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April 1, 2008

Dr. Julie Gerberding
Director, Centers for Disease Control and Prevention and
Administration, Agency for Toxic Substances and Disease Registry
1600 Clifton Road, N.E.
Atlanta, Georgia 30333

Dear Dr. Gerberding:

On February 6, 2008, we wrote to you asking you to protect Dr. Chris De Rosa, formerly head of the Division of Toxicology and Environmental Medicine of the Agency for Toxic Substances and Disease Registry (ATSDR), from retaliation for whistleblowing. Dr. De Rosa was instrumental in revealing the massive failings in ATSDR's erroneous and completely unsubstantiated conclusion last February that the formaldehyde levels in trailers used by the Federal Emergency Management Agency (FEMA) to house victims of Hurricanes Katrina and Rita did not reach a "level of concern for sensitive individuals."[1] He was also a key witness at our hearing today to further review those events. As you know, the report was never reviewed by the agency's toxicologists before its release. But it was relied on by FEMA to keep trailer occupants in an unhealthy living situation for a year longer than necessary.

You never responded to the Committee's earlier letter. Instead, the agency took further punitive steps against Dr. De Rosa. On February 21, Dr. Howard, Frumkin, Director of the National Center for Environmental Health and Agency for Toxic Substances and Disease Registry, gave Dr. De Rosa a 90-day "Personal Improvement Plan" (PIP), which is a formal step in the termination process under the Senior Executive Service system.

This appears to be a classic "shoot-the-messenger" response from an agency which our investigation has shown to have engaged in a scientific and management fiasco at the highest levels. Even when top management became aware of the problems with the original health consultation, it compounded this public health disaster by further inaction, foot-dragging and passing the buck in every direction except where it belongs – in the offices of the top leadership of ATSDR and CDC.

The missteps and errors made by your agency in preparing the February 2007 health assessment were egregious. But more egregious was the failure of the agency to move quickly and with concern for the public's welfare to correct those mistakes. In March of 2007 – after

[1] ATSDR, "Health Consultation: Formaldehyde Sampling at FEMA Temporary Housing Units, Baton Rouge, Louisiana," Feb. 1, 2007. p. 9.

errors in the original health consultation were pointed out by Dr. De Rosa – ATSDR management sent a FEMA staff attorney a letter pointing out that the report had been "completed without a policy review . . . and is incomplete and possibly misleading."[2] The staff attorney placed the letter in a file, and ATSDR leadership took no steps to follow up, officially withdraw or replace the health consultation, or to alert top management at FEMA.

In May of 2007, after a Congressional hearing in which the FEMA administrator said there were no problems with the trailers based on a "federal" study, the press reported that a cluster of "trailer children" in Mississippi were suffering from upper respiratory illnesses. In the uproar that ensued, FEMA contacted CDC to ask for further consultation on the formaldehyde issue. FEMA also engaged the Chief Medical Officer of the Department of Homeland Security, who within 24 hours determined that the "level of concern" referenced in the ATSDR health consultation had no scientific basis for children, sensitive individuals or residential conditions. Nonetheless, on June 4, you wrote Rep. Gene Taylor (D-MS) and told him that the effects of formaldehyde exposure were "transient", and he should tell his constituents to air out their trailers.

Although FEMA promised to begin an occupied trailer testing program in the fall of 2007, that program was delayed by CDC which – despite its ability to set a definitive "level of concern" in February without a single internal or outside consultation – now refused to do so in a timely manner. As reported in an internal FEMA document:

> Much of the time since the DHS Office of Health Affairs (OHA) began assisting FEMA on this issue has been spent working with the scientific community to attempt to determine who, if anyone would be willing to establish guidance for residential indoor levels of formaldehyde. No organization will take such a stand. The National Center for Environmental Health (NCEH), a component of CDC, has acknowledged that it is CDC's responsibility, as the Federal government's public health authority, to provide a risk assessment related to indoor air quality, including formaldehyde, associated with living in FEMA emergency temporary housing, and have convened an expert panel. . . . [B]ut there is no public health guidance from any source that will be available to assist FEMA in making immediate decisions in the interim based on actual measurements in the field.[3]

As a result, FEMA stopped the testing plan until it set its own "interim action levels" based on the advice of its own public health staff. CDC also seemed to be unable to sign an inter-agency agreement in a timely manner.[4] It had difficulty writing testing protocols.

We would strongly suggest to you that the many, many failings of your agency in handling this matter not only left countless numbers of trailer residents in a compromising health situation, but also point out in a most troubling manner the failure

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[2] Letter dated March 17, 2007, from Mark Keim to Patrick Preston.
[3] FEMA background document attached to "Statement of Administrator Paulison on Testing of Travel Trailers and Mobile Homes for Formaldehyde," undated.
[4] FEMA 9/23/07

of you and your managers to produce credible public health advice. It is quite mystifying to us how an agency which advertises its "healthy homes" initiative can then care so little about the poorest among us who are living in quite unhealthy homes.

By this letter, we are asking that you immediately suspend the implementation of Dr. De Rosa's Personal Improvement Plan and return Dr. De Rosa to his previous position, which he held successfully for many years. We also ask that you arrange a personal meeting to explain the conduct of your agency regarding Dr. De Rosa and how you intend to improve that record.

To make arrangements for that meeting or to obtain any other information, please have your staff contact Dr. Dan Pearson, Investigations and Oversight Subcommittee staff director, at (202) 225-4494, or Edith Holleman, Subcommittee counsel, at (202) 225-8459.

Thank you for your attention to this matter.

Sincerely,

BART GORDON
Chairman

BRAD MILLER
Chairman
Subcommittee on
Investigations &
Oversight

NICK LAMPSON
Chairman
Subcommittee on
Energy & Environment

Cc: The Honorable Ralph Hall
Ranking Member

The Honorable F. James Sensenbrenner
Ranking Member
Subcommittee on Investigations & Oversight

The Honorable Bob Inglis
Ranking Member
Subcommittee on & Environment