

United States Senate

WASHINGTON, DC 20510
March 7, 2012

Dr. Thomas R. Frieden
Director, Centers for Disease Control and Prevention
Administrator, Agency for Toxic Substances and Disease Registry
1600 Clifton Rd
Atlanta, GA 30333

Dear Dr. Frieden,

I write out of continued concern regarding the integrity of the Agency for Toxic Substances and Disease Registry's (ATSDR) Camp Lejeune water contamination reports. I received your letter of February 15, 2012, regarding your decision to comply with a request from the United States Marine Corps (USMC) to redact public information from the Chapter "B" report based on USMC concerns about disclosure of "critical infrastructure/information" for reasons of national security. You stated that CDC and ATSDR General Counsels did not conduct any legal review of the USMC request before you agreed to redact this information from Chapter "B".

Your decision to redact that information has raised concerns about both the scientific integrity and merit of the report and its findings, as well as the Department of Defense's (DoD) role in this matter. As you are likely aware, the Senate Judiciary Committee will hold a hearing this month to look into the government's process for determining if information already made public, like that redacted from Chapter "B", is in fact "critical infrastructure/information" and should be withheld from future disclosure. One of your own researchers and the co-author of Chapter B has formally objected to the statements you made in your February 15 letter and raised significant questions about the internal process that led to those decisions (enclosure). I am concerned that ATSDR may be faced with additional requests from DoD to redact information from its reports on Camp Lejeune and that your decision on Chapter "B" may set an overly accommodative precedent with significant implications for the scientific integrity of the Chapter "B" report as well as future research based on this report's findings.

I met with you in 2010 to discuss the studies of water contamination at Camp Lejeune and the delays ATSDR was encountering to obtain funding from the Department of Navy (DoN) for those studies. I told you then that I would help ensure ATSDR was able to conduct and complete its studies unimpeded by the DoN. Those studies will be released this year and their scientific integrity is vital to the hundreds of thousands of veterans and their families waiting for answers. In an effort to ensure your agency is executing its mission properly and preserving the scientific integrity of these reports, I have requested that the Inspector General of the Department of Health

and Human Services examine ATSDR's activities in this matter. I've taken this cautionary step because we are nearing a critical period in which the transparency, integrity, and ultimately the merit of the ATSDR reports will be essential to maintain the public's faith and confidence in the government's scientific process.

As the Administrator of ATSDR, you are personally responsible for the integrity of ATSDR's analysis and report on the Camp Lejeune water contamination. Therefore, before any pending or future reports on the Camp Lejeune water contamination are finalized and released this year, I would like you to personally assure me that all past, present, and future ATSDR reports on Camp Lejeune meet the highest standards of scientific completeness and credibility, that CDC or ATSDR is not prematurely deciding what information should be redacted from those reports for the sake of expediency at the behest of the Department of Defense, or one of its Service Components, and that any and all redactions approved and made by your agency have and will conform with legal precedent and the Freedom of Information Act.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Burr", with a stylized flourish at the end.

Richard Burr
United States Senator

Enclosure: Robert E. Faye letter to ATSDR Director, dated February 19, 2012

Christopher J. Portier, Ph.D.
Director, NCEH/ATSDR
4770 Buford Highway, N.E
Building 106, Mail Stop F-61
Atlanta, Georgia 30341-3717

February 19, 2012

Dear Dr. Portier:

As the Hydrologist/Civil Engineer under contract to Eastern Research Group, Inc. (ERG), I am the sole author of ATSDR's Hadnot Point-Holcomb Boulevard Chapter B report, herein referred to as Chapter B. Oversight and review of Chapter B was provided by Mr. Morris L. Maslia, Project Officer for all of the ATSDR Camp Lejeune water-modeling activities. The purpose of my letter to you is to point out specific misleading statements in Dr. Frieden's letter of February 15, 2012, wherein he replies to the several Senators and Congressmen who questioned ATSDR's redaction of well coordinate data from the publicly released version of the Chapter B report.

I thought Dr. Frieden's letter was informative and generally to the point. However, several statements in Dr. Frieden's letter that comment on the scientific content of Chapter B are false and misleading. As the author of Chapter B, I consider it my ethical and professional responsibility to inform you of these misleading statements and I retain the hope that, at some future time, CDC/ATSDR will inform Congress of same.

The second sentence of paragraph 4 (page 1) of Dr. Frieden's letter states that "*We (ATSDR) made the limited redactions to the document (Chapter B) because the longitude and latitude coordinates of active drinking water infrastructure was scientifically unnecessary for the purpose of the document*".

This sentence is patently false on its face and, from a scientific point-of-view, borders on the inane and silly. The quoted statement also implies that an unprofessional or unethical endeavor was somehow in effect during the writing of Chapter B. Why would well coordinate data be included in the Chapter B report if not to support and document the scientific results and interpretations published therein?

