

Congress of the United States
Washington, DC 20515

March 12, 2014

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington DC, 20201

Dear Secretary Sebelius:

We write to you regarding the Agency for Toxic Substances and Disease Registry's (ATSDR) ongoing work regarding the historic water contamination at Camp Lejeune, North Carolina and its designation as a National Priority List site. We remain significantly concerned about many aspects of ATSDR's ongoing work on this very serious matter.

We have significant concerns regarding ATSDR's critical relationship with the Camp Lejeune Community Assistance Panel (CAP.) This panel has proven invaluable in assisting with research for past ATSDR studies and is a vital link to the affected community. In the past few months, we have heard growing concerns about the level of communication from ATSDR to the CAP. While we understand that the most recent leadership change at ATSDR contributed somewhat to a delay in scheduling the quarterly CAP meeting at ATSDR, we remain concerned that ATSDR has not been consulting openly and in a spirit of collaboration with current CAP members and has in some instances displayed a lack of urgency in regard to filling vacancies on the CAP.

Furthermore, since the departure of the last permanent Director of ATSDR, there has been what we see as a growing lack of trust and cooperation between ATSDR and the CAP. This is concerning to us because the CAP is the formal forum designed for the affected community to express its concerns and ATSDR has previously stated that the agency needs to have a trusting and constructive relationship with the CAP. For reasons we cannot yet discern, the desire for open communication seems to have waned within ATSDR in recent months. For example, in Dr. Frieden's September 16, 2013 letter to us, he stated that "ATSDR plans to revise the 1997 Public Health Assessment (PHA) based on available data and input from the Camp Lejeune Community Assistance Panel." We are dismayed that the CAP has not yet been consulted on the re-issuance of the PHA for Camp Lejeune or included in the discussions underway at ATSDR regarding the PHA. It is our sincere expectation that repairing relationships with the CAP will be a top priority for Dr. Tanja Popovic and that Dr. Frieden will ensure the community continues to have a voice in future ATSDR activities related to Camp Lejeune.

Another significant area of concern pertains to what we see as a compelling case for ATSDR to conduct a cancer incidence study of the population at Camp Lejeune. Last month, we met with Dr. Tanja Popovic, Acting Director of ATSDR, regarding the recent studies her agency released and a cancer incidence study. Such a study would be critically important to help Lejeune veterans and the American people get the best possible scientific understanding of the contamination that occurred at the base. While we were very pleased that Dr. Popovic committed to responding to us within four weeks regarding the way forward on a cancer incidence study of the population at Camp Lejeune, we were also dismayed that Dr. Popovic took the position that ATSDR does not have the authority or expertise to conduct a cancer incidence study. Conducting public health studies of this nature on National Priority List sites was precisely the reason the agency was created.

The water contamination at Camp Lejeune is likely the largest environmental contamination in the history of this nation. It is the responsibility of our government to provide a full and complete account of what happened. Therefore, we are concerned that Dr. Popovic suggested a non-governmental organization would be better suited to assess the feasibility of a cancer incidence study and possibly conduct the study itself. Given the nature and history of this contamination and the disturbing findings of recent studies released by ATSDR, both Congress and the public reasonably expect the government to conduct this type of study and for your department to leverage its resources toward that end. Furthermore, we respectfully request answers to the following questions outlined below.

- 1) The Comprehensive Environmental Response, Compensation & Liability Act of 1980 states that the Administrator of ATSDR shall “in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including...epidemiological studies, or any other assistance appropriate under the circumstances.” Does the agency believe this statutory authority to conduct epidemiological studies is sufficient to conduct a cancer incidence study on the population at Camp Lejeune? Please provide a detailed response.
- 2) Does ATSDR have access to sufficient gov't personnel and resources to fulfill the agency's statutory obligation to conduct epidemiological studies that are warranted given that serious exposures occurred and the agency's own studies indicated that health effects have been observed? If not, please provide a detailed response of the resources the agency needs or provide us with resources resident in other agencies within your department.
- 3) Has ATSDR previously worked with the National Institutes of Health (NIH) or the National Institute of Environmental Health Sciences (NIEHS) on public health studies, including a cancer incidence study? If so, please provide a list of specific studies on which the two agencies have collaborated, as well as a description of the inter-agency process used in these

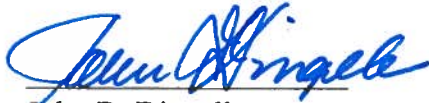
instances. If not, does your department consider either of these agencies as a potential partner with ATSDR on a cancer incidence study for Camp Lejeune?

4) Will your department or its subordinate agencies commit to notifying and consulting with Congress prior to making any preliminary plans to seek advice from a non-governmental organization on any Camp Lejeune related matters, including public health studies?

5) ATSDR has so far done nothing significant to disseminate information about the last two studies on Camp Lejeune other than put them on the ATSDR website, without directing the public's attention to the new information (e.g., by placing a notice on the ATSDR website that new studies have been published). There was no press release sent to the media and there were, as far as we know, no interviews of the authors by the media. Please explain why ATSDR took such a passive approach where these particular studies are concerned?

Thank you in advance for your attention to our critical questions and concerns. Due to the importance of this topic, we respectfully request a response by no later than March 28, 2014.

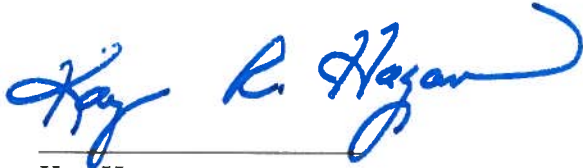
Sincerely,



John D. Dingell
Member of Congress



Richard Burr
U.S. Senator



Kay Hagan
U.S. Senator

cc: Dr. Thomas Frieden, Director
Centers for Disease Control and Prevention

Dr. Tanja Popovic, Acting Director
Agency for Toxic Substances and Disease Registry