



# United States Senate

WASHINGTON, DC 20510-0905

BILL NELSON  
FLORIDA

March 29, 2012

## *Via Electronic Transmission*

The Honorable Leon Panetta  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Dear Secretary Panetta:

The drinking water contamination that took place over several decades at Marine Corps Base Camp Lejeune, North Carolina, was one of the worst environmental disasters in history at a domestic Department of Defense (DoD) installation. Since Camp Lejeune was designated as a National Priority List site by the Environmental Protection Agency and the Agency for Toxic Substances and Disease Registry (ATSDR) began its statutorily required investigation, the Department of the Navy (DoN) has frequently undermined public confidence through various instances of unwillingness to cooperate and coordinate with the ATSDR on document disclosures critical to the ATSDR's scientific studies. While the cooperation and coordination has marginally improved in the past two years, it has come to the attention of some of our offices that the DoN has expended considerable efforts to prevent the disclosure of important documents to the public. We believe very strongly that this is not in the public's best interests. It is also inconsistent with President Obama's statement that "...a democratic government accountable to the people must be as transparent as possible and must not withhold information for self-serving reasons or simply to avoid embarrassment."

We want to be sure that the DoN is complying with the spirit of Title 42 of the United States Code, as it applies to the handling of documents relating to the Camp Lejeune water contamination. Therefore, we ask that a single copy of the un-redacted catalog and records contained within the Camp Lejeune Historic Drinking Water Consolidated Document Repository, formerly known as the "Booz Allen Hamilton Document Repository," be provided to Sen. Nelson's office. The copy set provided should include all Camp Lejeune documents covered under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA), if any of those documents are not currently held in the repository. Since these documents have already been compiled, we ask that they be delivered within two weeks.

Furthermore, we will be sending a separate letter to the DoD Inspector General requesting an independent investigation of the DoN's and U.S. Marine Corps' (USMC) practice of using Freedom of Information Act (FOIA) exemptions and For Official Use Only designations to justify redactions. Some of our offices have received information about the possible use of this

practice as part of an effort to withhold important documents from the public, without adequate legal justifications for such withholding. Specifically, FOIA exemptions have been cited to justify redactions of key documents in the ATSDR studies. We ask for full cooperation throughout DoD with this investigation.

It has also come to the attention of some of our offices that either the DoN or the USMC has asked the ATSDR to justify, piece by piece, the release of reports that have previously been approved for release. Given the thousands of pages of documents that the ATSDR has reviewed and the scientific necessity to cite unredacted final reports in full, not just specific pages, such requests appear to be entirely unreasonable and unjustified. We ask that the Inspector General for the DoD also determine to what extent the DoN or the USMC is requiring additional justifications from the ATSDR when the documents to be cited have already been determined by the DoN or the USMC to not require any redactions before public disclosure. We ask that these two reviews be completed within 30 days.

Finally, some of our offices have been contacted by constituents, who have expressed concerns about the USMC's Camp Lejeune Historic Drinking Water website. The critical registration portion of the website is not fully functional and has been off line since late December of 2011. The USMC reports that this is due to technical difficulties associated with the physical transfer of a server from Washington D.C. to Camp Lejeune. It is astounding that the leadership of the USMC would allow this problem to continue given the fact that the registry is the DoD's preferred method of outreach to the affected community. We ask that you provide any assistance necessary to the USMC in completing the necessary server improvements so the website can become fully operational as soon as possible.

We thank you for your prompt attention to this matter.

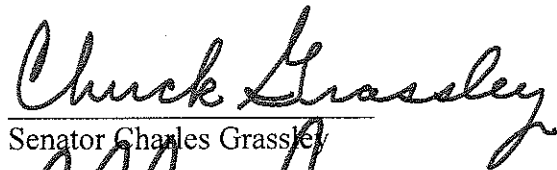
Sincerely,



Senator Bill Nelson



Senator Patrick Leahy



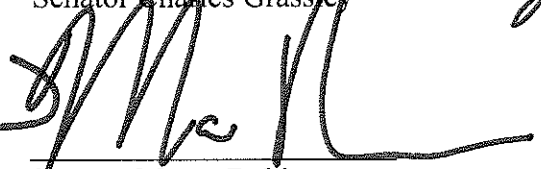
Senator Charles Grassley



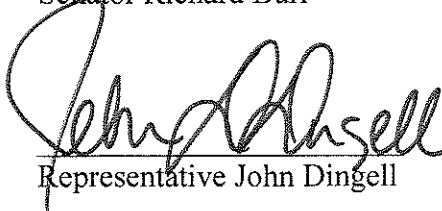
Senator Richard Burr



Senator Kay Hagan



Senator Marco Rubio



Representative John Dingell



Representative Carolyn Maloney



Representative Brad Miller