

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY

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January 28, 2008

Michael Chertoff, Secretary
U.S. Department of Homeland Security
U.S. Naval Security Station
3801 Nebraska Ave., N.W.
Washington, D.C. 20393

Dear Secretary Chertoff:

The Committee has information and documents that lead us to conclude that the Federal Emergency Management Agency (FEMA) ignored, hid and manipulated government research on the potential impact of long-term exposure to formaldehyde on Hurricane Katrina and Hurricane Rita victims now residing in FEMA's recreational vehicles (frequently referred to as travel trailers). The information concerns FEMA's manipulation of the scope of a critical "health consultation" prepared by a little-known office at the Centers for Disease Control and Prevention—the Agency for Toxic Substances and Disease Registry (ATSDR)¹. This past pattern of behavior calls into question whether the current testing program of 500 of these trailers now underway will be scientifically credible.

FEMA officials, apparently with the assistance of high-level officials at ATSDR, obtained a favorable health consultation in February of 2007 only by removing the consultation from the normal ATSDR review process so that scientists who had recommended looking at long-term exposure effects on the occupants were excluded from the review. The testing results from samples taken in unoccupied trailers after days of ventilation were compared only with higher federal levels for workers' acute, short-term exposure, not the obviously appropriate standards for long-term exposure experienced by trailer residents.

As the same parties are involved in the testing now underway, the Committee is concerned about the independence and scientific integrity of any indoor air testing for formaldehyde levels in these trailers done under the auspices of FEMA.

Moreover, FEMA's recent offer to buy back trailers sold to private parties to avoid "possible adverse health events" from formaldehyde in these vehicles makes little sense in light

¹ ATSDR is a Congressionally created agency in the Department of Health and Human Services. Under this current administration, it has functionally been managed as part of the Centers for Disease Control.

of FEMA's two-year effort to deny that the trailers had any problems. Earlier this month, FEMA offered to buy back any of the "Katrina" trailers that FEMA or the General Services Administration had sold as surplus property because of "concerns about possible adverse health effects of formaldehyde associated with recreational vehicles." The trailers were purchased between July 2006 and July 2007, when sales were suspended.²

We certainly welcome FEMA's newfound concern about the health effects of formaldehyde emissions from these vehicles on the public. But we also question what evidence and internal review led FEMA to conclude (1) that "possible adverse health effects" existed; (2) that those possible adverse health effects would affect only purchasers of surplus recreational vehicles and their families; and (3) that there are no similar "possible adverse health effects" demanding immediate action for the Katrina victims who are actually living every day in more than 40,000 identical trailers, which were never intended for long-term housing purposes.

Unlike, the fortunate purchasers, the Katrina victims have been told that they must wait for the results of an air quality testing program of 500 of the 40,000 trailers still occupied before FEMA will determine what to do with those trailers. Although this testing was announced in the summer of 2007, FEMA officials said that there was a delay in implementing the program because of months of "negotiation" about how to work with the Centers for Disease Control on the testing.³ The results are expected in February and will then be shared with those 500 families with a report to be issued in May of this year for persons living in the other 39,500 trailers.

Apparently, for those with money to purchase these vehicles, the possibility of "adverse health effects" is so significant that FEMA is making what appears to be a "defective product" recall offer. For those who are too poor to live elsewhere, FEMA's position remains as it was in 2006: there are no possible adverse health effects that can't be cured by opening the windows, and occupants who complain about formaldehyde fumes don't "have to be in a trailer; you can pay for an apartment on your own."⁴

FEMA lawyers have interfered for more than two years with the schedule and the design of formaldehyde testing of recreational vehicles the agency had purchased as temporary housing because of fear of litigation and liability for injuries to the occupants.⁵ FEMA officials actually hid, manipulated or simply ignored the scientific work and concerns of federal scientists in other agencies with health expertise to justify their own policy and legal objectives. These actions began immediately after FEMA began to receive complaints from trailer residents about

² "FEMA Announces Refunds for Travel Trailers Purchased by Disaster Occupants and through GSA Sales," FEMA Press Release HQ-08-007, <http://www.fema.gov/news/newsrelease.fema?id=42317>, Jan. 17, 2008. FEMA bought 145,000 trailers and mobile homes through no-bid contracts after Hurricane Katrina, but never used many of them. "FEMA Flip-Flops Again on Trailers," *The Washington Post*, Jan. 18, 2007, A17.

³ "FEMA Trailers Will Undergo Testing," *Times-Picayune*, Dec. 14, 2007, p. 1.

⁴ *Ibid.*

⁵ "Probing FEMA's Toxic Trailers," Hearing of Committee on Oversight and Government Reform, U.S. House of Representatives, July 19, 2007.

formaldehyde fumes in the trailers in early 2006.⁶

FEMA officials entered into an undisclosed health consultation with the Agency for Toxic Substance and Disease Registry (ATSDR) to evaluate the air quality samples taken from unoccupied trailers. FEMA directed ATSDR to avoid any discussion of the effects of long-term exposures in occupied trailers, counter to earlier recommendations by ATSDR officials, and apparently made an agreement with ATSDR officials to issue the consultation without going through the normal review process. The process guaranteed that ATSDR officials who had raised concerns about the impact of long-term exposure⁷ to formaldehyde would have no role in the review.

