

Harvest from the Devil's Pantry

Staff Report

The use of agriculture as a disposal ground for unwanted waste has always been a tantalizing option for the absconders masquerading under the title of businessmen. But it didn't hit its stride until 1949, the year the Poison Control Centers came into being and farming was taken the toxic route pushed by the universities and other shades of intellectual advisers. The approved toxic materials were generally the chlorinated hydrocarbons, the organophosphates, and several forms of acidulated salt fertilizers.

By the end of 1949, most research had been given its mandating order — prove the efficacy of N, P and K — in the form of grants from the fossil fuel companies — Standard Oil, Gulf Petroleum, Phillips Petroleum, etc. — the money being larded out to each land-grant college based on the harvested acres in each state.

The chemicals of organic synthesis were identified, sure enough. They had LD50 labels, meaning such and such a load in terms of body weight would kill 50 percent of the test animals. Merely scrambling an unborn child, or installing a cancer, or setting in motion half a hundred degenerative diseases in human beings and animals for harvest down track didn't count for much.

PATTY MARTIN

This prelude to the present report is necessary if readers are to comprehend the saga of Patty Martin, the former mayor of Quincy, Washington, now the executive director of Safe Food and Fertilizer.

Like most young people, she tested the waters in other climes before moving back to Quincy. There she got involved in a public service job that required her to attend city council meetings. By happenstance, she learned that the city planned to purchase certain properties for the purpose of spraying effluent. The location of the properties and the amount of land being purchased made no sense.

Patty Martin now recalls the sequence of events that led to a discovery as devas-

tating as Rachel Carson's notice of sprays and granules killing the birds as a harbinger of silent spring. An associate suggested she call Dennis DeYoung to learn whether the land was contaminated.

Dennis DeYoung was a local farmer with crop failures under the belt. He reported that Cenex — now know as



Patty Martin

Cenex Harvest States or Cenex Land of Lakes — sold fertilizers and saw to it that farmers could save offended crops with toxic-rescue chemistry. Cenex, DeYoung said, had dumped something on property under lease. He complained bitterly of crop damage, and he correctly blamed the alchemy of the scientific ones. He would tell his story to just about anyone who would listen. As a lone voice in the wilderness, DeYoung was being slandered as a bad farmer out to find deep pockets for a settlement.

Martin listened. It was an education available only to those who distance themselves from the spin of the polluters.

"They had what they sell the farms," she told *Acres U.S.A.* "There was the repository for containers that once held pesticides and fertilizers. These containers were rinsed out in rinsing ponds, actually lagoons for wastewater from the containers. This rinse water and its settled sludge became a 30,000 gallon fix for DeYoung's acres.

The scenario went like this: DeYoung leased his land to a farmer. Cenex paid that farmer something like \$16,000 to permit spread of the waste. Cenex was taken to court over this. Documents in that case showed that Cenex knew that legal disposal of such toxic waste would cost \$170,000. This projected expense was reduced to a sniveling \$16,000, dilution being considered the answer to pollution.

It didn't take Patty Martin too long to suspect how that 160 acres proposed by the city had been used. One of the farmers with land in the purchase package related a tale of horror similar to the experience of DeYoung. The day the city took an option on his farm, however, he stopped talking to DeYoung, and by proxy, to Martin, as well.

"No one is going to talk," Martin observed, "if the city is going to buy his land at two or three times the going rate. No one is going to stand up and say, *Hey, my land is contaminated! You don't want to buy it!*"

THE SPIN

The spin has been used to sell toxic packages before. Hard on the heels of World War II, the father of spin, Edward Bernays, sold the nation on lacing drinking water with sodium fluoride. To do this, he discovered Hereford, Texas, "the town without a toothache." His New York advertising agency also made the greatest discovery since Madame Curie found radium. It was duly blessed by grant-receiving professors who discovered fluoride as an agent in constructing the apatite crystals in teeth, a fact of science since annihilated by workers with credentials and standing in the world's scientific community. No matter. The spin became politicized, which means ratified on the other side of the equal sign. Because of this, many communities are fluoridated so that citizens can get a steady bombardment of an estimated 200 enzymes with a resultant inoculation of cancers that threaten one out of three people at some point in their lives. Industries figure this is a small price to pay for the solution to a waste problem on a par with atomic effluent.

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Meeting up with the spin is something akin to backing into a power saw — you never know which tooth bit first. The proposed location of the land purchase was about five miles south of Quincy. By plugging in a bit of logic, the equation came to Patty Martin.

