

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

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February 6, 2008

Dr. Julie Gerberding
Director, Centers for Disease Control and Prevention, and
Administrator, Agency for Toxic Substances and Disease Registry
1600 Clifton Road NE
Atlanta, GA 30333

Dear Dr. Gerberding:

The Committee on Science and Technology is reviewing disturbing allegations about interference with the work of government scientists at the Agency for Toxic Substances and Disease Registry (ATSDR). Dr. Howard Frumkin, the director of ATSDR, manages its day-to-day operations. We are writing to call your attention to these allegations, although we do not know your own role in these matters as Administrator of the ATSDR.

The Committee is concerned about two issues potentially affecting the health and safety of millions of Americans. The first involves a study of health conditions and environmental pollution in the Great Lakes Basin entitled: "Public Health Implications of Hazardous Substances in the Twenty-six U.S. Great Lakes Areas of Concern," which has been in preparation by ATSDR since 2002. The second involves ATSDR's work on formaldehyde in FEMA-supplied trailers for victims of Hurricanes Katrina and Rita. In both cases, ATSDR appears to have suppressed information that Congress and the public have a right to know. In addition, the Committee is concerned that ATSDR's management may have retaliated against a career employee, Dr. Christopher De Rosa, for blowing the whistle on ATSDR's conduct. Some managers see whistle blowing as insubordination and a challenge to their authority. We disagree. The public is well served by federal employees willing to speak up when federal agencies act improperly, and Congress depends upon whistle blowers for effective oversight. We will not tolerate retaliation against any whistle blowers.

The International Joint Commission (IJC) originally requested the report in December of 2001. The IJC was created to help manage the rivers and lakes that lie between the U.S. and Canada.¹ Among its key tasks is to investigate air, water and soil

¹ The International Joint Commission (IJC) was established by the 1909 Boundary Waters Treaty between the United States and Canada.

pollution on the waterways that affect both countries. The study has been in preparation by ATSDR since 2002.

However, in July of 2007, the Director of the ATSDR and his deputy abruptly cancelled the release of the report that examined the potential human health and environmental impact of 108 hazardous waste sites within 26 distinct geographic "areas of concern" (AOC) in the Great Lakes Basin days before its planned release. This was done even though ATSDR employees spent several months preparing for the public release of the report, and for the launch of a web-page that would provide the 40 million residents in the Great Lake Basin access to this information. You and Dr. Frumkin were made aware of the Committee's concerns on this matter last December, but we have still not heard any explanation for the decision to cancel the release of the report.

The Great Lakes report, which concentrated on eleven critical pollutants in the Great Lake Basin known to cause harmful health effects, had undergone extensive internal and external review during five years of research and development. It collected several human health and environmental data sources into one document and identified contamination that could affect public health. The report was not an epidemiological study, nor did it claim to substantiate any cause and effect relationship between health conditions and release of environmental pollutants. Instead, the report was intended to serve as a guide for future epidemiological investigation or study.

Nevertheless, the data in the report identified disturbing potential human health issues. It showed, for instance, that compared to "peer counties" and the national average, 21 of the 26 AOCs had elevated infant mortality rates, 17 AOCs had elevated breast cancer mortality rates, 16 AOCs had elevated rates of colon cancer, 12 AOCs had elevated rates of lung cancer, 6 AOCs had elevated rates of low birth weights and 4 AOCs had elevated rates of premature births.

The ATSDR has still not released the report, and we understand that it is now undergoing extensive editing. The Committee's Subcommittee on Investigations and Oversight requested agency records from the ATSDR regarding the report on December 18, 2007. The requested records were due on January 7, 2008. The Subcommittee has yet to receive a letter response or the vast majority of the documents requested. The ATSDR has given no reason for the delay, and we expect immediate delivery of all of the requested documents.

The second matter pertains to ATSDR's health consultation for the Federal Emergency Management Agency (FEMA) regarding the potential exposure to and health risks of formaldehyde for tens of thousands of Hurricane Katrina and Rita survivors living in travel trailers. The agency's conduct has called into question its ability to investigate public health hazards accurately and appropriately in the future. Months after the first reports of unhealthy levels of formaldehyde fumes in these trailers, FEMA explicitly sought a report from ATSDR limited to the health consequences of short-term exposure to formaldehyde. Short term exposure is defined as exposure of less than two weeks. Many Katrina and Rita victims have now lived in FEMA travel trailers for more

than two years. Administrators at the ATSDR apparently agreed to produce such a report² and intentionally circumvented the Director of the Division of Toxicology and Environmental Medicine, Dr. DeRosa, knowing that Dr. DeRosa had already raised questions about long-term effects of formaldehyde and that he would insist on a report that addressed long-term exposure issues. The February 1, 2007, health consultation transmittal letter from ATSDR's Office of Terrorism, Preparedness and Emergency Response (OTPER) to FEMA acknowledged that the study was conducted in secret at FEMA's request in apparent violation of ATSDR's long-standing protocols and procedures for health consultations intended to assure scientific integrity and reliability and include peer review and public comment.³

Formaldehyde is a suspected carcinogen for which no safe levels of long-term exposure have been set. Any health assessment of dangers of exposure to formaldehyde fumes by residents of FEMA travel trailers obviously should include long-term exposure risks. FEMA is not a client of the ATSDR. The ATSDR's duty is to the public, specifically the Katrina and Rita victims exposed to formaldehyde fumes, not to FEMA. The ATSDR appears to have failed in that duty.

