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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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August 24, 2007

Dr. Howard Frumkin
Director
Agency for Toxic Substances and Disease Registry
Department of Health and Human Services
1825 Century Blvd.
Atlanta, GA 30345

Dear Director Frumkin:

I am writing in regard to the role of the Agency for Toxic Substances and Disease Registry (ATSDR) in the failure of the Federal Emergency Management Agency (FEMA) to respond properly to reports of dangerous levels of formaldehyde in the trailers it provided to displaced victims of the Gulf Coast hurricanes. Based upon documents the Committee on Oversight and Government Reform has received through its ongoing investigation, it appears that ATSDR may have played a significant role in FEMA's failed response.

On February 1, 2007, ATSDR provided Patrick Preston, a trial attorney with FEMA's Office of Chief Counsel, a "Health Consultation" regarding "Formaldehyde Sampling at FEMA Temporary Housing Units."¹ The ATSDR Emergency Response program had been requested by FEMA "to review and provide an evaluation of analytical data related to a project involving formaldehyde sampling at FEMA temporary housing units/trailers located in Baton Rouge, Louisiana."² In its "Health Consultation" ATSDR stated that its purpose was "to provide FEMA a clearer understanding of the issues associated with formaldehyde in temporary housing units."³

¹ Agency for Toxic Substance and Disease Registry, *Health Consultation: Formaldehyde Sampling at FEMA Temporary Housing Units* (Feb. 1, 2007).

² *Id.* at 2.

³ *Id.*

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In the cover letter for the "Health Consultation," ATSDR informed a FEMA counsel that "the opening of windows and vents was effective in reducing formaldehyde concentrations below levels of health concern."⁴ However, ATSDR recently updated its website and changed course with respect to formaldehyde by stating: "ATSDR's consultation was intended to answer the question 'Do empty trailers have formaldehyde levels that can adversely effect [sic] human health?' The short answer is yes."⁵

I am concerned about this apparent reversal. Moreover, in telephone conversations with my staff, ATSDR was unable to defend the content or approach of the "Health Consultation."

As part of the Oversight Committee's investigation into this matter, I request that ATSDR provide the following documents by September 07, 2007:

1. Documents relating to communications between ATSDR, FEMA, the Environmental Protection Agency, or other governmental or nongovernmental persons or entities regarding formaldehyde and trailers, including, but not limited to, the plan to test trailers for formaldehyde levels and the "Health Consultation" that ATSDR drafted;
2. Documents relating to the "Health Consultation" that ATSDR provided to FEMA on February 1, 2007, including internal ATSDR communications regarding the "Health Consultation," all draft versions of the "Health Consultation," and all internal ATSDR documents or communications regarding the Health Consultation following July 19, 2007;
3. Documents relating to ATSDR's decision to use 0.3 ppm as the "level of concern for formaldehyde in trailers used for temporary housing"; and
4. Documents relating to the cancer risk posed by the formaldehyde levels in FEMA trailers.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. An attachment to the letter provides additional information about how to respond to the Committee's request.

⁴ Letter from Mark E. Keim, Acting Associate Director for ATSDR's Office of Terrorism, Preparedness and Emergency Response, to Patrick Preston, Trial Attorney for FEMA's Office of Chief Counsel (Feb. 1, 2007).

⁵ Agency for Toxic Substances and Disease Registry, Home Page (online at www.atsdr.cdc.gov/substances/formaldehyde/public_assessment.html) (accessed on August 21, 2007).

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If you have any questions regarding this request, please contact Greg Dotson or Erik Jones with the Committee staff at (202) 225-4407.

Sincerely,

A handwritten signature in black ink that reads "H. A. Waxman". The signature is written in a cursive, slightly slanted style.

Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member