THE EQUATION

The cost of toxic-waste disposal is incredibly high. Fertilizer and chemical firms with a disposal problem can contaminate a person's land, annihilate the crops, and put soil off-duty for years, even centuries, as in the case of raffinate (an atomic wastewater-based "fertilizer" sold in Oklahoma), pay off the farmer as a settlement — all at a savings, costs being handed off to the bloodstreams of consumers.

Patty Martin's confederate, Dennis DeYoung, lost his land. Further, Cenex obtained a summary judgment, the consequence of which was to turn the land in question over to Cenex. A part of this debt runup was purchased fertilizer — fertilizer, it turned out, laced with additional toxicity that was sheltered from scrutiny by being styled "inert ingredients."

In 1985, an EPA regulation legitimized the practice of repeating the fluoride solution. Hide it in a product routinely used as a staple — in drinking water, for instance; in N, P and K or micronutrient fertilizers, liming agents and other soil conditioners. Industrial slag, foundry wastes, even nuclear fuel processing wastes have been disposed of in this manner.

In the mid-1980s DeYoung started buying the USDA mandate to get big or get out. He expanded his holdings. Mega-farms require a chemical fix as a matter of prudent management. He did not know that the recommended fertilizer input also

contained industrial wastes, and if experiences elsewhere are

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any indication, dioxin, cadmium, unavailable metals of every stripe and fluoride attached to phosphorous molecules can be reasonably postulated. Exponential growth in acres managed required loss of land both ways, lessee and lessor. There seemed to be no escape from the contamination inherent in trade products.

Ironite Activism

One of the many industrial wastes that is "recycled" as fertilizer is Ironite, produced from the mine tailings of a proposed Superfund site in Humboldt, Arizona. Testing by government agencies has found levels of arsenic high enough to classify this fertilizer as a hazardous waste. As the following letter to G. Steven Rowe, Attorney General of Maine, demonstrates, Patty Martin's efforts demand detailed research on a wide variety of toxic-waste products and various state and federal statutes. Although her interest in this issue began at a local level, she has become active in addressing this problem nationwide. As Martin points out, the legality of these practices varies by state.

February 19, 2002
G. Steven Rowe, Attorney General
6 State House Station
Augusta, ME 04333

Dear Attorney General Rowe:

I read with great interest an article in the *Bangor News* regarding Maine's attempt to ban the sale of Ironite, and the ensuing legislation, LD-1944.

I write you today to encourage you to take a different approach to the Ironite issue, specifically, to band together with attorney generals from other states and get this so-called product off the market. You see, one measure of sham recycling is whether the product has value, *i.e.*, does the company protect the product from theft, or is it stored on the ground? In the case of Ironite, it is stored on the ground in a waste pile that has been accumulating over decades. It is not protected from pilfering, so qualifies as sham recycling.

Another reason I write is over concern for potentially creating an unintended loophole in Maine's statutes. Does forbidding the sale of fertilizers with over 500 ppm arsenic in fact make legal the sale of fertilizers with less than 500 ppm arsenic, or with no arsenic? I see nothing in Maine's statutes to indicate that this method of disposal, *i.e.*, putting hazardous or other industrial wastes in a bag labeled "fertilizer," is legal in your state. To the contrary, Maine's statutes appear to reflect the intent of the RCRA, which was to eliminate dependence on land disposal and create a regulatory scheme to track waste disposal, both solid and hazardous. Your regulations appear to bear out that intent.

In fact, regulations adopted under Maine's Department of Environmental Protection appear to specifically prohibit the use of recyclable materials used in a manner constituting disposal on the land, by deleting reference to 40 CFR Part 266, the federal regulation which allows this method of disposal (Chapter 856 Sec.10-B). Additionally, all references to recycling activities in Maine, both onsite and off-site, clearly state that recycling is allowed provided that "the waste is not used or reused in a manner constituting disposal" (Chapter 856 Sec. 11-A [4][e], 11-A [5][a][v], 11-A [5][b]).

While amendments to Maine's regulations in 1999 now allow for the use of "residuals", *i.e.*, solid wastes, at agronomic rates, a land-disposal permit is required. I can see nothing in your regulations that allow for solid and/or hazardous wastes to be packaged as fertilizers and sold to unsuspecting consumers.

Having been an elected official, I know full well the pressure industry can bring to bear, but I encourage you to hold tight to your statutes, and your values, and continue to protect the people and environment of Maine. The health of children depends on it.

In closing, let me request through the Freedom of Information Act, or Maine's version of it, a copy of the supporting statutes and regulations that allow this method of disposal to occur in your state.

Thank you for your consideration.