The ATSDR health consultation was amended to include long-term exposure warnings eight months after issuing the initial report.⁴ The correction of the record only came at the insistence of the then-Director of the Division of Toxicology, Dr. De Rosa. Dr. De Rosa was persistent in demanding that the ATSDR issue a report that properly considered long-term exposure risks. Apparently in retaliation, Dr. DeRosa was removed from his post and given a job as special assistant in the office of Dr. Frumkin that appears to include no real responsibilities. Dr. Frumkin issued an "unsatisfactory" performance assessment of Dr. De Rosa last October. According to Dr. De Rosa, the "unsatisfactory" performance assessment was the first such evaluation he has received in his 34 years of service.⁵

Again, according to Dr. De Rosa, he brought several important public health-related issues to Dr. Frumkin's attention on several occasions. Frustrated by those attempts Dr. De Rosa wrote Dr. Frumkin on September 21, 2007 in a letter obtained by the Committee, outlining his concerns regarding these public health issues and Dr. Frumkin's apparent efforts to thwart Dr. De Rosa's communications with the public or other federal agencies. "On multiple occasions during the first six months of this year,"

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

³ February 1, 2007 Health Consultation transmittal letter from ATSDR to FEMA signed by Michael Allred for Mark Keim, Acting Associate Director, Office of Terrorism, Preparedness and Emergency Response, ATSDR. <http://www.cdc.gov/nceh/ehhe/trailerstudy/pdfs/HC-TransmittalLtr-2-1-2007.pdf>.

⁴ ATSDR, "An Update and Revision of ATSDR's February 2007 Health Consultation: Formaldehyde Sampling of FEMA Temporary-Housing Trailers," October 2007; Jan. 28, 2008, letter from Chairmen Brad Miller and Nick Lampson to Dr. Frumkin.

⁵ Christopher T. De Rosa, Appeal, Merit Systems Protection Board, Attachment 1, filed Jan. 17, 2008.

Dr. De Rosa wrote to Dr. Frumkin, "you have opposed the release of information to the public on several important health issues." In addition, Dr. De Rosa wrote that restrictions placed on him by Dr. Frumkin hindered his ability to do his job properly and resulted in denying the public significant data about public health issues. "In my view, this unreasonable restriction on communication constitutes an intentional effort to deny the public important health related information, and retaliates against me for seeking to disseminate such information," wrote Dr. De Rosa. A month later, on October 25, 2007, Dr. Frumkin sent Dr. De Rosa his "unsatisfactory" performance assessment.

When stories about formaldehyde health effects in FEMA-purchased trailers were in the news recently, the staff of the CDC and the ATSDR denied reporters interviews with Dr. De Rosa. This appears to violate federal policy. In March of 2006, John H. Marburger III, Science Adviser to the President and Director of the Office of Science and Technology Policy, met with the principal science officials from all federal agencies and departments and urged them to adopt media contact policies similar to those issued by the National Aeronautics and Space Administration (NASA). NASA's policy encourages "the free exchange of ideas, data and information as part of scientific and technical inquiry. Scientific and technical information from or about Agency programs and projects will be accurate and unfiltered."⁶

In addition, in August of 2007, Dr. Marburger, in concert with the Office of Management and Budget, issued a memorandum that said "[a]gencies are expected to conduct programs in accordance with the highest standards of ethical and scientific integrity."⁷

The CDC's conduct in denying the news media access to Dr. De Rosa certainly appears to violate those directives. We request that you issue clear guidance that Dr. De Rosa, or any scientist working at the CDC, ATSDR or any constituent offices, has a right to speak with the press. Censorship of science paid for with tax dollars is intolerable, especially when the information denied the public concerns health and safety issues.

We expect you to protect Dr. DeRosa from retaliation for whistle blowing and to make him and other employees of the ATSDR and CDC available to the Committee in our investigation. Committee staff will want to interview staff at the ATSDR, as well as at CDC, perhaps including you.

Recently, we have learned that Dr. De Rosa, in addition to being stripped of his duties, is now being subjected to various annoyances, also apparently in retaliation. He has been forced to move his office at least twice since October, and his working papers and files are boxed and distributed among three campuses of the CDC/ATSDR complex. As a result, he is unable to effectively compile records that the Committee may request or

⁶ From "NASA Policy on the Release of Information to News and Information Media," pp. 1-2.

⁷ Memorandum entitled "FY 2009 Administration Research and Development Budget Priorities" from John H. Marburger and Stephen S. McMillin, Aug. 14, 2007.

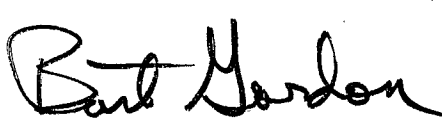
to perform his professional work. Please review this conduct by ATSDR managers and end any retaliation against Dr. DeRosa. We request that you allow Dr. De Rosa to establish an office with ready access to his records and other materials, as is appropriate for his years of service and notable reputation. We expect your assurance on this matter in your next correspondence.

Finally, we ask that you take steps to immediately provide the records regarding the Great Lakes report requested in our correspondence of December 21, 2007, and due on January 7, 2008. In addition, we expect you to ensure that ATSDR complies with our records request regarding the ATSDR Health Consultation for FEMA which we sought in our correspondence on January 28, 2008 and that those records are produced for the Committee on or before Friday, February 14, 2008, as requested.

If you have any questions or need additional information, please have your staff contact Douglas Pasternak, Subcommittee professional staff member, at (202) 226-8892, or Dr. Dan Pearson, Subcommittee staff director, at (202) 225-4494.

Your assistance in this matter is greatly appreciated.

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
Committee on Science & Technology

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

The Honorable Bob Inglis
Ranking Member
Subcommittee on Energy & Environment