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FEMA'S TOXIC TRAILERS

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

JULY 19, 2007

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FEMA'S TOXIC TRAILERS

THURSDAY, JULY 19, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m. in room 2154, Rayburn House Office Building, Hon. Henry A. Waxman (chairman of the committee) presiding.

Present: Representatives Waxman, Towns, Maloney, Cummings, Davis of Illinois, Clay, Watson, Yarmuth, Braley, Norton, Cooper, Hodes, Murphy, Sarbanes, Welch, Davis of Virginia, Souder, Platts, Issa, Westmoreland, Foxx, Sali, and Jordan.

Also present: Representatives Melancon, Jindal, and Taylor.

Staff present: Phil Schiliro, chief of staff; Phil Barnett, staff director and chief counsel; Kristin Amerling, general counsel; Karen Lightfoot, communications director and senior policy advisor; Greg Dotson, chief environmental counsel; Erik Jones, counsel; Earley Green, chief clerk; Teresa Coufal, deputy clerk; Caren Auchman, press assistant; Zhongrui "JR" Deng, chief information officer; Leneal Scott, information systems manager; Kerry Gutknecht and Will Ragland, staff assistants; David Marin, minority staff director; Larry Halloran, minority deputy staff director; Jennifer Safavian, minority chief counsel for oversight and investigations; Keith Ausbrook, minority general counsel; Ellen Brown, minority legislative director and senior policy counsel; Steve Castor, minority counsel; John Cuaderes, minority senior investigator and policy advisor; Patrick Lyden, minority parliamentarian and member services coordinator; Brian McNicoll, minority communications director; Benjamin Chance, minority clerk; and Ali Ahmad, minority staff assistant and online communications coordinator.

Chairman WAXMAN. The meeting of the committee will please come to order.

Today we begin 2 days of hearings on the Federal Emergency Management Agency. These hearings are part of a series of hearings in this committee on how to make Government effective again.

In the 1990's, FEMA was a model Government agency, but, as Hurricane Katrina showed, cronyism, under-funding, and lack of leadership turned FEMA into the most ridiculed agency in the Government.

In these hearings we will ask whether FEMA has learned the lessons of Hurricane Katrina and restored its capacity to protect the public in disasters. Today we are going to look at a narrow but telling subject: FEMA trailers that exposed our citizens to dan-

gerous levels of formaldehyde. Then in 2 weeks we will look at the broader topic of FEMA's preparedness for the next disaster.

I want to commend our colleague, Ranking Member Tom Davis, for asking for the preparedness hearing and for his bipartisan approach to these issues.

Americans were repulsed by the indifference and incompetence of FEMA displayed after Hurricane Katrina. Incredibly, FEMA has adopted the same attitude in addressing reports of high levels of formaldehyde in FEMA trailers. The nearly 5,000 pages of documents we have reviewed expose an official policy of premeditated ignorance. Senior FEMA officials in Washington didn't want to know what they already knew, because they didn't want the moral and legal responsibility to do what they knew had to be done, so they did their best not to know. It is sickening, and the exact opposite of what Government should be.

My staff has prepared a briefing memo for Members that describes in detail what we learned from our review of the FEMA documents, and I ask unanimous consent to include the memo and the documents it cites in the hearing record. Without objection, that will be the order.

The FEMA documents depict a battle between FEMA field staff, who recognized right away that formaldehyde was a serious problem, and FEMA headquarters, particularly FEMA's lawyers, who wanted to pretend it didn't exist.

In March 2006, news articles reported high levels of formaldehyde in FEMA trailers. FEMA field staff urged immediate action, saying, "This needs to be fixed today. We need to take a proactive approach." And there is "immediate need for a plan of action."

But when the issue reached FEMA lawyers, they blocked testing of occupied trailers. One FEMA attorney explained, "Do not initiate any testing until we give the OK. Once you get results, the clock is running on our duty to respond to them."

Another FEMA official wrote, "The Office of General Counsel has advised we do not do testing, because it would imply FEMA's ownership of this issue."

Early in the process, through the perseverance of a pregnant mother with a 4-month old child, FEMA did test one occupied trailer. The results showed that their trailer had formaldehyde levels 75 times higher than the maximum workplace exposure levels recommended by the National Institute for Occupational Safety and Health. Well, the mother evacuated the trailer. FEMA then stopped testing other trailers, and top officials issued a statement that said, "FEMA and industry experts have evaluated the small number of cases where owners with formaldehyde have been reported, and we are confident there is no ongoing risk." That is where they stood after they stopped testing the trailers.

In early July 2006, FEMA officials worked with EPA and the Center for Disease Control to develop a testing protocol for unoccupied trailers that would "determine formaldehyde concentrations emanating from the trailer under living conditions." EPA officials advised FEMA that, "The levels we find under testing may well be more than 100 times higher than the health base level."

After receiving this report, FEMA responded by changing the testing protocols. Instead of simulating actual living conditions,

which would show high levels of formaldehyde, FEMA directed that the trailers be tested with their windows open, their ventilation fans running, and their air conditioning units operating 24 hours a day. A leading treatise on diagnosing indoor air quality calls testing formaldehyde under these conditions meaningless.

FEMA repeatedly received complaints from occupants about high formaldehyde levels, including at least two complaints involving the death of occupants, but the Agency brushed the complaints aside.

Although 100,000 families have lived in FEMA trailers and manufactured homes, yet the leadership of FEMA refused to take even the most basic steps to protect them from toxic formaldehyde fumes. Think about it. Families, thousands of families who faced the tragedy of Katrina, lost everything, had their lives turned upside down, then got another hit from the Federal Government when they were put in trailers that had high toxic levels of formaldehyde.

Yesterday, FEMA finally admitted it made a mistake. It announced it would begin a program to test occupied trailers for dangerous levels of formaldehyde. This is exactly what FEMA's field staff urged over a year ago, but it took this hearing and the prospect that Director Paulison would face tough questions to stir FEMA to act yesterday.

FEMA exists to serve the public, but it acts as though protecting Director Paulison from embarrassment is more important than protecting the health of the victims of Hurricane Katrina.

It is impossible to read these FEMA documents and not be infuriated. Americans don't mind paying their taxes if they get a Government that works, but when that bargain is broken and tax dollars are squandered and health jeopardized, frustration rises and trust in Government erodes.

At our last hearing we had Surgeon Generals before us, particularly Surgeon General Carmona, and I said that good oversight serves two purposes: it should expose Government malfeasance and point the way toward reform. These are my goals again today.

I know the documents we are releasing and the testimony we will hear will reveal mistakes and misjudgments. We need to learn from them to identify what needs to be fixed to protect the health of thousands of families still living in FEMA trailers almost 2 years after Hurricane Katrina, and we should do everything we can to make sure that this disgraceful conduct never happens again.

[The prepared statement of Chairman Henry A. Waxman and the information referred to follow:]

Opening Statement of Rep. Henry A. Waxman, Chairman
Committee on Oversight and Government Reform
Hearing on
FEMA's Toxic Trailers

July 19, 2007

Today, we begin two days of hearings on the Federal Emergency Management Agency. These hearings are part of a series of hearings in this Committee on how to make government effective again.

In the 1990s, FEMA was a model government agency. But as Hurricane Katrina showed, cronyism, under-funding, and lack of leadership turned FEMA into the most ridiculed agency in the government.

In these hearings, we will ask whether FEMA has learned the lessons of Hurricane Katrina and restored its capacity to protect the public in disasters.

