill Clinton began his first term in 1993, EPA passed the 503 sludge rule over the objections of scientists at EPA laboratories across the country. The rule allowed cities to just treat their sewage sludge with lime, or by other processes that do nothing to remove heavy metals and persistent organic chemicals. The toxic sludge could then be spread on farms and forests and school playgrounds as "fertilizer."

EPA's sludge rule regulates only nine of 27 heavy metals found in sewage sludge. None of the toxic organic chemicals it contains are regulated, or even monitored. Not even priority pollutants, including pesticides, pharmaceuticals, and plasticizers are regulated in sewage sludge. It makes no sense. What everyone agreed was harmful to public health and the environment in the water has suddenly become environmentally beneficial when spread on the land.

Under the direction of Dr. Rosemarie Russo, the Athens EPA laboratory led the opposition within EPA's Office of Research & Development. But EPA passed the 503 sludge rule anyway, promising to support more research to make it safe. To do the research, EPA established a cooperative agreement with the Water Environment Federation, a leading wastewater industry trade association.

The Water Environment Federation, or WEF as it was known, decided sewage sludge would be called biosolids, and carried out the National Biosolids Public Acceptance Campaign funded through EPA using congressional earmarks. Together, EPA, the US Department of Agriculture, and the WEF hand-picked scientists they wanted to support at land grant universities, including the University of Georgia. These

scientists and their universities were heavily funded to publish research supporting EPA's sludge rule as being protective of public health and the environment.

By the late 1990s, reports of adverse health effects started showing up in local newspapers across the United States and Canada. Skin lesions often developed in people who contacted the material. Residents near land application sites reported burning eyes, burning lungs, and difficulty breathing when exposed to dusts blowing from treated fields. People who couldn't afford to move away developed chronic infections and permanent scarring of the lungs. Some died. You don't need me to tell you that a number of people here at Billups Grove Baptist Church are suffering from these same illnesses, which started when Athens-Clarke County began stockpiling biosolids behind the church and spreading it on the fields near where you live.

In 1996, as part of my official EPA duties, I began investigating public health problems linked to biosolids. Soon, Dr. Russo started getting calls from EPA headquarters. One of her bosses said "Put a muzzle on Lewis." Another asked "Does he have some kind of death wish?" Dr. Russo refused to stop my research, and was soon ordered to step down. Fortunately, Congress held hearings and EPA backed down with regard to removing Dr. Russo. Eventually, EPA took away all of my funding and transferred me to UGA to await termination. There, I continued to document problems with biosolids using my own personal funds.

To discredit my research, EPA funded the University of Georgia in 1999 to conduct a research project related to two dairy farms I was investigating near Augusta, Georgia. Hundreds of cows had died after eating hay fertilized with biosolids. Several workers spreading the hay got sick; one was rushed to the hospital. This EPA-funded project was published in 2003. The authors at UGA and EPA concluded that heavy metals and nitrogen in grasses grown on Augusta's sludge "did not pose a risk to animal health." The University issued a national press release saying "Some individuals have questioned whether the 503 regulations are protective of the public and the environment. This study puts some of those fears to rest."

The same year that the UGA study was published, EPA terminated me for documenting illnesses and deaths linked to biosolids. Dr. Russo provided the following public statement: "Dr. Lewis' involuntary termination over his research articles was not supported by the local lab management in Athens. He was an excellent researcher and an asset to EPA science." EPA claims that science proves that biosolids are safe. But this "science" was created by paying scientists to support EPA's sludge rule, and firing scientists who don't. It's not *real* science.

The dairy farmers and I filed several lawsuits over EPA's and UGA's efforts to cover up problems with Augusta's biosolids, including with the study published in 2003. In 2008, Judge Anthony Alaimo of the Southern District of Georgia ruled that key data EPA provided in the study were "invented." One of the plant managers in Augusta, who was the original source of these data, admitted under oath that he sat down at his computer one day in 1999 and fudged two decades worth of data. He made the levels of heavy metals in Augusta's biosolids appear to be much lower after the 503 sludge rule passed in 1993.

Documents that turned up in a "qui tam" lawsuit, which the dairy farmers and I filed on behalf of the U.S. Government, uncovered something that was even more startling. Authors of the EPA-funded study failed to report that UGA's School of Veterinary Medicine had performed autopsies on two cows from one of the fields treated with Augusta's biosolids. The pathologist found that the cows' kidneys were probably damaged by one of the heavy metals found at elevated levels in the biosolids, and concluded that the kidney damage could have compromised their immune systems and caused them to die from a rare type of infection.

