

D E M O C R A T I C P O L I C Y C O M M I T T E E



News Release

BYRON L. DORGAN
CHAIRMAN

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SENATORS CHALLENGE ARMY STUDY'S CONCLUSIONS ON U.S. TROOP EXPOSURE TO DEADLY CARCINOGEN IN IRAQ

(WASHINGTON, D.C.) --- Two U.S. Senators are taking issue with the conclusions of an Army investigation into the exposure in Iraq of hundreds of U.S. soldiers to sodium dichromate, a deadly carcinogen.

Senators Byron Dorgan (D-ND) and Evan Bayh (D-IN) released a letter Thursday they sent to Defense Secretary Robert Gates and Pete Geren, Secretary of the Army, saying briefings their offices have received on a study they requested have raised additional questions.

Dorgan chaired a hearing in the Senate Democratic Policy Committee in June 2008 on the exposure at the Qarmat Ali water injection facility in Iraq. Bayh represents many of the soldiers, members of the Indiana National Guard, who were exposed. Soldiers from Oregon, South Carolina and West Virginia were also exposed.

Dorgan and Bayh said the Army's evidence and their own investigations indicate that exposure of the troops appears to be more severe than the Army and contractor KBR have acknowledged.

They also asked Gates and Geren to explain how the Army could pronounce itself "satisfied" with its oversight of KBR, and the response by KBR and the Army to the exposure, given the following:

- Some soldiers, exposed to the deadly chemical in the spring and summer of 2003, still have not been informed by either the Army or KBR that they were exposed.

- For months, KBR failed to identify the presence of the chemical, even though it was required to conduct an “environmental risk assessment,” and even though it received a United Nations report in the spring of 2003 that stated there was sodium dichromate at the site.
- According to the Army’s own timeline, nearly three months passed after the initial detection before KBR began testing at the site. KBR waited two more weeks to start to start remediation of the site, and protective gear was not provided to soldiers until nearly a month after that.
- Indiana National Guard personnel were not told of the exposure until they saw KBR employees using PPE (personal protective equipment) at the site.

“It looks like conclusions were made, without regard to the facts,” Dorgan said. “We owe our soldiers much more than that. Given the well documented and serious failures at the site, I don’t understand how the Army can claim KBR acted appropriately.

Senator Evan Bayh said, “I am still unsatisfied with the information provided by the Army about their response to the exposure of U.S. service members to sodium dichromate at the Qarmat Ali water injection facility in Iraq. We are asking again for a complete account of how our service members were exposed to these conditions and what went wrong. If there’s criminal negligence, people must be held accountable. If there was a lack of oversight by Army Corps of Engineers, people ought to be fired. I also have many unanswered questions about KBR’s role in the original exposure and contamination and believe the company needs to be held to account for its behavior in this incident. We have a moral obligation to the men and women who were put in harm’s way. We need to make sure to never find ourselves in this situation again. Most importantly, we have to identify those service members who were exposed to sodium dichromate and other lethal chemicals and make sure they get the kind of long-term care and treatment they deserve.”

-- END --

United States Senate

WASHINGTON, DC 20510

February 10, 2009

The Honorable Robert M. Gates
Secretary of Defense
The Pentagon
Washington, DC 20301-1000

The Honorable Preston M. Geren, III
Secretary of the Army
Office of the Secretary of the Army
Washington, DC 20310-0101

Dear Secretary Gates and Secretary Geren:

We write today to request further information about the Army's response to the exposure of U.S. servicemembers to hexavalent chromium at the Qarmat Ali water injection facility in Iraq.

We would like to thank you for your efforts to address our original questions and concerns about this issue. Our offices have received briefings about the Defense Health Board's (DHB) review of the Army's actions following the exposure; the Army's internal review of its actions; and the Army's assessment of KBR's performance of its contracts to refurbish the facility.

Those briefings, and our own ongoing investigations, however, have raised additional questions regarding the Army's response to the exposure and oversight of the KBR contract.

First, we believe that the exposure at Qarmat Ali may have been more severe and widespread than reported. As we understand, OSHA has set a legal limit for hexavalent chromium of 0.0005 mg/m³ chromium in air averaged over an 8 hour work day. Though we recognize that the Army believes that the group of soldiers at greatest risk of exposure was exposed for an average of 147 hours, some were most certainly exposed to quantities much greater than 0.0005 mg/m³ before KBR remediated the site. As such, we are concerned that their exposure will make them more susceptible to negative health effects in the future.

Second, we are troubled that the Army Corps of Engineers (ACOE) declared it was "satisfied" with the way KBR performed the contract at Qarmat Ali. If we understand correctly, KBR was to have performed an environmental risk assessment prior to the arrival of U.S. servicemembers. This assessment apparently failed to detect what we all now know to be significant quantities of hexavalent chromium. We have also been told that KBR was given a United Nations report in the spring of 2003, which identified the presence of hexavalent chromate at the site.

We are also troubled by the timeline the Army has presented with regard to KBR's delays in notifying the Army and its failure to take prompt action to respond to the exposure.

According to the briefing our staffs received from the Army, the company was aware of the contamination on June 1, 2003, at the latest. However, KBR did not notify the ACOE until July 25; did not begin site testing until August 2; did not begin remediation until August 11; did not provide personal protection equipment (PPE) until September 8; and did not send preliminary test results to the Army until September 8. In fact, Indiana Army National Guard (INARNG) personnel were not even told of the exposure until they saw KBR employees using PPE at the site.

Why is it acceptable, in the ACOE's opinion, for a contractor to knowingly allow American servicemembers, as well as its own employees, to be exposed to a deadly carcinogen for more than two months without warning, testing or ordering that PPE be used? Further, why didn't ACOE inform the Coalition Forces Land Component Command (CFLCC) about the exposure?

Third, the DHB presented our offices with an extensive list of recommendations based on this exposure. How is the Army following up on these recommendations? Will the Army be amending any relevant regulations? Will the Army be requesting statutory changes based on the DHB recommendations?

Lastly, we understand that some soldiers exposed at Qarmat Ali still have not been contacted about the exposure. How is the Army working with the INARNG to track, locate, and inform these individuals? How is the army working to track, locate, and inform soldiers affiliated with other National Guard units, specifically, units from Oregon, South Carolina and West Virginia?

We look forward to hearing from you on this important matter. In the meantime if you have any questions, please contact us or have your staff contact Leslie Gross-Davis at (202) 224-3571 or Jon Davey at (202) 224-8726.

Thank you for your continued service and prompt attention to the matter.

Sincerely,



Byron L. Dorgan
United States Senator



Evan Bayh
United States Senator