Today, we are going to look at a narrow, but telling subject: FEMA trailers that exposed our citizens to dangerous levels of formaldehyde. Then in two weeks, we will look at the broader topic of FEMA's preparedness for the next disaster. I commend my colleague,

Ranking Member Davis, for asking for the preparedness hearing and for his bipartisan approach to these issues.

Americans were repulsed by the indifference FEMA displayed after Hurricane Katrina. Incredibly, FEMA has adopted the same attitude in addressing reports of high levels of formaldehyde in FEMA trailers.

The nearly 5,000 pages of documents we've reviewed expose an official policy of premeditated ignorance. Senior FEMA officials in Washington didn't want to know what they already knew because they didn't want the moral and legal responsibility to do what they knew had to be done. So they did their best not to know. It's sickening and the exact opposite of what government should be.

My staff has prepared a briefing memo for members that describes in detail what we learned from our review of the FEMA documents. I ask unanimous consent to include the memo and the documents it cites in the hearing record.

The FEMA documents depict a battle between FEMA field staff, who recognized right away that formaldehyde was a serious problem,

and FEMA headquarters, particularly FEMA's lawyers, who wanted to pretend it didn't exist.

In March 2006, news articles reported high levels of formaldehyde in FEMA trailers. FEMA field staff urged immediate action, saying: "This needs to be fixed today," "we need to take a proactive approach," and there is an "immediate need" for a plan of action.

But when the issue reached FEMA's lawyers, they blocked testing of occupied trailers. One FEMA attorney explained: "Do not initiate any testing until we give the OK. ...Once you get results...the clock is running on our duty to respond to them."

Another FEMA official wrote: the Office of General Counsel has advised that "we do not do testing" because it "would imply FEMA's ownership of this issue."

Early in the process, due to the perseverance of a pregnant mother with a four-month-old child, FEMA did test one occupied trailer. The results showed that their trailer had formaldehyde levels 75 times higher than the maximum workplace exposure level recommended by the National Institute for Occupational Safety and Health.

The mother evacuated the trailer. FEMA stopped testing occupied trailers. And top officials issued a statement that said: "FEMA and industry experts have evaluated the small number of cases where odors of formaldehyde have been reported, and we are confident that there is no ongoing risk."

In early July 2006, FEMA officials worked with EPA and CDC to develop a testing protocol for unoccupied trailers that would "determine formaldehyde concentrations emanating from the trailer[s]...under living conditions." EPA officials advised FEMA that "the levels we find after testing may well be more than 100 times higher than the health base level."

After receiving this report, FEMA responded by changing the testing protocols. Instead of simulating actual living conditions — which would show high levels of formaldehyde — FEMA directed that the trailers be tested with their windows open, their ventilation fans running, and their air conditioning units operating 24 hours per day.

A leading treatise on diagnosing indoor air quality calls testing for formaldehyde under these conditions "meaningless."

FEMA repeatedly received complaints from occupants about high formaldehyde levels, including at least two complaints involving the death of occupants. But the agency brushed the complaints aside. Over 100,000 families have lived in FEMA trailers and manufactured homes. Yet the leadership of FEMA refused to take even the most basic steps to protect them from toxic formaldehyde fumes.

Yesterday, FEMA finally admitted it made a mistake. It announced it would begin a program to test occupied trailers for dangerous levels of formaldehyde. This is exactly what FEMA's field staff urged over a year ago. But it took this hearing — and the prospect that Director Paulison would face tough questions— to spur FEMA to act.

FEMA exists to serve the public. But it acts as though protecting Director Paulison from embarrassment is more important than protecting the health of the victims of Hurricane Katrina.

It is impossible to read the FEMA documents and not be infuriated. Americans don't mind paying their taxes if they get a government that works. But when that bargain is broken — and tax dollars are squandered and health jeopardized — frustration rises and trust in government erodes.

At our last hearing with Surgeon General Carmona, I said that good oversight should serve two purposes. It should expose government malfeasance and point the way toward reform. Those are my goals again today.

I know the documents we are releasing — and the testimony we will hear — will reveal mistakes and misjudgments. We need to learn from them to identify what needs to be fixed to protect the health of the thousands of families still living in FEMA trailers. And we should do everything we can to make sure that this disgraceful conduct never happens again.

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MEMORANDUM

July 19, 2007

To: Members of the Committee on Oversight and Government Reform

Fr: Committee on Oversight and Government Reform, Majority Staff

Re: FEMA Documents

I. Executive Summary

This memorandum provides additional information about the response of the Federal Emergency Management Agency (FEMA) to reports of dangerous levels of formaldehyde in FEMA trailers. The memorandum is based on a review of nearly 5,000 pages of documents received from FEMA. Despite the issuance of a subpoena by the Oversight Committee, FEMA continues to withhold responsive documents from the Committee.

The FEMA documents show that the agency received multiple warnings about dangerous levels of formaldehyde in FEMA trailers, including warnings from the Environmental Protection Agency (EPA) and the Centers for Disease Control and Prevention (CDC), but refused to conduct testing of occupied trailers because testing "would imply FEMA's ownership of this issue." The documents depict a battle between FEMA's field staff, who recognized an "immediate need" for formaldehyde testing, and FEMA officials in headquarters, particularly FEMA attorneys, who consistently rejected the pleas of the field staff and refused to authorize testing of occupied trailers.

In March 2006, news articles reported high levels of formaldehyde in FEMA trailers. FEMA field staff urged immediate action, saying "This needs to be fixed today," "we need to take a proactive approach," and there is an "immediate need" for a plan of action. FEMA testing of a trailer occupied by a pregnant mother and her infant in April 2006 – apparently the only occupied FEMA trailer ever tested by FEMA – showed formaldehyde levels that were 75 times higher than the maximum workplace exposure level recommended by the National Institute for Occupational Safety and Health.

Despite the evidence of a formaldehyde problem in FEMA trailers, FEMA officials in headquarters, acting on the advice of FEMA lawyers, refused to test occupied FEMA trailers. One FEMA attorney explained: "Do not initiate any testing until we give the OK. ... Once you get results and should they indicate some problem, the clock is running on our duty to respond to them." Even though FEMA did not perform testing, a public statement from headquarters in May 2006 asserted: "we are confident that there is no ongoing risk."

In July 2006, EPA and CDC officials consulted with FEMA and warned that FEMA trailers were likely to have high levels of formaldehyde. According to a July 11, 2006, e-mail, EPA officials told FEMA: "they have done some preliminary research to establish a health base level for formaldehyde and it appears that it will be much lower than we suspected. ... The levels we find after testing may well be more than 100 times higher than the health base level." Another FEMA e-mail reported that the EPA research "has indicated that the acceptable level of formaldehyde will probably turn out to be much lower than we anticipated, and our units may be far above that level even after we ventilate them."

In consultation with EPA, FEMA staff developed a plan to test trailers to "determine formaldehyde concentrations emanating from the trailer encountered during living conditions." But this testing plan was rejected. Instead, FEMA decided to test unoccupied trailers with their windows open, their ventilation fans running, and their air conditioning units operating. FEMA staff called this test protocol "unrealistic" because "it doesn't seem that the variables are in sync with the typical living conditions for the average applicant." Nonetheless, the test results became the basis for continuing FEMA claims which minimized the risks of formaldehyde exposure.

