ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515–6115

JOHN D. DINGELL, MICHIGAN
CHAIRMAN

March 27, 2008

Julie L. Gerberding, M.D., M.P.H.
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30333

Dear Dr. Gerberding:

In a letter dated February 28, 2008, we wrote to you regarding our investigation of the circumstances surrounding the production, review, and withholding of a study entitled, *Public Health Implications of Hazardous Substances in the Twenty-Six U.S. Great Lakes Areas of Concern* (commonly referred to as the Great Lakes Report), and the treatment of its lead author. To date, we have received a number of documents requested in our letter and note that the Great Lakes Report has been posted on the Web site of the Centers for Disease Control and Prevention (CDC). Moreover, your staff has furnished us with a copy of a message sent to all CDC employees regarding the necessity of preserving all records related to our inquiry.

While we appreciate that you have taken steps to comply with our request, we continue to have great concerns about the treatment of a number of employees involved in this study including Dr. Christopher De Rosa. Our preliminary review of recent events at CDC indicates that Dr. De Rosa has been a key figure in more than one issue that may have caused embarrassment to CDC management and possibly others. Specifically, we note Dr. De Rosa's role as a "whistleblower" in the matter of formaldehyde exposures in the Federal Emergency Management Agency trailers provided to Hurricane Katrina victims; his role in insisting that a public health alert be maintained for 1,4-dioxane, a substance used in cosmetics that is a reproductive hazard and is carcinogenic; and his role in pushing for the release of the Great Lakes Report.

The Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations intend to investigate each of these matters fully. In the meantime, it is imperative that CDC take no action that might be viewed as retaliation against any employee involved in any

of the aforementioned studies, especially Dr. De Rosa. In that regard, we have learned that Dr. De Rosa was in fact removed from his position and demoted by Dr. Frumkin last fall. Moreover, it appears that on February 21, 2008, Dr. De Rosa was made the subject of a 90-day "Personal Improvement Plan" (PIP), which is a formal step toward termination.

As we noted in our letter of February 28, 2008, under 5 U.S.C. 2302(b)(8) it is a violation of Federal law to retaliate against whistleblowers. In addition, pursuant to 18 U.S.C. § 1505, it is against Federal law to interfere with a Congressional inquiry.

Given what we have learned so far, there appears to be reasonable grounds to believe that CDC's actions toward some of the employees who worked on these studies and, in particular, Dr. Frumkin's demoting Dr. De Rosa and instituting a 90-day PIP, was undertaken in retaliation for whistleblower activities. Therefore, we request that you immediately suspend any and all adverse personnel actions with regard to any employee involved in any of the aforementioned studies, including but not limited to Dr. De Rosa, until such time as we have completed our investigation of this matter and that you immediately notify Dr. De Rosa and all CDC employees involved in those studies of this Committee's request.

If you have any questions regarding this matter, please contact us or have your staff contact John F. Sopko, Chief Counsel for Oversight, or John Arlington, Senior Investigative Counsel, with the Committee on Energy and Commerce staff at (202) 226-2424.

Sincerely,

John D. Dingell
Chairman

Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member
Subcommittee on Oversight and Investigations