Sincerely,

Patricia Anne Martin

Executive Director, Safe Food and Fertilizer

Under Washington state law, the generator of waste can apply to property owned or leased by the generator of that waste. For purposes of law, a corporation is an artificial person, this ever since Chief Justice John Marshall so ruled during the Madison administration.

Part of the formula included flushing the contaminated land with water, sending the toxic stuff into local waterways and a lake. DeYoung demurred, a costly decision because the rhubarb resulted in an adverse court decision and the loss of acres which gave the chemical firm a net gain of \$250,000.

Without writing a line, Patty Martin and Dennis DeYoung became investigative reporters. Documentation was assembled soon enough that codified the systematic insincerity of administrators, industry shills and those who supported the “dilution is the solution” idea. Aluminum wastes were ratified as suitable lime, or as a source of nitrogen at 1 percent. Potentially any waste could become a part of the fertilizer fix, courtesy of the spin. Heavy metals are often included, but the fact is that anything can go into fertilizer, this according to an Ag Department employee questioned by Martin. The word *inert* no longer has its high-school chemistry definition. In the fertilizer game it means anything other than the guaranteed analysis, even if it sends applicators into convulsions.

Unavailable forms of molybdenum, selenium, boron, copper, sulfur — micronutrients, in short — are allowed, even if their chance of being assimilated is the same as catching a falling meteorite in a baseball glove.

These materials are not sourced as such. They are bestowed on fertilizer fabricators by steel mills after scrubbing. The waste is measured high in zinc, lead, cadmium, dioxin — about 13 toxic metals, according to laboratory counts. Toxins along for the ride get a nodding approval from regulators. Rules to reduce the amount of lead, cadmium, arsenic, mercury and other heavy metals are doctored endlessly while interested parties work tirelessly at rigging the result. The above-named industrial by-products also find their way into animal feeds, which is why the mineral box so often debilitates rather than nourishes. The steel aluminum, phos-

phate and paper mills are not alone in delivering so-called inert fillers. Nuclear wastes have been plugged in on the theory that they are less active than naturally occurring background radiation. Resultant scrambled fish and animals surface only in scientific journals amid wonderment as to cause. Battery acid is another fertilizer filler. Cadmium fumes have been recorded overcoming dock workers when they encounter imported containers from China, export to the United States being at least as acceptable as similar entry into Australia.

One case report should illustrate the scope of the problem. There is a big waste pile near Humboldt, Arizona. This mining waste has been accumulating since 1936. Since 1956 this crushed rock has been mixed with sulfuric acid and urea nitrogen, packaged, then shipped off to nearly every state as fertilizer, making the farm into a waste-disposal site.

The damage inherent in the practice is beyond comprehension. Fertilizer containers join forces with pesticides and herbicides to bestow their mischief in a manner seldom contemplated by laymen, yet rationalized away by payroll professionals of the trade and industry.

In the cell, plant, animal or human, there are chromosomes which carry almost all of the information needed to direct that cell's growth, division and production of chemicals such as proteins. These chromosomes are composed of information-bearing genes. Radiomimetic chemicals (chemicals that ape the character of radiation), radiation itself, and many of the chemicals used in agriculture, especially fertilizers as industrial-waste disposal, can injure the chromosomes either by altering the chemistry of a single gene

so that the gene conveys improper information (called *point mutation*), or by actually breaking the chromosome (called *deletion*). The cell may be killed, or it may continue to live, sometimes reproducing the induced error. Some types of cell damage cause genetic malformation that leads to uncontrolled cellular growth — cancer.

Cellular damage because of malnutrition or the invasion of toxicity can cost a farmer part or all of his crop. The same damage in human beings can cost a nation its heritage and its future. Damage to the

sperm or ova in a human being can cause malformation or mental retardation in future generations. It can also contribute to degenerative metabolic disease.

RUN FOR MAYOR

With this information in tow, Patty Martin ran for and was elected as mayor of Quincy. She didn't trust the people in office to do the right thing. Four years of frustration was all she could hope for if she didn't try to make a difference.

Patty Martin is a tall woman, slender as a creek-bank willow, possessed of spark and emotion as well as courage, resourcefulness and unillusioned self-sufficiency. Her rapport with voters suggested democracy making a comeback. She was elected in a landslide.

Even before new leadership took over, exposure and citizen revulsion caused the city council of Quincy to back off on that big land purchase.

Patty Martin campaigned on a platform of making the office of mayor responsive to citizens, with the goal of replacing politicians with real people — another story. The matter of those damning documents stayed on just the same, more or less behind the scenes.


