

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

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

The Honorable Gary Locke  
State of Washington  
Office of the Governor  
P.O. Box 40002  
Olympia, Washington 98504

Dear Governor Locke:

Thank you for your letter of September 9, 1997, to Carol Browner regarding your concerns about the use of hazardous and solid waste that is recycled as an ingredient in fertilizers and soil amendments. EPA shares your concern that fertilizers be safe and recognizes that the presence of heavy metals and other potentially toxic compounds in these products deserves greater scrutiny.

Responding to these concerns, EPA is taking prompt action to assess whether a health or environmental threat exists from this practice and to determine whether additional government action is necessary to safeguard public health and the environment. To this end, the Agency has put together a multi-disciplinary Workgroup to evaluate and assess the nature and extent of any possible risks posed by the use of fertilizers that contain heavy metals and other potentially toxic compounds.

The Workgroup will focus on characterizing the nature and extent of any potential problems associated with the use of fertilizers. After any such problems have been more clearly characterized, EPA will identify whether appropriate government actions are needed, such as developing and adopting national risk-based standards for the use of fertilizers, as you suggested. EPA will also consider other alternatives to limit or restrict the use of heavy metals and other potentially toxic compounds in fertilizer, including, but not limited to, adopting interim standards, developing voluntary standards, revising existing federal regulations, and developing labeling and reporting requirements for all fertilizers.

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EPA's effort would be incomplete without the assistance and cooperation of states such as yours. The State of Washington has been a vital partner in this effort by taking the lead on several issues and by providing data on the use of fertilizers in the State of Washington. EPA, through its staff in Headquarters and Region 10, would like to continue this partnership and assist the State of Washington in its efforts where feasible (e.g., possible joint funding of sampling and other data collection efforts!).

Thank you for your interest and positive leadership on the fertilizer issue. We look forward to working with you and your staff in evaluating this matter and resolving any potential problems as expeditiously as possible. If you have any questions or would like additional information, please have your staff contact Elizabeth Cotsworth of my staff at (703) 308-8895.

Sincerely,

Timothy Fields, Jr.  
Acting Assistant Administrator

## Waste-Derived Fertilizers

Recent media attention has focused on the use of certain hazardous wastes and other hazardous constituents as ingredients in fertilizers. Provided below is a brief summary of the regulatory provisions and Agency policy for such fertilizers.

Fertilizers made from ingredients other than hazardous wastes or sewage sludges are not currently subject to any EPA regulations. Our understanding is that fertilizers have certain labeling requirements for the ingredients that are considered beneficial (i.e. active ingredients), but no requirements for the other ingredients (i.e., inert ingredients).

Fertilizers derived from sewage treatment sludges are regulated by EPA with specific limitations on the amount of hazardous constituents that can be in the fertilizer. 40 CFR §503.13.

Hazardous wastes may be used as ingredients to make fertilizers under certain conditions specified in the Resource Conservation and Recovery Act regulations, in part, because the hazardous wastes can be a beneficial component of legitimate fertilizers.

Standards exist that specific limits on the levels of heavy metals and other constituents that can leach from fertilizers derived from hazardous wastes, as measured by a standard laboratory test. These standards are based on treatment, by the best technology currently available, to reduce the toxicity and mobility of the hazardous wastes contents. Limits for some heavy metals in hazardous waste to be applied to the land as fertilizer include: lead - 0.37 mg/l, cadmium - 0.19 mg/l, and arsenic - 5.0 mg/l. (The treatment standards are at 40 CFR §268.48 and the regulations on waste-derived fertilizer are at 40 CFR §266.20(b).)

In the specific case of zinc-containing fertilizers made from air pollution control dust from steel manufacturing (known as K061 waste), these fertilizers are not presently subject to regulation. In 1988, EPA concluded that the K061-waste-derived fertilizers contain essentially the same metals as fertilizers made from alternative ingredients and that its use on appropriate crops does not cause significant food chain or ground water contamination (53 FR 31138, 31164).

The standards, limits, and other regulatory provisions cited above are based on federal regulations. Individual states have the option of making the state regulatory provisions on waste-derived fertilizers more stringent.

EPA is monitoring the recent concerns and considering whether any further government actions are needed.

U.S. Environmental Protection Agency  
Office of Solid Waste  
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