

# United States Senate

WASHINGTON, DC 20510

April 15, 2011

The Honorable Ray Mabus  
Department of the Navy  
1000 Navy Pentagon  
Washington, D.C. 20350-1000

Dear Secretary Mabus:

This letter is to inform you of our interest and concerns with the Department of Navy's (DoN) actions to inform the public and coordinate with the Agency for Toxic Substances and Disease Registry (ATSDR) on the water contamination at Marine Corps Base Camp Lejeune between the 1950s and 1980s. Given DoN's and United States Marine Corps' (USMC) stated concern for the health and welfare of service members and their families, we would like to bring to your attention several issues that call into question DoN's and USMC's commitment to transparency and veracity in efforts to keep the public informed of ongoing developments related to Camp Lejeune's historic contaminated drinking water.

First, we are concerned with the USMC's continued use of a Congressionally-mandated report<sup>1</sup> by the National Academy of Sciences' National Research Council (NRC) issued in 2009 to deny a link between the contaminated water and adverse health effects. Much of ATSDR's current scientific focus surrounds new information that benzene, a known human carcinogen, was present at highly unsafe levels in the water Marines and their families consumed. The NRC report did not assess benzene. Yet, a January 25, 2011, USMC letter informing newly registered individuals of the USMC's Camp Lejeune's Historic Drinking Website, states

“The report assesses the strength of evidence linking exposure to trichloroethylene (TCE), tetrachloroethylene (PCE), benzene, and other volatile organic compounds (VOCs) in drinking water to adverse health effects.”

Significantly, the 2009 NRC report was not required to assess evidence linking benzene in drinking water to adverse health effects. Indeed, there is no mention of benzene in Section 318 of P.L. 109-364. Rather, the provision mandated NRC to “...conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune...”

Moreover, a member of the panel which conducted the NRC's 2009 review and evaluation provided testimony before the Senate Veterans' Affairs Committee in October 2009 in which he confirmed the NRC conducted a “hazard assessment” of trichloroethylene (TCE) and tetrachloroethylene (PCE), but that no such assessment was conducted for benzene. The adverse health effects listed in the NRC report are associated with trichloroethylene (TCE), tetrachloroethylene (PCE) or a combination of the two as “mixed solvents”; benzene is only mentioned briefly in the appendix.

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<sup>1</sup> Mandated by the fiscal year 2007 National Defense Authorization Act, P.L. 109-364

The USMC has often asserted that the numerous references to benzene in the NRC report are evidence benzene was assessed. This position does not square with the substance of the report, nor does it characterize the report accurately for registrants and interested parties who may be unfamiliar with the details in the report's content.

Given this clear mischaracterization by DoN and USMC regarding the content and conclusions of the 2009 NRC report in DoN and USMC correspondence and on DoN and USMC websites, we request that DoN and USMC immediately correct all official correspondence sent to the public and all information present on DoN and USMC websites where USMC states that benzene was assessed in the 2009 NRC report, as well as issue a new letter to registrants referencing this correction, so as to ensure the public is provided accurate information about possible human health effects of exposure to toxic water.

Second, we are aware of an unfinished communications agreement (CA) between the DoN and ATSDR regarding the procedure for the public release of information pursuant to Section 7.5 of the DoN/ATSDR Memorandum of Understanding (MOU). It is our understanding from a January 14, 2011, letter (enclosed) from Dr. Tom Sinks of ATSDR that ATSDR has attempted to establish these procedures since fall 2009. Although several iterations of this agreement have been reviewed by both parties, the DoN has not approved the final version.

The failings of the unfinished CA are evidenced by the USMC's July 2010 publication of "Camp Lejeune Historic Drinking Water: Questions and Answers." We believe this booklet understates the potential hazards from the contaminated drinking water, may discourage individuals from participating in planned research studies, and misleads the public as to whether the contaminated water posed a public health hazard. Moreover, in the publication of this booklet, not only did USMC violate Section 7.5 of the MOU by not providing ATSDR opportunity to review or comment, it has not updated the booklet to reflect the concerns ATSDR expressed to DoN/USMC in September 2010.

While we understand that the Commandant of the Marine Corps has committed to revising the booklet by July, these issues are great enough that we request that USMC immediately retract the booklet from its website. We also request that prior to the issuance of follow-on editions of the booklet, DoN and USMC ensure that it acknowledges the significance of TCE, PCE, benzene, and vinyl chloride contaminants that were present in Camp Lejeune's water supply.

It is unclear why DoN has needed two years to finalize the appropriate procedure for sharing information with ATSDR, the agency tasked to finally provide answers to Marines and their families about health effects from the contaminated water. DoN and USMC must coordinate with ATSDR on all issues pertaining to water contamination aboard Camp Lejeune, before releasing anything to the public. We strongly urge you to have the agreement signed by DoN no later than the end of April, 2011.

Third, we believe the best way to demonstrate DoN's and USMC's stated intentions to closely work with ATSDR is to publicly acknowledge the close relationship via the public domain. In that regard, we also request that DoN and USMC continue to update their websites to accurately and completely convey to the public the status of ongoing issues regarding water contamination

aboard Camp Lejeune, and include references/links to ATSDR's major scientific reports and actions undertaken since January 2009.

For example, the DoN and USMC websites currently does not reference ATSDR's October 2010 report known as "Chapter C," which provides scientific evidence suggesting that the water at Camp Lejeune was contaminated with harmful chemicals. The report details ground water contamination at the base, confirming that significant concentrations of benzene, vinyl chloride, PCE, and TCE had been detected in water supply wells and in drinking water from water treatment plants.

