

United States Senate
WASHINGTON, DC 20510

June 30, 2008

Gene Dodaro,
Acting Comptroller General of the United States
Government Accountability Office
441 G St., NW
Washington, DC 20548

Dear Comptroller Dodaro:

We are writing to express our grave concern over recent reports that the Department of Defense (DOD) is refusing to sign final orders issued by the Environmental Protection Agency (EPA) to clean up toxic chemicals dumped around McGuire Air Force Base in New Jersey, Fort Meade in Maryland, and Tyndall Air Force Base in Florida (“Pentagon Fights EPA on Pollution Cleanup,” *The Washington Post*, June 30, 2008). We ask that you begin an investigation into this apparent disregard of not only the EPA’s statutory authority to enforce such action, but also public health and safety.

These bases are all listed as Superfund sites, meaning that the chemicals dumped around these bases pose “an imminent and substantial danger to the public health or welfare.” Some of the chemicals in question are known to cause cancer or other serious health problems, yet DOD has failed to act aggressively as they slowly seep into the soil and drinking water aquifers, threatening environmental problems for generations to come.

DOD has claimed that it is voluntarily cleaning up all three sites. EPA has the legal authority and practical expertise to assess DOD’s efforts and has deemed them insufficient. Rather than working with EPA to determine what more could be done to protect public health and safety, DOD has blocked EPA at every turn, refusing to recognize the law and challenging EPA’s authority.

As a result, EPA has been forced to issue a final order, which legal experts recognize as their most potent enforcement tool. Such an order requires a polluter to follow the EPA’s recommendation for cleanup. Other governmental agencies, including NASA and the Department of Energy, have previously complied with EPA’s final orders. DOD itself has signed final orders in the past but refuses to do so now.

We urge you to conduct an immediate investigation into the DOD’s refusal to sign the EPA’s final orders regarding the pollution at McGuire Air Force Base, Tyndall Air Force Base, and Fort Meade. Specifically, we hope that you will review whether DOD has failed to comply with

federal law, and what needs to be done to ensure the DOD cooperates with the EPA in future final orders.

Thank you for your attention to this issue, and we look forward to your response.

Sincerely,

Handwritten signature of Robert Menendez in blue ink.

ROBERT MENENDEZ
United States Senator

Handwritten signature of Frank R. Lautenberg in blue ink.

FRANK R. LAUTENBERG
United States Senator

Handwritten signature of Bill Nelson in blue ink.

BILL NELSON
United States Senator