The FEMA documents show that the agency repeatedly received complaints from occupants about high formaldehyde levels, but brushed them aside. On one occasion, a husband and wife living in a FEMA trailer notified FEMA that they suspected that formaldehyde exposure may have caused the death of their baby girl. When a FEMA official visited the trailer, she reported that the formaldehyde levels made her "nose burn." Even so, there is no record that the trailer was ever tested or that future occupants were warned about the formaldehyde risks. After a death of an occupant in a trailer was blamed on formaldehyde exposure, a teleconference with 28 staff from FEMA and other federal agencies recommended an investigation and testing. FEMA lawyers called the conference call "not acceptable" and there is no record of follow-up action being taken. In another instance, when a trailer occupant complained that formaldehyde was "causing her respiratory problems and making her eyes burn," her request for alternative accommodations was denied.

Currently, there are over 76,000 travel trailers and manufactured homes that are being used as temporary housing by victims of Hurricane Katrina and other Gulf Coast hurricanes. There still has been no comprehensive testing by FEMA to assess the levels of formaldehyde in these trailers or the risk to the occupants.

II. Background

Following Hurricane Katrina and the other destructive hurricanes of 2005, an unprecedented number of residents of the Gulf Coast region were displaced from their homes. In response, the federal government, through FEMA, provided travel trailers and manufactured homes for Gulf Coast hurricane victims to reside in until they could relocate to permanent residences. Since 2005, over 120,000 households in the Gulf Coast have utilized trailers and manufactured homes as temporary housing.[1] As of May 2007, over 76,000 travel trailers and manufactured homes continued to be used by displaced hurricane victims.[2]

In April 2007, FEMA and HUD announced that temporary housing assistance would be extended to March 2009 for the displaced hurricane victims still residing in travel trailers and manufactured homes.[3] FEMA also announced in April that it would be giving the occupants the opportunity to purchase the trailers or manufactured homes in which they reside.[4]

In March 2006, the first reports of high levels of formaldehyde in FEMA trailers began to appear.[5] Formaldehyde is a chemical widely used in building materials, often as a component of glue, adhesives, paint, or coatings. It has been classified as a "known carcinogen" by the International Agency for Research on Cancer and can cause a number of adverse health effects at elevated levels.[6] These adverse health effects include: watery eyes; burning sensations in the eyes, nose, and throat; nausea; coughing; chest tightness;

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[1] Federal Emergency Management Agency: Frequently Requested National Statistics Hurricane Katrina – One Year Later (online at www.fema.gov/hazard/hurricane/2005katrina/anniversaryfactsheet.shtm) (accessed on July 15, 2007).

[2] Federal Emergency Management Agency, *Katrina and Rita Direct and Financial Assistance Housing Assistance Breakdown as of 05/25/2007* (May 25, 2007).

[3] U.S. Department of Housing and Urban Development, *Housing Assistance Extended for Gulf Coast Hurricane Victims for Another 18 Months* (Apr. 26, 2007).

[4] *Id.*

[5] *Couple Discovers High Levels of Formaldehyde in FEMA Trailer*, WLOX (Mar. 17, 2006).

[6] International Agency for Research on Cancer, *IARC Classifies Formaldehyde as Carcinogenic to Humans* (June 15, 2004).

wheezing; skin rashes; and allergic reactions.[7] Formaldehyde exposure may also trigger attacks in those with asthma.[8] At extremely high levels, exposure to formaldehyde can be immediately dangerous to health and life.[9]

Residential formaldehyde exposures have also been linked to shortness of breath, chest pain, headache, fatigue, unusual thirst, sleeping difficulty, dizziness, diarrhea, rashes, and menstrual irregularities.[10] Children and senior citizens may be more susceptible to the negative health effects associated with formaldehyde exposure.[11]

Formaldehyde is regulated by a number of federal laws. EPA regulates formaldehyde as a hazardous air pollutant under the Clean Air Act and as hazardous waste under the Resources Conservation and Recovery Act.[12] The Occupational Safety and Health Administration limits occupational exposure to formaldehyde.[13] HUD regulates certain home construction materials that contain formaldehyde.[14] Indoor air quality, however, has never been regulated by the federal government. As a result, there is no legally binding standard for formaldehyde in travel trailers, mobile homes, or other residential properties.

The National Institute for Occupational Safety and Health (NIOSH), a part of the Centers for Disease Control and Prevention, has set guidelines for what it considers to be acceptable levels of exposure to formaldehyde. NIOSH guidelines state that the acceptable exposure level to formaldehyde in a workplace over an 8-hour period is 0.016 parts per million (ppm). If an employee is subject to levels of formaldehyde greater than 0.016 ppm, NIOSH recommends that the employee use a respirator.[15] NIOSH also has a guideline for the maximum exposure level for a short-term, 15-minute exposure. This

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[7] Consumer Product Safety Commission, *An Update on Formaldehyde* (1997 Revision) (online at www.cspc.gov/cpscpub/pubs/725.html).

[8] Environmental Protection Agency: An Introduction to Indoor Air Quality (online at www.epa.gov/iaq/formalde.html) (accessed on July 15, 2007).

[9] Occupational Safety and Health Administration, *Formaldehyde OSHA Fact Sheet* (2002) (online at www.osha.gov/OshDoc/data_General_Facts/formaldehyde-factsheet.pdf).

[10] Thad Godish, *Indoor Air Quality,* 369 (2004).

[11] California Environmental Protection Agency, *Indoor Air Quality Guideline: Formaldehyde in the Home, No. 1* (August 2004).

[12] National Toxicology Program, *11th Report on Carcinogens*, CAS No. 50-00-0 (Jan. 31, 2005).

[13] 29 CFR § 1910.1048.

[14] 24 CFR § 3280.308.

[15] National Institute for Occupational Health and Safety, *NIOSH Pocket Guide to Chemical Hazards* (NIOSH Publication No. 2005-149) (September 2005).

level is 0.1 ppm.[16] Consistent with the NIOSH guidance, EPA has identified 0.1 ppm as a level at which acute health effects can occur.[17] Some studies, however, have reported that acute adverse health effects may occur at formaldehyde exposure levels as low as 0.04 ppm.[18]

Under OSHA standards adopted under President Bush's father, if workers are exposed to formaldehyde levels above 0.5 ppm, exposure monitoring and medical surveillance is required.[19] The same standards also provide that worker exposure be limited to 0.75 ppm over an eight-hour period.[20] A higher federal formaldehyde standard is EPA's Acute Exposure Guideline Level (AEGL), which is designed to guide emergency responders in understanding the risks from a one-time exposure, such as what might occur after a chemical spill. The AEGL for formaldehyde states that a one-time exposure to formaldehyde at levels of 0.9 ppm should not lead to irreversible harm.[21]

In April 2006, the Sierra Club conducted tests to determine the formaldehyde levels in travel trailers provided by FEMA in the Gulf Coast. Levels above 0.1 ppm were found in 83% of 52 tested trailers.[22] In April, May, and June 2007, the Sierra Club conducted additional testing on FEMA-provided trailers in the Gulf Coast. In this round of testing, 94% of trailers had formaldehyde levels above 0.1 ppm.[23]

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[16] *Id.*

[17] Environmental Protection Agency: An Introduction to Indoor Air Quality (online at www.epa.gov/iaq/formalde.html) (accessed on July 15, 2007).

[18] California Environmental Protection Agency, *Indoor Air Quality Guideline: Formaldehyde in the Home, No. 1* (Aug. 2004).

