

# MILITARY FACING RENEWED PRESSURE ON CAMP LEJEUNE CONTAMINATION

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The Defense Department and the Department of the Navy are facing a renewed effort by Democratic lawmakers to get to the bottom of a water contamination scandal that rocked Camp Lejeune Marine Corps base, NC, in the 1980s, when high levels of cancer-causing industrial solvents were found in the drinking water supplied to Marines and their families.

During questioning by the House Appropriations military construction and veterans' affairs subcommittee April 3, Rep. **Allen Boyd** (D-FL) pressed DOD's top environment official, Wayne Arny, on why two documents linked to the Camp Lejeune case requested by the House Energy & Commerce subcommittee on investigations and oversight have not been delivered by DOD. The latter subcommittee is leading a probe into contamination events at Camp Lejeune, and also a broader effort to uncover the true extent of contamination with solvents at military bases.

The two documents in question are a 1999 Department of the Navy litigation report prepared in anticipation of legal action over water contamination at Camp Lejeune, and a 1985 technical document described as a confirmation study. Boyd alleges the Department of Navy has refused to hand over both documents, first requested by Congress in June.

At the hearing April 3, Wayne Arny said he would hand over the documents if possible.

A Marine Corps spokeswoman tells Defense Environment Alert that the Department of the Navy made certain factual enclosures to the litigation report available to Congress last year, and offered to reveal the "Findings of Fact" section of the document as well, but that the remainder is off limits due to ongoing litigation against DOD brought by victims of the contamination. "The written Report, consisting of the Findings of Fact, Opinions and Recommendations, as well as four of the enclosures are attorney-work product and were withheld," says the spokeswoman.

**The so-called confirmation study relates to an analysis of sampling data gathered at Camp Lejeune to confirm the "existence and possible migration of certain chemicals in-situ," and is publicly available as part of the Administrative Record of Camp Lejeune, the spokeswoman says.**

The Marine Corps has long been criticized for its handling of a 1985 decision to shut down drinking water wells at the installation, a National Priorities List site, five years after chlorinated solvent contamination was first discovered. A Justice Department (DOJ) criminal investigation, however, cleared the Marine Corps of any criminal violations for the delayed shut-down. DOJ determined that criminal prosecutions

could not be brought because the actions in question were taken before any legally enforceable drinking water standards were in effect.

Hundreds of former Camp Lejeune residents claim they or their children have been physically harmed from contamination in drinking water at the base that was discovered in the 1980s. Many are now engaged in attempts to bring a class action lawsuit against DOD, which the department is now fighting. Some of those affected by the contamination now reside in Boyd's district in North Florida.

Congressional interest in the case led to passage of a measure in the fiscal year 2008 Defense Authorization Act, signed in January, requiring the Department of the Navy to notify past residents and civilian employees at Camp Lejeune of their possible exposure to contaminated drinking water.

The Marine Corps is now trying to locate as many of those potentially affected as possible -- according to a statement on Camp Lejeune's Web site, "The Secretary of the Navy and the Commandant of the Marine Corps are committed to reaching all former residents that may have been exposed to unregulated chemicals in the base drinking water between 1957 and 1987." The fact that there were no regulatory limits on the chemicals in question before the wells were shut down is central to the Department of the Navy's defense of its position.

At the heart of the controversy are two solvents, trichloroethylene (TCE), previously used by the military as a metal parts degreaser, and tetrachloroethylene (PCE), a dry cleaning ingredient. These were found to be the principal contaminants at Camp Lejeune, although other volatile organic compounds were also detected.

TCE is a prevalent contaminant detected at various levels on current and former military bases around the country. Figures compiled by the Agency for Toxic Substances and Disease Registry (ATSDR) show that at least 19 military sites have had a "completed exposure pathway" for TCE in drinking water in the past, some at levels well above what EPA considers safe.

House Energy & Commerce Committee Republican lawmakers have pushed ATSDR to fill in apparent gaps in its database cataloging past instances of TCE contamination at military bases (Defense Environment Alert, Nov. 27, p23). Meanwhile, Democrats on the committee have questioned the thoroughness of EPA's investigation into possible criminal misconduct in the Camp Lejeune case ( Defense Environment Alert, Aug. 21, p3).

EPA does not have a comprehensive toxicological risk assessment for TCE, and is not expected to complete one for some time, despite congressional pressure to do so. A definitive safe drinking water standard for the chemical may not be set by EPA until 2010, officials with the agency have said previously.

At Camp Lejeune, ATSDR is conducting a new study into the possible health effects of the contamination. It expects to complete this study this year, possibly in the summer, according to the Marine Corps.