Lastly, we are concerned about potential DoN plans to survey Camp Lejeune registrants on whether they want more or less information regarding the historic drinking water contamination aboard Camp Lejeune. This survey may overlap and conflict with the conduct of ATSDR's ongoing health survey, which would be a violation of the MOU between DoN and ATSDR. Representatives in your department have suggested that this survey is being considered because it is unknown how much information registrants want to receive. It is inconceivable to us that Camp Lejeune registrants would want to have less information flow about a subject that concerns their health and wellbeing. Please keep us apprised of any decision by DoN or USMC to conduct new surveys of registrants.

As you know, it is estimated that hundreds of thousands of former service members and their families were exposed to the contaminated water at Camp Lejeune. We owe it to these individuals to provide the most scientifically accurate information available. We believe the steps we have asked you to take reflect that mission. Please respond to us with the actions your department will take to satisfy our requests no later than April 25, 2011, so that we can continue to follow the progress of DoN's communications with ATSDR and the public on these important issues.

Sincerely,



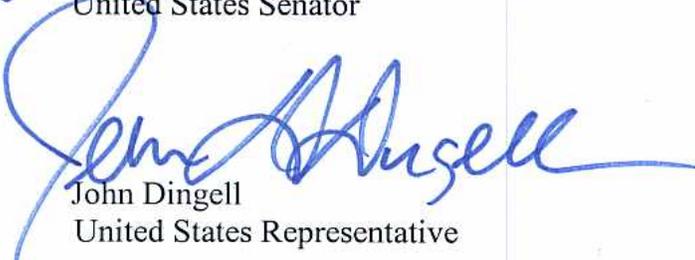
Richard Burr  
United States Senator



Kay Hagan  
United States Senator



Bill Nelson  
United States Senator



John Dingell  
United States Representative



Brad Miller  
United States Representative

Copy to: General James T. Amos, Commandant of Marine Corps

Copy to: Dr. Christopher Portier, Director, National Center for Environmental Health, ATSDR

Enclosure: Letter from Dr. Thomas H. Sinks, Deputy Director, ATSDR, to Mr. Richard Mach, Department of Navy and Brigadier General Ruark, USMC



Centers for Disease Control  
and Prevention (CDC)  
Atlanta, GA 30341-3724

January 14, 2011

Mr. Richard Mach  
Environmental Director  
1000 Navy Pentagon, Room 4A67-4  
Washington D.C. 20350-1000

Brigadier General Robert R. Ruark  
Assistant Deputy Commandant, Installations and Logistics  
3000 Marine Corps, Pentagon, Room 4E516  
Washington, D. C. 20350-3000

Dear Mr. Mach and BGen Ruark :

I am writing to finalize the joint communications agreement regarding USMC Base Camp Lejeune. Our current Memorandum of Understanding (MOU) with DON/USMC requires that we establish a joint set of procedures relating to communications. This element of the MOU was inserted at the request of DON/USMC and reads:

*7.5 The timely public release of scientifically and technically accurate information is essential to the success of this project and this MOU. ATSDR and DON agree to establish procedures to ensure that information intended for release has been shared between both parties. ATSDR and DON agree to provide comments on draft materials when appropriate and to respond to such comments.*

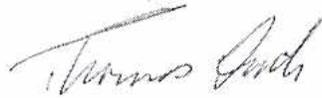
ATSDR is committed to transparent and open communications with DON/USMC and with the affected public. The draft *Procedure for Public Release of Information Related to Camp Lejeune, North Carolina Work Conducted by the Agency for Toxic Substances and Disease Registry, the United States Marine Corps, and/or the Department of Navy* was sent to USMC in the fall of 2009 for the purpose of adding DON/USMC points of contact. A revised version was sent to DON/USMC in September 2010. Unfortunately, approval of these draft procedures has stalled within the DON/USMC.

In the meantime, the USMC developed and distributed - *Camp Lejeune Historic Drinking Water: Questions and Answers*. Despite the existing MOU, ATSDR was neither informed nor provided the opportunity to review or comment. The DON/USMC booklet does not represent the role or position of ATSDR. It understates the potential hazards from the contaminated drinking water and may discourage individuals from participating in planned research studies. We relayed to you some of our concerns on September 10, 2010. This

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sentence remains particularly problematic ... "To date, the scientific community has not established an association between exposure to the contaminated water and health conditions reported by former residents of Camp Lejeune." The sentence is misleading. It suggests there is no problem. ATSDR health assessments have documented the existence of a past public health hazard due to volatile organic compounds in drinking water. The only completed epidemiologic study to date used birth records rather than reports from former residents. It did identify an association between Small for Gestational Age and sub-groupings of mothers exposed to PCE. The presence of known human carcinogens in drinking water support a much more cautious and informative message being conveyed. We request that the booklet be withdrawn from your website and distribution.

As of this date, ATSDR will embrace the draft procedures as though they have been finalized. We expect that the DON/USMC will similarly abide by these procedures. It is essential that we work collaboratively as we move to complete our research at USMC Base Camp Lejeune. Should the DON/USMC wish to distribute materials to the affected public, the materials should be shared with ATSDR for review and comment. Until the health survey has been completed, all communications with the affected population should be carefully coordinated with ATSDR.

Sincerely yours;



Thomas H. Sinks, Ph.D.  
Deputy Director, National Center for  
Environmental Health, and  
Agency for Toxic Substances and  
Disease Registry