

Mr. Michael Mayo
143 Shotwell Park
Syracuse, New York 13206

Dear Mr. Mayo:

Thank you for your email of July 7, 2003 to Administrator Fisher, in which you expressed concerns regarding the issue of toxic wastes in fertilizers. The U.S. Environmental Protection Agency (EPA) has taken a careful look at the issue of contaminants in fertilizers, particularly fertilizers made from recycled hazardous wastes. I am pleased to respond on behalf of the Administrator, and welcome this opportunity to convey to you some of the findings we have made in this area, and information on how fertilizer contaminants are regulated by EPA.

The data we have reviewed to date on fertilizer contaminants (such as lead, cadmium, arsenic, dioxins and others) indicate that while small amounts of such contaminants can be found in a wide variety of fertilizer products, we believe that the risks they pose to people and the environment are generally very low and should not be cause for alarm. We are aware that some recent media stories and other publications have suggested that hazardous wastes are being indiscriminately “dumped” into fertilizers, and that such practices are tolerated or even encouraged by government regulators. The reality is that adding hazardous wastes to fertilizers as a way of simply disposing of them is illegal under the Resource Conservation and Recovery Act (RCRA), and is punishable as a civil and/or criminal offense. EPA and state environmental agencies have invested substantial enforcement resources into investigating compliance with RCRA regulations by the fertilizer industry; I am pleased to say that these investigations so far have not revealed any evidence that such “sham” recycling is a widespread practice. We strongly encourage anyone with knowledge of such wrongdoings to notify EPA or state environmental agency officials.

In some cases, fertilizer products can be made with ingredients extracted from certain types of hazardous waste materials. Most of these products are zinc “micro-nutrient” fertilizers, which are applied in small amounts by farmers to grow crops such as corn, potatoes, rice and fruit trees. To make these fertilizers, modern technologies are used to process zinc-bearing waste materials, filtering out the hazardous contaminants and recovering the valuable zinc content. Fertilizers that are made in this way are of the same purity and quality as fertilizers that are made from “virgin” sources of zinc. EPA supports and encourages this type of legitimate, environmentally beneficial recycling practice as a means of conserving valuable resources (e.g.,

zinc) that would otherwise be disposed of in landfills.

Since 1985, the practice of using hazardous wastes to make fertilizers has been regulated under RCRA by EPA and state environmental agencies. The regulations that apply specifically to this form of recycling, as well as the studies that EPA has completed to date on fertilizer contaminants and the risks they may pose, may be accessed through the Agency's website, at <http://www.epa.gov/epaoswer/hazwaste/recycle/fertiliz/index.htm>.

While EPA's regulations ensure that fertilizers made from recycled hazardous wastes are high-quality fertilizers that meet stringent limits on heavy metals and dioxins, it is important to note that these products represent only about one-tenth of one percent of all fertilizers used in this country. The Agency does not have the authority under RCRA to regulate non-waste derived fertilizers. State agriculture agencies, however, typically have much broader authority to regulate fertilizers, and states such as Washington, California, Texas and Oregon now have programs in place to control contaminants in all types of fertilizer products. EPA supports these broader state initiatives to comprehensively control contaminants in fertilizers.

Again, thank you for your inquiry. If you have any further questions pertaining to this issue, please contact Mr. David Fagan of my staff, at (703) 308-0603, or by email at fagan.david@epa.gov.

Sincerely,

Robert Springer
Director, Office of Solid Waste

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