The result was a February 1, 2007 health consultation that stated that after days of ventilation in unoccupied trailers, the formaldehyde levels in the unoccupied trailers were "below the level of concern" for even sensitive individuals.⁸ At FEMA's insistence, the ATSDR agreed to issue guidance that was demonstrably false and intentionally incomplete. Public and Congressional attention forced ATSDR to revise its health consultation because of the "insufficient discussion of the health implications of formaldehyde exposure" and make clear that it did not look at the exposures for people actually living in travel trailers.⁹

ATSDR is not supposed to be a hired gun. Established by Congress, its mission is to serve the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and disease related to toxic substances and one of its tasks is to provide independent health consultations to states and other federal agencies on the impacts on the public of exposures to hazardous materials.¹⁰ Despite that mission, FEMA insisted that ATSDR produce a report that would meet FEMA's legal and policy goals, not the public health issues of the residents – some of them ill – of those trailers. Incredibly, ATSDR obliged. As a result, ATSDR stands discredited. Just as important, we have no confidence that the new testing protocols and sampling design agreed to by FEMA and ATSDR for the current testing are any more trustworthy than the previous one.

⁶ For example, FEMA issued an advisory for "travel trailer occupants" on formaldehyde in the summer of 2006, but it did eliminate important health information provided for years on fact sheets from other government agencies, including statements that formaldehyde was a likely carcinogen and the workplace-exposure levels as set by OSHA and NIOSH. FEMA also made public statements that there were no health concerns with the trailers before it had done any testing, but had met with "industry experts." After consultations with the Environmental Protection Agency (EPA) and the Centers for Disease Control (CDC), which advised FEMA that occupied trailers would probably have formaldehyde levels higher than EPA recommended, FEMA threw out the testing protocols the other agencies had designed and determined to test only unoccupied trailers under conditions not replicated in occupied trailers.

⁷ "Long-term exposure" is defined as anything longer than 14 days.

⁸ ATSDR, "Health Consultation: Formaldehyde Sampling at FEMA Temporary Housing Units," Feb. 1, 2007, p. 2.

⁹ ATSDR, "An Update and Revision of ATSDR's February 2007 Health Consultation," October 2007.

¹⁰ <http://www.atsdr.cdc.gov/about.html>

Pursuant to Rules X and XI of the United States House of Representatives, the Committee on Science and Technology is delegated "the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving nonmilitary research and development." Committee Rule 3(a)(5) authorizes the Subcommittee on Investigations and Oversight to carry out "general and special investigative and oversight authority on all matters within the jurisdiction of the Committee on Science and Technology."

An area of particular concern to the Subcommittee is the integrity of scientific research and development and the independence of government researchers. Therefore, by this letter, I am asking that you provide the following records, as defined in the Attachment:

1. All records relating to the January 2008 decision by FEMA to offer refunds of the purchase price of travel trailers sold by FEMA or GSA based on "possible adverse health effects," including all records relating to those "adverse health effects."
2. All records relating to the "negotiations" with the Centers for Disease Control and/or ATSDR concerning the air quality testing protocols and sample designs for the testing of 500 trailers that was scheduled to begin in December of 2007, including all records relating to the expert panel convened by CDC to assist in this process.
3. A copy of the final protocols and sampling design used for the December 2007 air quality tests and any other directives given to the sampling contractor.
4. A copy of the contract with the company hired to do the actual sampling.
5. All records relating to the analysis, use and public release of the results of the December 2007 tests.
6. All records relating to the determination by "HQ" in May of 2006 that there are no health concerns associated with formaldehyde inside the travel trailers, including any communications with representatives of the recreational vehicle or manufactured home industries.
7. All records relating to the preparation and distribution in 2006 of "Important Information for Travel Trailer Occupants," including the decisions to include or exclude information provided in other federal agencies' publicly available sources on formaldehyde.
8. All records relating to FEMA's health consultations with ATSDR, which were published in February and October of 2007. [These should include, but not be limited to, all communications with Julie Gerberding, Howard Frumpkin, Thomas Sinks, James Holler, Chris De Rosa, Mark Keim, Phillip M. (Mike) Allred, Scott Wright and Joseph Little.]

Please provide the requested records to the Committee's offices in Room B-374, Rayburn House Office Building, by 5 p.m. on Friday, February 15, 2008. If you have any questions or need additional information, please have your staff contact Dan Pearson, Subcommittee staff director, at (202) 225-4494, or Douglas Pasternak, Subcommittee professional staff member, at (202) 226-8892.

Your assistance in this matter is greatly appreciated.

Sincerely,



BRAD MILLER
Chairman
Subcommittee on
Investigations & Oversight



NICK LAMPSON
Chairman
Subcommittee on
Energy & Environment

cc: JAMES SENSENBRENNER, JR.
Ranking Member
Subcommittee on Investigations & Oversight

BOB INGLIS
Ranking Member
Subcommittee on Energy & Environment

Attachment

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.