Illegal practices in the fertilizer business couldn't be ignored or dismissed. This meant posing questions to state regulators and officials — the Department of Agriculture, the Department of Ecology, the EPA. None of these agencies claimed trade practices described above were legal.

None of this had to do with the mayor's office. Downtown development, traffic-light installation, infrastructure and city problems were the mayor's venue, not errant fertilizer purveyors.

POLITICS

The office of mayor was looped into the fray when a front-office worker — the administrative assistant — set out to discredit Martin. It was a broadside best calculated to undermine Martin's exposing the truth. At the next election, Martin was removed from office.

It mattered little. Documentation and personal testimony was taken to the *Seattle Times*. As a good journalist, Duff Wilson investigated, confirmed, then wrote a report that gained him a Pulitzer Prize nomination. For the first time, farmers and laymen alike learned about toxic

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wastes out of scrubbers, cadmium on the docks, ruined crops across the country, and invisible degenerative diseases inoculated into human bloodstreams. Wilson later enlarged his report into a book-length presentation, *Fateful Harvest*, subtitled *The True Story of a Small Town, a Global Industry and a Toxic Secret*.

"There were other farmers who played key roles in exposing this situation, as well," Martin recalls, "An onion grower named Duke Giraud was one. When he irrigated, the plants would burn up. Tom Witte came aboard. Cenex left a fertilizer tank on his property, and we tested the residue. We found the same things in this tank that EPA found on the Cenex site — cadmium, beryllium, chromium, titanium, arsenic, selenium.

THE CHILDREN

In February 1997, Martin and Witte's sister Nancy attended the first-ever Annual Children's Health Conference, "Children's Health and the Environment" being the topic. It was staged by the Centers for Disease Control, the EPA, the National Institute of Environmental Health Sciences, etc., and public health officials from across the country. The meeting had been called because of concern about children's health.

"At this conference," Martin told *Acres U.S.A.* "They outlined the changes in children's health since 1980. There had been a 142 percent increase in children's asthma, childhood cancer rates were increasing at 1 percent each year, and 17 percent of all children under the age of 18 have some form of developmental disability — ADD, ADHD, autism, and so on." The more the miracle of technology was examined, the clearer became the cause of the curse. These things trace back to the trade practices so blindly accepted by the public, Martin in effect said.

"One particular heart defect is up 250 percent in the last 10 years," Martin summarized as she recited an inventory of distress that is the shame of industrial America. "Some male birth defects are up 150 percent, even more in some areas. What EPA and all the researchers say is that the increased rate of childhood diseases are happening in utero, and the probable cause is environmental toxins."

This much stated, it is enough to point out that WHO (World Health Organization), EPA, FDA, all have established provisional tolerable daily intake levels of certain metals — arsenic, cadmium, mercury, lead! Yet many of the world's great scientists say that these metals, much like manmade molecules, have no safe level and no tolerance levels, not for the developing fetus.

FDA tracks heavy metals in the diet. Included in studies are toddlers, young children, teenagers, adults. But one group omitted is pregnant women. The question *What is a safe level for the developing fetus?* has not been answered because it has not been asked in any meaningful way.

Patty Martin told *Acres U.S.A.* about a woman named Teresa Binstock, a researcher in developmental and behavioral neuroanatomy. Under the auspices of the Autism Research Institute, she examined chelation and related medical records involving autistic children. Elevated mercury was expected because of the link between ethylmercury and vaccination. But laboratory data documented that many autistic children have elevated lead, cadmium, antimony, tin, aluminum, uranium or arsenic — as well as mercury. A month after doing this work, Binstock read *Fateful Harvest*. She is now convinced that a major source of these contaminants is fertilizers containing toxic waste.

THE JOURNEY

The journey, fueled by irrefutable findings, has taken Patty Martin across the country — to Washington, into the forums and conclaves that deal with the problem, even into the lion's den of fertilizer meetings where the topic is "stay the course" and a chief concern becomes the presence of Martin at the meeting.

In carrying the fight to the field, Martin has discerned a lack of willingness among lawmakers to read their existing statutes. In Maine she short-stopped weaselly wording that would have been an open sesame to even greater pollution. The task of merely reading all the laws and rules and regulations defeats most laymen.

Industry lawyers know how to twist convoluted logic into laws, always with the intent of either holding the front or

enlarging the practice of using farm acres as a disposal ground.

THE EMPIRE STRIKES BACK

EPA has expressed concern about pesticides, much of it coming too late. Late attention has been given to the redefined "inert" part of fertilizers. Carol Browner, the former EPA Administrator, was the keynote speaker at the Children's Health Conference in Washington, D.C., where Martin posed the inevitable question, *What is the EPA doing about contaminants in fertilizers?* The silence was deafening. Browner responded, "It all depends on what crop you're talking about."