Because well coordinate (control point) data were redacted from tables used to construct most of the top and thickness maps published in Chapter B, any attempt to reproduce the published maps using just the publicly released data would result in failure. Such failures would be increasingly pronounced with increasing depth of occurrence of the particular geohydrologic unit. For example, consider the map and related control point data for the Upper Castle Hayne aquifer-River Bend unit, a major water-bearing unit for supply wells in the study area (Figure B17, Table B15). Fully **33 percent** of the control points used to create Figure B17 were redacted from the publicly released version of Chapter B. Such deletions could not help but to change the published interpretations of the surface and

thickness of this unit. Similar changes for similar reasons would accrue to the published results for the Middle Castle Hayne aquifer (Figure B25, Table B19), perhaps the most significant water-bearing unit for supply wells, where almost 50 percent of the useful control point data were redacted. Redactions amounting to 33 percent and 50 percent of useful data are NOT the “*limited redactions*”, as stated in Dr. Frieden’s letter to Congress.

As you know, the geohydrologic unit control point data published in Chapter B were directly transferred, to the geohydrologic framework established for all Hadnot Point-Holcomb Boulevard groundwater-flow models. Thus, the redaction of well coordinate data from the publicly released version of Chapter B also significantly compromises any effort to reproduce the geohydrologic framework assigned to the project groundwater-flow models. These redaction issues, in my opinion, now call into question the reproducibility and scientific integrity of: (1) my analyses, (2) the Chapter B report in its entirety and (3) subsequent water-modeling reports for the Camp Lejeune historical reconstruction analyses.

In response to question #4 from the Congressmen and Senators (page 2?), Dr. Frieden’s letter states that “*Following the peer review and subsequent suggested redaction, all involved ATSDR staff agreed that including detailed geographic locations of active drinking water infrastructure was not scientifically necessary for the purpose of this document (Chapter B) and that the redactions would not diminish its scientific integrity.*”

This statement is false and egregiously disingenuous, as I interpret it, or perhaps just poorly worded. Regardless, the uninformed reader is left with the impression that redactions of well coordinate (control point) data from Chapter B were a recommendation of the peer review process. As the author of Chapter B, I read and responded to all of the several peer review summaries regarding Chapter B, including those from Camp Lejeune and U.S. Navy personnel, and no peer reviewer ever recommended or even suggested that well coordinate data be redacted from the Chapter B report. (The ATSDR Project Officer, Mr. Morris Maslia, and the NCEH/ATSDR Deputy Director, Dr. Tom Sinks also reviewed all of the peer review summaries and my response to same in their entirety.)

In addition, the quote from Dr. Frieden’s letter states that “*all involved ATSDR staff*” agreed with or supported a decision to redact well coordinate data from Chapter B. Although the verbiage “ATSDR Staff” is somewhat ambiguous and I am just the author of Chapter B and not an employee of ATSDR, I want to state for the record herein that, as a matter of professional ethics and common sense, I did and do totally disagree with ATSDR’s policy decision to redact data. Furthermore, I believe that Mr. Morris Maslia, ATSDR’s Camp Lejeune Project Officer, forcefully expressed this same opinion to you and other ATSDR policy makers.

Dr. Portier, I believe my comments in the previous paragraphs substantially contradict the parts of the quoted statement regarding scientific necessity and the notion that redactions would not “*diminish*” the scientific integrity of the Chapter B report. In summary, I

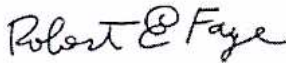
Christopher J. Portier
Director, NCEH/ATSDR
Page 3

strongly suggest that the redactions of well coordinate data, as evidenced in the publicly released version of Chapter B, do indeed **substantially compromise the technical and scientific integrity of Chapter B, and possibly, by extension, the results of the forthcoming water-model simulations.**

In passing, I note that well coordinate locations in Dr. Frieden's letter are consistently referred to in terms of latitude and longitude. Please note, that **ALL** well coordinate data in Chapter B are stated in North Carolina State Plane Coordinates, North American Datum of 1983. Even a casual reader of Chapter B would have realized that State Plane coordinates were the locators of choice. I am sure that if I or ATSDR's Camp Lejeune Project Officer had been given an opportunity to review the final draft of Dr. Frieden's letter for content and accuracy, this error would have been pointed out.

I hope these comments are helpful.

Sincerely,



Digitally signed by Robert Faye
DN: cn=Robert Faye, o, ou,
email=refaye@windstream.net, c=US
Date: 2012.02.19 20:27:22 -05'00'

Robert E. Faye P.E. MSCE

copy to:

Dr. Thomas Frieden, Director, CDC
Mr. Morris L. Maslia, P.E., DEE, ATSDR Project Officer