I'm sure it comes as no surprise to you that intercity neighborhoods and economically and educationally disadvantaged communities across America are prime targets for disposing of sewage sludge. So let me close by paraphrasing a short section in one of my articles.

In 2005, the USDA and the Kennedy Krieger Institute at Johns Hopkins University published the results of experiments in which lead-contaminated biosolids were added to soils in predominantly African-American neighborhoods in Baltimore, Maryland. According to my analysis, which was requested by Maryland's Office of Civil Rights, the levels of lead in the mixtures of soil and biosolids to which children were exposed in this experiment exceeded CDC safety limits. Moreover, the study did not follow normal experimental protocols for testing residents and their homes for lead levels.

The Kennedy Krieger Institute and USDA used this and other studies to conclude that biosolids can prevent children from getting lead poisoning. In a similar study involving lead paint, the KKI was sued by parents whose children apparently developed lead poisoning. A Maryland appeals court likened the research to the infamous Tuskegee syphilis study, and to Nazi medical experiments in World War II.

In 2005, the EPA and state health officials held a public "health fair" in an African-American community in Louisiana to instruct residents in personal hygiene after an outbreak of staph infections. Residents developed boils when biosolids were applied to sugar cane fields where they lived, but the state health department dismissed biosolids as having any role in the outbreak.

In a report summarizing their findings, the EPA and state health officials never mentioned peer-reviewed research articles my coworkers and I had published concerning biosolids and outbreaks of staph infections. In our research, we found that one-fourth of the cases we studied at ten land application sites, including several deaths, involved staph infections associated with chemical irritants in biosolids.

I wonder what my old friend John would have to say about all of this if he were still alive today? What would he think about Congress creating EPA to clean up the water, only to spread all the toxic pollutants in intercity neighborhoods and rural

communities where people are too poor to do anything about it? What would he have to say about President Carter's long forgotten warning to Congress not to let wastewater treatment plants just end up solving one problem to create another?

The world has come a long way since John and I traveled the back roads of Georgia collecting water samples in the 1960s. I'm sure he would have been proud to see President Obama swept into the White House by a Nation hungry for more change. But if he were here with us today, I think he would just look around, smell the air, and say "Some things never change."

Judge Clay Land of the Middle District of Georgia dismissed our qui tam lawsuit on a technicality and ordered the dairy farmers and me to pay over \$61,000 in court fees demanded by EPA and the University of Georgia, which they had promised to drop if we would agree not to talk about the case publicly. But we're not going to shut up. The farmers lost their dairy farms, and I lost my job. So we don't have the money to pay either.

In 1776, just nine years before the University of Georgia was chartered to become the newly-formed Nation's first university, the signers of the Declaration of Independence wrote: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

The Government took away these rights when it decided to dump the Nation's toxic wastes on the most poor and defenseless segments of its population, and spread them around their homes and churches. And, if the Government threatens citizens who speak out with unbearable court costs to gain their silence, it assaults one of our most sacred rights under the Constitution, which is the right to speak freely.

We live in the shadows of a great university that was once known for discriminating against people of color. **Some things never change.** Research at the

University of Georgia is funded, in part, by a Government that once carried out the infamous syphilis experiments on African-Americans in Tuskegee, Alabama. **Some things never change.** Today, we are gathered at Billups Grove Baptist Church to tell the Federal Government, the University of Georgia, and Athens-Clarke County: **It's time for change.**

## Notes

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<sup>1</sup> In addition to my keynote address, this document includes information that I provided to Billups Grove Baptist Church in one of my articles, "Institutional Research Misconduct: An Honest Researcher's Worst Nightmare." *Autism Science Digest*, 2012(4):31-40, and in *United States of America, ex rel. David L. Lewis, Ph.D., et al. v. John Walker, Ph.D., et al.*, US District Court, Middle District of Georgia, Athens Division, Case No. 3:06-CV-16, Order dated May 14, 2012.

<sup>2</sup> President Jimmy Carter, *The Environment Message to the Congress*. May 23, 1977. [www.presidency.ucsb.edu/ws/index.php?pid=7561](http://www.presidency.ucsb.edu/ws/index.php?pid=7561).