[19] 29 CFR § 1910.1048 (2006).

[20] *Id.*

[21] Environmental Protection Agency, *Acute Exposure Guideline Levels: Formaldehyde Exposure* (online at http://www.epa.gov/oppt/aegl/pubs/results68.htm) (accessed on July 18, 2007). HUD sets formaldehyde emissions standards for specific building materials used in manufactured housing, but these limits cannot be used as a guide to human exposure because as the Manufactured Housing Institute notes, "these limits are not indicative of the free formaldehyde that may be present in the manufactured home once completed." Letter from Manufactured Housing Institute to Rep. Henry A. Waxman and Rep. Thomas Davis (July 18, 2007).

[22] Sierra Club, *Toxic Trailers?* (online at www.sierraclub.org/gulfcoast/downloads/ formaldehyde_test.pdf) (accessed on July 15, 2007).

[23] Sierra Club, *Statement of Becky Gillette* (July 19, 2007).

III. The Committee's Inquiry and FEMA's Response

On August 10, 2006, then-Ranking Member Waxman and Rep. Charlie Melancon requested all FEMA documents relating to formaldehyde levels in FEMA-provided trailers.[24] FEMA did not provide a single document in response to this request.

As Committee Chairman, Rep. Waxman requested documents from FEMA regarding potentially unsafe levels of formaldehyde in trailers on February 1, 2007[25] and May 15, 2007.[26] On June 15, 2007, FEMA provided the Committee with some documents responsive to these requests. However, at that time, FEMA failed to acknowledge that it was withholding responsive documents based upon attorney-client privilege. The Committee learned that FEMA withheld documents only after staff specifically asked FEMA whether any documents were being withheld based upon a claim of attorney-client privilege.

On July 9 and 10, 2007, FEMA made some of the withheld documents available to the Committee staff for review. Because this review showed the documents to be relevant to the Committee's inquiry, Chairman Waxman wrote FEMA on July 11, 2007, to request the production of the documents. In response to this request, FEMA provided some additional documents on July 13, 2007. However, FEMA also stated that it would not produce certain documents due to "confidentiality interests."[27] On July 16, 2007, the Committee issued a subpoena to obtain the requested documents.

In response to the subpoena, FEMA provided approximately 700 pages of documents at 5:45 pm on July 18, 2007. However, FEMA did not provide some documents that involved on-going litigation pending coordination with the Department of Justice. FEMA stated that it would continue to provide additional documents "as expeditiously as possible."[28]

In total, FEMA has provided nearly 5,000 pages of documents to the Committee. The remainder of this memorandum summarizes these documents.

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[24] Letter from Reps. Henry A. Waxman and Charlie Melancon to R. David Paulison (Aug. 10, 2006).

[25] Letter from Rep. Henry A. Waxman to R. David Paulison (Feb. 1, 2007).

[26] Letter from Rep. Henry A. Waxman to R. David Paulison (May 15, 2007).

[27] Letter from David Trissell, Chief Counsel, FEMA, to Chairman Waxman (July 13, 2007).

[28] Letter from David Trissell, Chief Counsel, FEMA, to Rep. Henry A. Waxman (July 18, 2007).

IV. The Response of the FEMA Field Staff

On March 16, 2006, news reports revealed that there were excessive levels of formaldehyde in a FEMA trailer.[29] FEMA field staff immediately began e-mailing each other about the reports. One FEMA employee stated, "This needs to be fixed 'today.'"[30] Another employee immediately suggested random testing of trailers, stating, "we need to take a proactive approach; the implications are much too large to not take immediate steps to assure the safety of our units."[31]

Within five hours of learning of the news, the staff outlined a possible plan of action:

> There is an immediate need for (1) any Manufacturer's certification or statements in our specs that would address possible issues with manufacturing a travel trailer with products that contain Formaldehyde (2) any Manufacturer's certification or statements that assure the safe use of such travel trailers and (3) possible need for all the supplying Manufacturers to do random testing of their supplied units in use in Mississippi.[32]

On March 28 and 29, 2006, FEMA conducted some testing of trailers at the FEMA staging center at Purvis, Mississippi.[33] The focus of this testing was to "determine the worker exposure level of formaldehyde."[34] The results of the testing showed that exposure to formaldehyde did not exceed the OSHA standard of 0.75 ppm. However, formaldehyde levels in the trailers routinely exceeded 0.1 ppm, the level identified by EPA and NIOSH as triggering acute adverse health effects. They were many times higher than the NIOSH 8-hour standard of 0.016.[35]

FEMA requested that a contractor test one occupied trailer.[36] On April 5, 2006, Bonner Analytical Testing Company tested the FEMA trailer occupied by a couple and

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[29] WLOX television, "Couple Discovers High Levels of Formaldehyde in FEMA Trailer" (Mar. 16, 2006).

[30] Internal FEMA E-mail from James Russo to Eric Gentry, Sidney Melton, Eugene Romano, Crystal Payton, and Mary Hudak (Mar. 17, 2006).

[31] Internal FEMA E-mail from Eric Gentry to James Russo, Sidney Melton, Eugene Romano, Crystal Payton, Mary Hudak and James Lowery (Mar. 17, 2006).

[32] Internal FEMA E-mail from James Lowery to James Kaczorowski, Colonel Scott and Michael Miller (Mar. 17, 2006).

[33] FEMA Memorandum from Bronson Brown, Chief, Occupational Safety and Health, FEMA, to John Crowley (May 31, 2006).

[34] *Id.*

[35] *Id.*

[36] Internal FEMA E-mail from Eugene Romano to Mary Hudak (Apr. 18, 2006).

their four-month old daughter.[37] The mother was two months pregnant and had "expressed concern for her unborn child and young daughter."[38] Shortly after moving into the trailer in February 2006, the family had experienced "burning eyes and feeling sick."[39] Their doctor had suggested that they may have been exposed to formaldehyde.[40]

The test found excessive levels of formaldehyde. Over an eight and a half hour period, formaldehyde levels in the master bedroom averaged 1.2 ppm. The test found that formaldehyde levels were "significantly higher" than this average value during the hottest part of the day. The average of 1.2 ppm is 75 times higher than the NIOSH workplace guideline of 0.016 ppm and twelve times higher than 0.1 ppm level that NIOSH recommends should not be exceeded for more than 15 minutes.

At the time of the testing, the family had lived in the trailer for several weeks. According to the occupants, they were immediately told by a FEMA contractor that the trailer was "very dangerous" and that they needed to vacate the trailer without delay.[41]

By April 6, 2006, FEMA had put out a request for bids to contract for the testing of trailers.[42] The bidding period was to close on April 28, 2006.[43] The statement of work for this contract indicates that one of the required tasks could be to provide air sampling for formaldehyde levels. According to the request for proposals, the duration of the contract would be one year and could be extended for an additional one-year period.[44]

Based upon documents provided to the Committee, it appears that FEMA never executed a contract for additional formaldehyde sampling and no additional occupied trailers have been tested.

V. The Response of FEMA Headquarters and FEMA Counsel

On April 11, 2006, the issue of formaldehyde testing was referred to FEMA's Office of General Counsel (OGC).[45] A month later, a lawsuit was filed against the U.S.

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[37] Bonner Analytical Testing Company, An Evaluation of Formaldehyde Concentration in FEMA Trailer (Apr. 6, 2006).

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] Statement of Dawn Sistrunk (July 18, 2007).

