



Agency for Toxic Substances
and Disease Registry
Atlanta, GA 30333

December 14, 2009

Mr. Roger M. Natsuhara
Acting Assistant Secretary of the Navy
Installations and Environment
1000 Navy Pentagon
Washington, DC 20350-1000

Dear Mr. Natsuhara:

This letter is in response to the November 24 letter from B.P. Harrison which sets out the Department of Navy's (DON) response to requests from the Agency for Toxic Substances and Disease Registry (ATSDR) for funding of tasks in the draft FY2010 Annual Plan of Work (APOW) for Marine Corps Base, Camp Lejeune. While we appreciate DON's agreement to fully fund several of the tasks in the APOW, critical gaps in funding remain that need to be addressed. In order to resolve these matters without further delay, this letter represents the final step in dispute resolution [section 9.4 Memorandum of Understanding (MOU) between the Department of the Navy (DON) and Agency for Toxic Substances and Disease Registry (ATSDR)] for full funding of 2010 Annual Plan of Work for the U.S. Marine Base Camp Lejeune.

ATSDR provided the 2010 APOW to DON/USMC on August 25, 2009 and sent a formal dispute resolution notice on October 20, 2009. Since then, Dr. Thomas Sinks, Deputy Director of ATSDR met with General Eugene Payne, Assistant Deputy Commandant of the Installations and Logistics (Facilities), on November 5, 2009 and Mr. Richard Mach, Environmental Director, Environmental Compliance and Restoration Policy, Department of Navy on November 16, 2009. The concerns of both agencies were discussed. DON committed the following resources to the FY2010 APOW on November 24, 2009:

(1) full funding of the water modeling at a cost of \$1,864,180; (2) full funding of the case control study at a cost of \$26,358; (3) full funding of the Community Assistance Panel (CAP), where \$25,000 has already been authorized, for a remaining balance of \$159,426; and (4) full funding of the re-analysis for the 1998 Pregnancy Outcome Study at a cost of \$92,374. The health survey will be funded when a revised cost and scope that addresses 100% of the Congressional requirement is provided. A pilot study on a 10% sample with epidemiologic analysis, which was recommended by ATSDR in the draft FY2010 APOW, is not part of this requirement and we therefore do not support funding of this effort.

ATSDR agrees at this time to defer conducting the 10% pilot study and proceed as described below with the health survey. ATSDR insists, however, that full funding be provided by DON/USMC for the cohort mortality study as requested in the 2010 APOW.

The mortality study is the most time-efficient and scientifically valid method to assess the health consequences of adult exposures to contaminated drinking water at Camp Lejeune. ATSDR has previously established the need for this study. An ATSDR expert panel met February 17-18, 2005, to explore opportunities for conducting additional Camp Lejeune human health studies.¹ There was agreement among the panel members...*that a study of mortality outcomes would be feasible....* ATSDR conducted its own feasibility assessment and confirmed this conclusion.² The National Research Council has also concluded that a mortality study is...*very likely to be feasible.*³ ATSDR will require \$1,530,300 for FY 2010 to begin work on the mortality study.

ATSDR will proceed to conduct a complete health survey, pending approval of the Office of Management and Budget (OMB) (as required under the Paperwork Reduction Act) and the establishment of an ATSDR-approved external scientific review group. ATSDR remains concerned that the utility of the health survey could be compromised by considerable scientific limitations. To assure that all stakeholders are kept informed on the scientific progress of the health survey, ATSDR will create an expert panel. The panel will establish and monitor milestones of measurable scientific parameters to evaluate the utility of the health survey. Panel members will meet in a public setting several times each year. Meeting minutes and conclusions will be made available on the ATSDR website. ATSDR will modify the budget request for the health survey and provide a revised 2010 APOW shortly.

The ATSDR Administrator is vested with the discretion to determine the need and scope of research to be conducted at Superfund sites. CERCLA Section 104(i)(7)(42 U.S.C. 9604(i)(7)) states...*Whenever in the judgment of the Administrator of ATSDR it is appropriate..., the Administrator of ATSDR shall conduct such full scale epidemiologic or other studies as may be necessary to determine the health effects on the population exposed to hazardous substances from a release or threatened release.* While the costs of such activities may be recovered from the Potentially Responsible Party (PRP), ATSDR is authorized to conduct its Superfund related activities independently from the PRP. ATSDR's authorities related to Federal sites are the same as they are for private sites. In addition, pursuant to 10 U.S.C. 2704:

The Secretary of Defense shall transfer to the Secretary of Health and Human Services...such sums from amounts appropriated to the Department of Defense, and such personnel of the Department of Defense as may be necessary...for other health related activities under section 104(i) of CERCLA (42 U.S.C. 9604

¹ Report of the Camp Lejeune Scientific Advisory Panel, Convened February 17-18, 2005. http://www.atsdr.cdc.gov/sites/lejeune/panel_report.html#exec_summary.

² Bove FJ, Ruckart PZ. An Assessment of the Feasibility of Conducting Future Epidemiologic Studies at USMC Base Camp Lejeune; Agency for Toxic Substances and Disease Registry. June 2008 http://www.atsdr.cdc.gov/sites/lejeune/docs/feasibility_assesment_Lejeune.pdf.

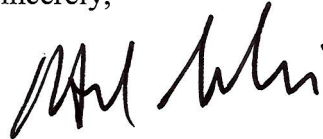
³ Contaminated Water Supplies at Camp Lejeune: Assessing Potential Health Effects Committee on Contaminated Drinking Water at Camp Lejeune; National Research Council; page 193 (2009).

(i)). The Secretary of Defense and the Secretary of Health and Human Services shall enter into a memorandum of understanding regarding the manner in which this section shall be carried out, including the manner for transferring funds and personnel and for coordination of activities under this section.

As described above, it is ultimately ATSDR's responsibility to determine what public health studies and responses are warranted at Federal sites. It is the PRP's responsibility to provide necessary funding or cost recovery. Just as ATSDR studies cannot be directed by a private sector industry PRP, they cannot be directed by a Federal Agency PRP. ATSDR considers the PRP a stakeholder and provides all stakeholders the opportunity for input into our work.

ATSDR will continue to work on the projects funded by DON. ATSDR work on the Health Study Survey and the Mortality Study cannot proceed until a funding commitment has been formalized by DON/USMC.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Frumkin".

Howard Frumkin, M.D., Dr.P.H.
Director
National Center for Environmental Health/
Agency for Toxic Substances and Disease Registry

cc:
Richard Mach, DON
MajGen E.G. Payne, USMC