

United States Senate
Washington, DC 20510-2004

August 16, 2010

Katherine Hammack
Assistant Secretary of the Army
Installations and Environment
110 Army Pentagon Room 3E464
Washington, D.C. 20310

Dear Assistant Secretary Hammack:

The ongoing efforts to discover and remediate contaminated sites in and around Fort Detrick in Frederick, Maryland are important to protecting the health of both the on-base communities of Fort Detrick and the surrounding residential and business communities proximate to the Base. I am encouraged by how serious base command at Fort Detrick is taking these issues. As new information about the extent and varied types of legacy contamination at the Fort Detrick complex comes to light, it is clear that more work will be needed.

Critical to the investigation and remediation of the onsite contaminants is the completion of the Federal Facilities Agreement (FFA) between the Army and the U.S. Environmental Protection Agency. Section 120 of the *Comprehensive Environmental Response, Compensation, and Liability Act*, otherwise known as *CERCLA* or *Superfund*, establishes the FFA program as a means of creating a legally enforceable process for detecting and remediating contaminated sites that the federal government must address. The FFA exists to provide structure to the continuing investigations and the remedial actions to address contaminants. In addition, it provides the Army with the added expertise of the EPA in conducting a Superfund cleanup and the community with the assurances that an independent federal agency is overseeing the effort.

With recent concerns raised about the experimental use of Agent Orange at the Fort decades ago, base command at Fort Detrick has indicated that it intends to conduct additional comprehensive research into historical uses of the facility and the potential for other legacy pollutants. I urge the Army to conduct this work with all deliberate speed. All potential pathways of contamination must be examined thoroughly, including comprehensive groundwater assessments, vapor intrusion analysis and soil testing. I urge the Army and EPA to complete the FFA in advance of the legally mandated schedule. This agreement can inform the process for the completion of the Remedial Investigation/Feasibility Study currently underway and will help accelerate the overall restoration effort. Therefore, I ask you to commit to completing the FFA by December 1 of this year.

Reply To:

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In addition, I urge the Army to recommit itself to being transparent with the communities surrounding Fort Detrick and to expand its plan for public participation and information. As a fundamental matter of fairness, the public has a right to know. Community support is also essential in helping the Fort meet its numerous missions.

As you know, I raised similar issues at Fort Meade where the FFA languished for years and public confidence was eroded. The Army and EPA were able to commit to a date-certain for completing the process. The FFA was signed by the deadline. Since then, the Superfund process has moved forward aggressively and the community's concerns have been allayed. I believe a similar result can happen at Fort Detrick.

Thank you for your attention to these issues. I would appreciate a reply detailing the Army's plans to address the concerns that I have raised as well receiving periodic updates on the progress the Army is making to resolve these outstanding issues surrounding the contamination investigation and remediation projects at Fort Detrick. Please feel free to have your staff follow-up with Josh Klein of my staff at 202-224-4524.

Sincerely,



Benjamin L. Cardin
United States Senator

cc: Col. Judith Robinson, Base Commander Fort Detrick
cc: Assistant Administrator Mathy Stanislaus, Office of Solid Waste and Emergency Response,
U.S. Environmental Protection Agency