[42] Internal FEMA E-mail from Eugene Romano to Mary Hudak (Apr. 18, 2006).

[43] *Id.* In June 2005, one e-mail indicates that FEMA is still in pursuit of a contract to do testing. Internal FEMA E-mail from Sidney Melton to Stephen Miller, Cindy Howell, and Jill Igert (June 1, 2006).

[44] FEMA Request for Proposals with attached Statement of Work (undated).

[45] Internal FEMA E-mail from Eugene Romano to Mary Hudak (Apr. 18, 2006).

government alleging that FEMA has provided trailers in the Gulf Coast that have high concentrations of formaldehyde that cause a clear and present danger to the health and well being of the displaced gulf coast residents.[46]

On May 17, 2006, FEMA issued a statement regarding formaldehyde in travel trailers that stated: "FEMA and industry experts have evaluated the small number of cases where orders [sic] of formaldehyde have been reported, and we are confident that there is no ongoing risk."[47]

Internal e-mails from this period reflect a growing resistance from FEMA headquarters to address formaldehyde issues. One FEMA official wrote on May 27, 2006: "According to HQ there are no health concerns associated with the formaldehyde inside our FEMA MH/TT [Mobile Homes/Travel Trailers]."[48] Another FEMA employee noted: "HQ made the determination, airing these units out would be the only steps we take. However, if an applicant comes to us with air quality testing in hand, perhaps we should take those to OGC for a determination before we act or do not act."[49]

On June 15, 2006, Patrick Preston, a FEMA attorney, directed that FEMA employees should not conduct any testing in FEMA trailers without receiving prior approval from the Office of General Counsel. Mr. Preston wrote:

> Do not initiate any testing until we give the OK. While I agree that we should conduct testing, we should not do so until we are fully prepared to respond to the results. Once you get results and should they indicate some problem, the clock is running on our duty to respond to them."[50]

On June 16, 2006, Peggy Phillips, a FEMA employee, reiterated this point in her summary of a FEMA conference call. Ms. Phillips wrote: "OGC has advised that we do not do testing, which would imply FEMA's ownership of this issue."[51]

At one point, FEMA did authorize the distribution of a brochure about formaldehyde exposure to trailer occupants. However, the brochure did not contain any

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[46] FEMA, Formaldehyde Timeline (June 15, 2007).

[47] Internal FEMA E-mail from Aaron Walker, FEMA National Spokesman (May 17, 2006).

[48] Internal FEMA E-mail from Stacy Suchodolski to Geraldine Cox (May 27, 2006).

[49] Internal FEMA E-mail from David Hart to Stacy Suchodolski, Guy Bonomo and Cindy Howell (May 30, 2006).

[50] Internal FEMA E-mail from Patrick Preston, Trial Attorney, FEMA OGC (June 15, 2006).

[51] Internal FEMA E-mail from Peggy Phillips (June 16, 2006).

contact information for trailer occupants to use to contact FEMA with questions or complaints. A FEMA staffer asked about this in a July 26, 2006, e-mail:

> Martin, question ... I don't see a number on it. Are ya'll going to put your MDC numbers on it, we here in MS would put our call center number it. Or is the intent not to?[52]

He received a prompt response: "Hi Sid, we are trying to not generate a lot of calls, just get the facts out as we know them so we are not putting our number on it."[53]

VI. Communications with EPA and CDC

In July 2006, employees of FEMA, EPA, and CDC discussed whether EPA should conduct systematic testing of FEMA trailers. During these discussions, EPA and CDC raised concerns that the formaldehyde levels in the tested trailers could be well above a safe level for residential exposure.

On July 11, 2007, a FEMA employee summarized a conference call with EPA as follows:

> Sam and Dana [the EPA employees] prefaced that call by saying that they have done some preliminary research to establish a health base level for formaldehyde and it appears that it will be much lower than we suspected. The 14 day exposure maximum may be .03 ppm and the one year level may top out at .008 ppm. The levels we find after testing may well be more than 100 times higher than the health base level.[54]

The following day, the same FEMA official again wrote an e-mail about the conference call with EPA. She stated: "Their preliminary research has indicated that the acceptable level of formaldehyde will probably turn out to be much lower than we anticipated, and our units may be far above that level even after we ventilate them."[55]

VII. FEMA's Testing of Unoccupied Trailers

Ultimately, FEMA did decide to conduct some testing of unoccupied trailers. According to documents that FEMA has produced to the Committee, it appears that

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[52] Internal FEMA E-mail from Sidney Melton to Martin McNeese (July 26, 2006).

[53] Internal FEMA E-mail from Martin McNeese to Sidney Melton (July 26, 2006).

[54] Internal FEMA E-mail from Gail Haubrich to Tracy Haynes (July 11, 2006)

[55] Internal FEMA E-mail from Gail Haubrich to Kevin Souza (July 12, 2006).

FEMA decided to conduct this testing "in anticipation of litigation," not because of concerns for the health of occupants of the trailers.[56]

The earliest draft of a FEMA plan to test unoccupied trailers, which the Committee has received, is dated July 18, 2006. In this draft, the object of the testing is to measure formaldehyde concentrations that equal or exceed the exposure that trailer residents are likely to experience. The draft described the sampling and analysis methodology as follows:

> Divide the trailers into two subsets: In one subset (Group A), determine the airborne concentration of formaldehyde in selected new and unoccupied trailers. The concentrations will be measured while circulating indoor air but not ventilating, which will provide concentrations greater than would be expected during residential use. In the second subset (Group B), determine formaldehyde concentrations emanating from the trailer encountered under living conditions. The concentrations will be measured while ventilating and controlling the air temperature and humidity to simulate a residential living indoor environment."[57]

On July 22, 2006, an attorney for FEMA wrote in an e-mail that there had been a "shift in purpose" for the testing.[58] The change in approach is reflected in a July 28, 2006, draft of the testing procedure. In this draft, the plan for the testing had changed to the following:

> After initial sampling in all trailers to be evaluated to establish baseline conditions, divide the trailers into two subsets: In one subset (Group A), determine the airborne concentration of formaldehyde when ventilation is provided by open windows and static vents, and exhaust fans. In the second subset (Group B), determine formaldehyde concentrations while ventilating with open static vents, and controlling the air temperature and humidity through the use of the home's air conditioning system."[59]

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[56] Internal FEMA E-mail from Diane Donley to Ron Sherman (Oct. 5, 2006).

[57] Environmental Protection Agency, *Draft Formaldehyde Sampling at FEMA Temporary Housing Units Task-Specific Addendum to: Contingency Air Monitoring and Sampling Plan for C&D Burning or Grinding Sites* (July 18, 2006).

[58] Internal FEMA E-mail from Jill Igert to Stephen Miller and James Stark (July 22, 2006)

[59] Environmental Protection Agency, *Draft Formaldehyde Sampling at FEMA Temporary Housing Units Task-Specific Addendum to: Contingency Air Monitoring and Sampling Plan for C&D Burning or Grinding Sites* (July 28, 2006).

