

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

The Honorable Sam Farr
U.S. House of Representatives
701 Ocean Street
Santa Cruz, California 95060

Dear Congressman Farr:

Thank you for your July 22, 1997 letter regarding the concerns of your constituent, Kenneth Phipps, about the use of industrial wastes to produce fertilizers. The Environmental Protection Agency ("EPA") shares your constituent's concern that fertilizers be safe, and we recognize that concentrations of heavy metals in these products deserve greater scrutiny. We are gathering more information about the issues cited in the recent press articles on this topic. We do not know at this time whether there is in fact a significant health or environmental threat under current regulatory controls, but we have decided to look closely and promptly at the issue.

In the meantime, without diminishing the importance of your constituent's concerns, I should point out that EPA does currently have some regulatory controls on the use of hazardous waste and sewage sludge in fertilizer and has been enforcing those regulations.

There is one type of zinc-bearing waste that EPA determined in 1988 could be legitimately used to produce a zinc micronutrient fertilizer that is typically applied at low application rates relative to other types of fertilizers and where the use of the zinc-bearing waste produces a fertilizer comparable to fertilizers produced from other materials. If, however, there is new information indicating that those fertilizers or the comparable fertilizers using zinc from sources other than industrial byproducts and wastes nonetheless pose a risk to the environment, the public, or the farmer, EPA will revisit that determination.

For any other hazardous waste incorporated into fertilizer, there are requirements that the waste be treated first using the best available waste treatment technology to reduce the toxicity and mobility of any hazardous constituents. In addition, any fertilizer producer using wastes must be prepared to demonstrate that the use in a fertilizer is legitimate use. EPA

also has risk-based standards for sewage sludge when it is used as fertilizer. For several of the incidents in the recent press articles, a close reading indicates that there have been enforcement actions taken under the existing regulations and laws.

Despite these current regulatory controls, the recent press articles have identified some issues for which additional controls may well be appropriate. The Agency is currently looking into any new information we can obtain on any potential risks from the use of wastes and secondary materials in products such as fertilizers. We are, and will be, considering what additional government action might be needed either with respect to fertilizers that derive desired elements from industrial wastes or from comparable fertilizers not derived from wastes if they also might have hazardous components that need better disclosure or better controls.

While recycling of wastes is clearly a goal of the Agency if the alternative is simply disposal, we have an overriding mandate to protect the public health and environment. I assure you we will be examining this issue to determine what actions might be appropriate.

Thank you again for your interest in this matter. If you have any questions or would like additional information, please have your staff or your constituent contact David Bussard of my staff at (703) 308-8880.

Sincerely,

Elizabeth A. Cotsworth, Acting Director
Office of Solid Waste