After that, things started heating up in Quincy, Washington. The heavy arm of the industry came down on Patty Martin. Here was a story in which the mayor of a small town shouldn't even have figured, yet the emphasis was shifted from fertilizers to Martin. She was portrayed as anti-agriculture, a deterrent to the economic health of the area, a spoil-sport who wanted to take the bread away from wage earners. Her administration had adopted an open-door policy. It had imported bio-friendly technology from Europe.

The threat of a multi-million-dollar lawsuit by local farmers and the industry against the city and Martin personally became current coin in the community. The brief held that Martin was about to cause another Alar scare and cause irreparable damage to Washington agriculture. The council took Mayor Martin behind closed doors — the insurance carrier, the members, and the city attorney speaking in unison — and warned her to shut up, say nothing, otherwise they would pull her city indemnification and insurance.

"All I could think of was that I would lose my home," Martin now recalls. As a result, she made a decision she now regrets. She should have forced the council out of executive session for a vote and called the bluff. It didn't matter. She had already given all her proofs and materials to Duff Wilson of the *Seattle Times*, as noted above.

Like a first-magnitude star, the exposé streaked across the journalistic sky. And, again like a star, the story burned itself out, so that children could go on consuming nitrogenic toxicity.

There is a principle of law that came to Martin's rescue. It says that if one party to

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a contract does something illegal, the contract is not binding on the second party. A council, a city attorney and an insurance agent denying the right to free speech is illegal. With this realization, Martin came up fighting from her chair. She has been fighting ever since.

Safe Food and Fertilizer came into being. A small group of supporters helps with contributions. As the new kid on the block, grant funding has proved hard to come by. Nevertheless, the bucket of worms has been kicked over.

"It's my full-time job," Martin confirmed. "One environmental group told me to go out and get a job. They don't understand. This *is* my job."

The task is awesome. The conventional ignorance is overwhelming. Only a select few in agriculture understand the double-edged sword called trace nutrients — copper, zinc, selenium, molybdenum, cobalt and half a hundred others, all under homeostatic control. They are essential, but they soon achieve an excess status. After that, they become toxic. Nature has decreed that their distribution is best accomplished by plants that take them up as ions. Nature has also provided a governing mechanism. When the trace-metal nutrients are taken in beyond the essential level, homeostatic control kicks in and the excesses are excreted.

This does not happen when smelter slag and industrial wastes are, willy-nilly, inserted into fertilizers, often in the micron size, or even bigger. In this scenario, the essential nutrients overwhelm the system. In the developing fetus, they have a teratogenic effect. They can cause mutations, and for infants they create a reign of terror. Inserting toxins and potential toxins into the growing plant is a crime beyond denunciation.

The industry goes beyond clumsy attempts at mineral fortification for deficient crops. It also loads heavy metals into the N, P and K mix simply to dispose of the pollutants sodium fluoride and stannous fluoride style. Coupled with chemicals of organic synthesis, a deadly fact is inevitable. The health profile of the nation stands in the wings as a mute reminder.

Patty Martin has had some successes in counseling the modification of state laws. Given a chance to explain, elected officials seem to understand. Some scientists — that is, those employed by a recalcitrant industry — stick to their party line,

always relying on the make-it-to-the-door theory: if an animal or human makes it to the door, where is there a death? Scrambled children and grownups with degenerative metabolic disease apparently do not count.

The bottom line: *Help*. Patty Martin needs help in supporting Safe Food and Fertilizers. She needs help in monitoring activity at each state level. The story has to be told a thousand ways, a thousand times a day. As her card reads, "He who is silent, consents."

There is always more on the Safe Food and Fertilizer website, <www.safefoodandfertilizer.com>.

In Kansas City recently at a meeting of AAPFCO, the Association of American Plant Food Control Officials, there were proposals for gawd-awful numbers as tolerable levels for lead, cadmium, mercury and arsenic. Without an informed citizenry, the absconders remain in charge. Agribusiness makes the regulator recommendations. The only thing thinking citizens can do is require them to obey the law, and keep legislators from passing laws that supply an ever-expanding number of loopholes.

There is one parting shot that ought to be turned into a classroom mantra: "If the toxic stuff is clean enough to go into a hazardous-waste landfill, it is clean enough to go into a field nearby." Even a child knows better. Ultimately, it will be up to the children to reject what is being delivered in the food supply.

Patty Martin can be contacted via e-mail at <martin@nwi.net> or at the Safe Food and Fertilizer website at <www.safefoodandfertilizer.com>.



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