The appendix to the final version of the sampling plan, dated August 31, 2006, states: "Twelve hours prior to the start of the T1 sampling run, at 1900 hours, the EPA contractor will notify the FEMA personnel to set the following conditions in the Group A row of trailers: Open all windows and static vents and turn on ventilation fans."[60]

The final testing protocol appears to have limited value. In fact, according to a treatise on diagnosing air quality problems, testing for formaldehyde with windows open is "meaningless":

> It is very undesirable to test under conditions that produce results reflecting minimum levels of formaldehyde contamination. Test results from air sampling conducted when windows and/or doors are open are meaningless. To assess the acute health-affecting potential of formaldehyde in a residence most accurately, "near worst case" conditions of building closure and indoor temperature should be approximated.[61]

In internal communications, FEMA officials raised doubts about the FEMA test procedures. One FEMA attorney made the following comments upon reviewing the plan:

> Are we testing to identify a methodology for FEMA to reduce the levels of formaldehyde in the units before we place the applicants into the units or are we trying to identify a methodology for the applicants to reduce the levels while they are living in the units? If it's the latter, it doesn't seem that the variables are in sync with the typical living conditions for the average applicant. I don't understand why Sample B is focused on the utilization of the air conditioning and virtually nothing else since it is unrealistic that an applicant will use it twenty-four hours a day. Have we confirmed that these air conditioners can withstand this amount of use for fourteen straight days.[62]

FEMA tested 96 unoccupied trailers located in Baton Rouge, Louisiana, from September 19 through October 7, 2006. The results of the testing were released by FEMA in March 2007. The results showed that for the trailers that utilized air conditioning, the average level of formaldehyde on the final day of testing remained

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[60] Environmental Protection Agency, *Formaldehyde Sampling at FEMA Temporary Housing Units Task-Specific Addendum to: Contingency Air Monitoring and Sampling Plan for C&D Burning or Grinding Sites* (August 31, 2006).

[61] Thad Godish, *Indoor Air Pollution Control*, 338 (1989).

[62] Internal FEMA Document, *Formaldehyde Testing Proposal Revision # 3*, Jill Igert (Undated).

above 0.1 ppm. However, for trailers that had their windows and vents open for three straight weeks, formaldehyde levels did drop to 0.02 ppm.[63]

FEMA stated: "Our investigation of formaldehyde and travel trailers indicated that ventilating the units can significantly reduce levels of formaldehyde emissions."[64] On May 15, 2007, FEMA Administrator David Paulison testified before the House Committee on Homeland Security:

> The formaldehyde issue was brought to our attention and we went out and investigated and used the EPA and other agencies to do testing. We've been told the formaldehyde does not present a health hazard.[65]

The persistent refusal by FEMA to conduct testing in occupied trailers or under conditions that reflected actual use of the trailers may have been part of a strategy to deny potential plaintiffs information that could be used against FEMA in litigation. On July 26, 2006, FEMA Administrator Paulison sent Homeland Security Secretary Michael Chertoff a memo entitled "Status of Current Litigation." Mr. Paulison wrote:

> FEMA's overall level of exposure for damages is low. Individual plaintiffs, in order to succeed, bear the burden of proof and must establish specific harm and damage. Based on the limited information known so far, this is likely to be a very high threshold for them to meet.[66]

VIII. FEMA's Responses to Formaldehyde Complaints

The documents produced by FEMA describe how FEMA responded to complaints about formaldehyde exposure raised by occupants of FEMA trailers. Even in cases where deaths were involved, the FEMA responses display indifference to the problem of formaldehyde exposure.

FEMA's Response to an Infant Death. In August 2006, an infant girl died in a FEMA trailer in Texas. The mother and father thought formaldehyde exposure was the cause of death and asked that the trailer not be used by FEMA again. Upon entering the trailer, a FEMA representative noted that the formaldehyde in the trailer made her "nose

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[63] *Id.*

[64] FEMA, *Statement on Travel Trailers and Formaldehdye* (March 1, 2007).

[65] House Committee on Homeland Security, Testimony of FEMA Administrator R. David Paulison, *Hearing on the 2007 Hurricane Season: Are We Prepared,* 110th Cong. (May 15, 2007).

[66] Memorandum from R. David Paulison to Secretary Michael Chertoff (July 26, 2006).

burn."[67] Nonetheless, it appears that FEMA never conducted any testing or warned future occupants of the potential risk.

FEMA's Response to an Adult Death. In June 2006, FEMA learned of a death in another trailer. In an e-mail with the subject line "Urgent: Death of Applicant," a FEMA official wrote:

> A FEMA applicant was found dead in his trailer in St. Tammany earlier today. We do not have autopsy results yet, but he had apparently told his neighbor in the past that he was afraid to use his A/C because he thought it would make the formaldehyde worse. ... It may not have anything to do with formaldehyde, but I agree with Mark that we need to deal with this head on.[68]

The official's e-mail states that "OGC has not wanted FEMA to test to determine if formaldehyde levels are in fact unsafe."[69] For that reason, according to the official, "HQ Recovery (Souza and Garratt) are recommending that we mission assign EPA to do a full assessment and make recommendations. I agree with this."[70]

Within hours, FEMA staff had decided to "move forward with a standardized safety notice and sit tight on testing based on the potential EPA mission assignment."[71] The following day, FEMA's Baton Rouge Transitional Recovery Office organized a teleconference call with 28 staff from six federal agencies to examine questions raised by this death.[72] Minutes of the meeting provide the following synopsis:

> The compressed boards of the travel trailers contain formaldehyde. A man, John Doe, in St. Tammany parish died as the possible result of Formaldehyde Sensitivity. Details surrounding the death remain unknown. At the time of this writing it is not known if an autopsy has been performed. [73]

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[67] Internal FEMA E-mail from River Burton to George Drake (Aug. 4, 2006).

[68] Internal FEMA E-mail from Michelle McQueeney to Gil Jamieson, James Stark and Darryl Madden (June 27, 2006).

[69] *Id.*

[70] *Id.*

[71] Internal FEMA E-mail from Mark Misczak to FEMA staff (June 27, 2006).

[72] Internal FEMA E-mail from Corey Collor to Michelle McQueeney (June 28, 2006).

[73] *Id.*

The day after the conference call, a FEMA official noted that the death was "blamed on sensitivity to formaldehyde" and stated that "FEMA would monitor the trailer in question as soon as access to it could be arranged."[74]

However, FEMA lawyers intervened. One lawyer wrote that the response plan developed in the conference call was "not acceptable":

> I understand there was a conference call this morning to discuss this issue and I do not believe OGC was invited. We must be involved in all issues pertaining to formaldehyde as the Agency is in litigation. Decisions with respect to testing, press releases, safety notices, etc., must come through this office first. To be moving forward with plans and consulting with other agencies prior to vetting this internally could seriously undermine the Agency's position in the litigation and that is not acceptable.
>
> The Department of Justice considers the litigation of national importance and it is thus handling from Washington which requires full involvement of FEMA HQ OGC. We are not getting off to a good start. [75]

The participants on the June 28, 2006, conference call resolved to take six actions to help determine the appropriateness of their response to the formaldehyde problem. These actions included determining the cause of death, sampling the air in the trailer, requesting the Consumer Product Safety Commission to "vet FEMA trailers against the industry standard," and identifying an independent, nongovernmental agency to conduct tests of indoor air quality and evaluate their policies.[76] There is no evidence in the documents provided to the Committee that any of these actions were actually taken.

FEMA's Response to Respiratory and Eye Complaints. In June 2006, an occupant of a trailer complained that formaldehyde was "causing her respiratory problems and making her eyes burn."[77] A FEMA official attempted to get the occupant permission to stay in a hotel, arguing: "These are health issues that we are talking about. If the applicants are having respiratory problems because of these odors, we handle them from that prospective [sic]."[78]

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[74] Internal FEMA E-mail from William Ringo to James Stark (June 28, 2006).

[75] Internal FEMA E-mail from Adrian Sevier, FEMA OGC (June 28, 2006).

[76] Internal FEMA E-mail from Corey Collor to Michelle McQueeney (June 28, 2006).

[77] Internal FEMA E-mail from Ruth Pfleuger to Amy Webbeking (June 13, 2006).

[78] Internal FEMA E-mail from Herman Fuimaono to Douglas Bordeon (June 14, 2006).

Her supervisor replied: "For now, the decision is that this request is denied."[79]

FEMA's Response to a Physician's Request for Information. In June 2006, FEMA received a request from a trailer occupant who at the suggestion of his doctor sought the "Material Safety Data Sheet" (MSDS) for the FEMA trailer.[80] A MSDS includes chemical safety information that is required to be available in workplaces.

A FEMA employee spoke with the occupant and learned that he had been "experiencing numerous respiratory problems."[81] The occupant stated that the "trailer stinks like formaldehyde" and "upon advice from his doctor" was seeking the MSDS in order to understand what types of solvents, glues or adhesives were used in the manufacturing of the trailer.[82]

Word of the inquiry reached FEMA's Office of General Counsel. This led a FEMA lawyer to admonish the FEMA field staff: "The program should not be dealing with applicants on the formaldehyde issue without first coordinating with [OGC] and DOJ."[83]

The FEMA field staff understood the message. One employee wrote: "we are at all stop on providing MSDSs to requestors."[84]

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[79] Internal FEMA E-mail from HQ-Lodging to Ruth Pfleuger and Herman Fuimaono (June 14, 2006).

[80] E-mail from Dan Shea, Gulf Stream Coach, to David Porter, FEMA (June 12, 2006).

[81] Internal FEMA E-mail from Rosalind Scott to Dondra Landry (June 13, 2006).

[82] *Id.*

[83] Internal FEMA E-mail from Jordan Fried, Associate General Counsel for Litigation to Harold Lucie and Jill Igert (June 14, 2006).

[84] Internal FEMA E-mail from James Stark (June 14, 2006).

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

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Majority (202) 225–5051
Minority (202) 225–5074

Compilation of Exhibits

FEMA's Toxic Trailers

July 19, 2007

Martinet, Mary

From: Martinet, Mary
Sent: Tuesday, March 21, 2006 1:14 PM
To: Donley, Diane; Davis, LindaM
Cc: Matzen, Martin
Subject: FW: DR-1604-MS Morning Report 03-17-06

Mary Ellen Martinet
Field Attorney
[redacted]
FEMA-1604-DR-MS

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From: Payton, Crystal
Sent: Tuesday, March 21, 2006 11:03 AM
To: Russo, James N; Lowery, James; Crowley, John
Cc: Gentry, Eric; Melton, Sidney; Martinet, Mary; Hudak, Mary; Romano, Eugene
Subject: FW: DR-1604-MS Morning Report 03-17-06

FYI

Crystal Payton
FEMA Public Affairs
DR-1604-MS
[redacted]

From: Miller, MichaelL
Sent: Tuesday, March 21, 2006 9:12 AM
To: Payton, Crystal
Subject: FW: DR-1604-MS Morning Report 03-17-06

FYI. I didn't know this OSHA thing was ongoing.

Mike

From: Stroeh, Wayne
Sent: Monday, March 20, 2006 6:11 PM
To: Miller, MichaelL
Subject: RE: DR-1604-MS Morning Report 03-17-06

TO all concerned,

I have had OSHA conducting random testing throughout the last five months. The results should have been sent to the JFO safety. I will follow up with this to get the results from OSHA.

Thanks
Wayne

From: Miller, MichaelL
Sent: Monday, March 20, 2006 1:07 PM
To: Stroeh, Wayne
Subject: FW: DR-1604-MS Morning Report 03-17-06

Look for the testing to be conducted. Please read below.

From: Lowery, James
Sent: Monday, March 20, 2006 1:03 PM
To: Miller, MichaelL
Subject: FW: DR-1604-MS Morning Report 03-17-06

From: Seeds, Richard
Sent: Monday, March 20, 2006 10:01 AM
To: Lowery, James; Miller, Michael J; Crowley, John; Preston, Robert
Subject: RE: DR-1604-MS Morning Report 03-17-06

03.20.06 @ 0949 hours CST

Good Morning.

Based on our brief meeting this am, Safety will proceed to obtain "passive" devices (100) and "direct read" instruments (3) for the sampling for formaldehyde in 100 trailers in our Pervis center. The cost of the passive devices is approximately $160.00/bx five units. Lab analysis is an additional cost which I must explore. The direct reading devices cost approximately $1200/unit. (no lab costs associated). I will explore the best lab "turn around time" and most rapid delivery for all items.

Any questions, please contact me

R.C. Seeds

From: Lowery, James
Sent: Saturday, March 18, 2006 10:21 AM
To: Seeds, Richard
Cc: Russo, James N; Melton, Sidney; Miller, MichaelL; Preston, Robert; Kaczorowski, James
Subject: FW: DR-1604-MS Morning Report 03-17-06

The attachment and below email traffic is background for you!
I would like to task Safety to:
(1) Research and determine the "acceptable" for Formaldehyde residue (smell) in a dwelling
(2) Research and determine an agency or private company (Mississippi if possible) that could be put under contract if we are tasked to random test 100 or so T/Trailers for such residue (smell)

Kaz: Should the various manufacturers be responsible and/or involved if we have to test???

From: Lowery, James
Sent: Friday, March 17, 2006 10:45 AM
To: Kaczorowski, James; Scott, Colonel; Miller, MichaelL
Cc: Porter, David; Russo, James N; Gentry, Eric; Lowery, James; Payton, Crystal; Hudak, Mary; Romano, Eugene; Melton, Sidney; Martinet, Mary
Subject: FW: DR-1604-MS Morning Report 03-17-06

The attached story aired last night. You can track the interest, concern, and issues in the following emails. There is an immediate need for (1) any Manufacturer's certification or statements in our specs that would address possible issues with manufacturing a travel trailer with products that contain Formaldehyde (2) any Manufacturer's certification or statements that assure the safe use of such travel trailers and (3) the possible need for all the supplying Manufacturers to do random testing of their supplied units in use in Mississippi.

Your response and/or recommendations are needed as soon as possible.

From: Martinet, Mary
Sent: Friday, March 17, 2006 10:06 AM
To: Russo, James N; Gentry, Eric; Lowery, James; Payton, Crystal; Hudak, Mary; Romano, Eugene; Melton, Sidney
Subject: FW: DR-1604-MS Morning Report 03-17-06

FYi

Mary Ellen Martinet
Field Attorney
[redacted]
FEMA-1604-DR-MS

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From: Porter, David
Sent: Friday, March 17, 2006 9:55 AM
To: Martinet, Mary
Subject: RE: DR-1604-MS Morning Report 03-17-06

Hello,

Generally the manufacturers include a notice that the units have formaldehyde. The notice is usually pasted in a visible area and prior to the unit being considered RFO the contractor has already aired the unit out.

Thanks
David L. Porter
Program Specialist
FEMA-HQ-Recovery Division
[redacted]

From: Martinet, Mary
Sent: Friday, March 17, 2006 9:48 AM
To: Porter, David
Subject: FW: DR-1604-MS Morning Report 03-17-06

Dave, haven't we had these kind of problems in the past?
Aren't there instructions to air out the units before occupancy?

Mary Ellen Martinet
Field Attorney
[redacted]
FEMA-1604-DR-MS

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From: Martinet, Mary
Sent: Friday, March 17, 2006 8:40 AM
To: Lowery, James; Gentry, Eric; Russo, James N; Melton, Sidney; Romano, Eugene; Payton, Crystal; Hudak, Mary
Cc: Johnson, Ann
Subject: RE: DR-1604-MS Morning Report 03-17-06

Shouldn't the manufacturers be contacted about this problem? Seems that they have warranty responsibilities.

Mary Ellen Martinet
Field Attorney
[redacted]
FEMA-1604-DR-MS

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From: Lowery, James
Sent: Friday, March 17, 2006 8:31 AM
To: Gentry, Eric; Russo, James N; Melton, Sidney; Romano, Eugene; Payton, Crystal; Hudak, Mary
Cc: Martinet, Mary
Subject: RE: DR-1604-MS Morning Report 03-17-06

Agree – For legitimize Safety should be lead - they can identify companies who can do work such testing - do 60-1 to contracting who will select and contract vender.

From: Gentry, Eric
Sent: Friday, March 17, 2006 8:00 AM
To: Russo, James N; Melton, Sidney; Romano, Eugene; Payton, Crystal; Hudak, Mary; Lowery, James
Cc: Martinet, Mary

Subject: RE: DR-1604-MS Morning Report 03-17-06

Sid/Jim
Can we direct (through the contract officer) the random testing of our trailers? I would suggest that either MHOPS or Logistics needs to test units from various manufacturers to see if there are any patterns or only an isolated incident. We need to take a proactive approach; the implications are much too large to not take immediate steps to assure the safety of our units.

Please let me know if we can test and the timeframe.

Thanks,
Eric

From: Russo, James N
Sent: Friday, March 17, 2006 7:50 AM
To: Gentry, Eric; Melton, Sidney; Romano, Eugene; Payton, Crystal; Hudak, Mary
Subject: FW: DR-1604-MS Morning Report 03-17-06

See the top story RE: formaldehyde in our trailer. This needs to fixed "today"

From: Young, Debra
Sent: Friday, March 17, 2006 8:43 AM
To: Anderson, Mary Ann; Baldry, Linda; Brezany, Eugene; Bruckner, Jody; Buratto, Patricia; Bynum, Buddy; Carruth, Amy; Cavanaugh, David; Cederholm, Charles; Conklin, Eric; Cooks, Pearl; Correro, Joseph; Cottrill, Margaret; Crowley, John; Desautels, Virginia; Downing, Linda; Dronet, Peggy; Ducote, Vernon; Duffin, Darby; Gentry, Eric; Gipson, Mary; Glaviano, Brian; Holden, Sydney; Hudak, Mary; Hughes, Gregory; Hutchings, Bettina; Hynes, Marquita; Ingram, Roger; Jasmund, Sandra; Jenson, Rex; Johnston, Kay; Lampton, Michael; Latham, Robert; Logue, Michael; Lopez-de-Victoria, Mayra; Mackert, Ronald; Magee, Dan; Magee, Jahna; Manion, Richard; Mattson, Michael; Mendzela, Sally; Mize, Nancy; Payton, Crystal; Petrie, Melynda; Phillips, Gloria; Pritchard, Josie; Raphael, James; Rieudeau, Jean; Romano, Eugene; Roth, Ashley; Russo, James N; Saville, David; Schmidt, Anita; Sharpe, Tomeka; Simon, Deborah; Smith, Pete; Spann, Vikki; Stokes, Lea; Taylor, Ouida; Tinsey, Gaynell; Tyson, Tim; Verret, Lionel; Weber, Bob; West, Phillip; Williams, Henrietta; Womack, Mike; Woodard, Glenn; Woodson, Ellen; Wright, Dorothy; Young, Debra; Young, Matthew
Subject: DR-1604-MS Morning Report 03-17-06

Debra J. Young
FEMA Public Information Officer
DR-1604-MS, Biloxi JFO
[redacted]

BONNER ANALYTICAL TESTING COMPANY

2703 OAK GROVE ROAD, HATTIESBURG, MS 39402
[redacted]
http://www.batco.com
mailto://batco@batco.com

See Michael Kinney Com

CASE NARRATIVE

AN EVALUATION OF FORMALDEHYDE CONCENTRATION IN THE CARLTON AND DAWN SISTRUNK FEMA TRAILER

[redacted]

Thursday, April 06, 2006

1.0 INTRODUCTION

Bonner Analytical was retained by Mr. Brian Rabe, Deputy Project Manager with CH2M Hill, Inc. to investigate a complaint of elevated formaldehyde concentration in a FEMA trailer located in Baxterville, Mississippi. The trailer has been occupied by Mr. and Mrs. Sistrunk and their 4 month old daughter since February of 2006. The Sistrunks received the trailer from FEMA after their home was destroyed by hurricane Katrina. Mrs. Sistrunk is 2 months pregnant and has expressed concern for her unborn child and young daughter.

2.0 METHODOLOGY

This investigation was conducted as a preliminary range finding test in order to determine if formaldehyde levels were likely elevated. The method chosen was the Gastec Color Dosimeter Tube (91D) because results could be reported immediately.
OSHA/NIOSH validated protocols are recommended when legally defensible data are required.

3.0 ONSITE VISIT

Dr. Michael S. Bonner, with Bonner Analytical Testing Company arrived at [redacted] at 1030 hours on April 5, 2006. Mrs. Dawn Sistrunk provided background information and access to the trailer.

The Sistrunks received the 8X30 Coachmen trailer from FEMA in February of 2006. Shortly after, they experienced symptoms described as burning eyes

(B)

and feeling sick. After visiting her doctor and describing symptoms, the doctor suggested that she may be exposed to formaldehyde.

Mrs. Sistrunk said that when the trailer is cool that the chemical smell is not as noticeable but in the heat of the day the smell becomes unbearable.

This trailer was manufactured by Coachmen RV Incorporated, LLC in January 2006. The trailer is a "Spirit of America SE30DBD", Model and Vehicle ID # [redacted]

At 1050 hours, 6 passive formaldehyde dose tubes (Gastec 91D) were put in place. One tube was placed outside at a distance of 20 feet from the trailer. Five (5) tubes were placed inside the trailer as follows:

1. Right side of the master bed
2. Kitchen
3. Inside the cabinet on the right side of the master bed
4. Bunk bed in small bedroom
5. Bathroom vanity
6. Background

During the first 45 minutes of the test there was no noticeable odor detected by this observer and there was no color change in the tubes to indicate the presence of formaldehyde. At the two hour mark there was still no observed odor nor was there any color change in the dose tubes to indicate the presence of formaldehyde.

The tubes were inspected once again at 1911 hours. At this time the background sample showed no detectable formaldehyde level but each of the tubes inside the trailer gave a positive response and this investigator could detect a burning sensation in his eyes. The results were as follows:

LOCATION	AVERAGE CONCENTRATION OVER 8.35 HOURS
1. Right side of the master bed	1.2 PPM
2. Kitchen	0.96 PPM
3. Inside the cabinet on the right side of the master bed	2.4 PPM
4. Bunk bed in small bedroom	1.2 PPM
5. Bathroom vanity	1.2 PPM
6. Background	0.0 PPM

4.0 DISCUSSON AND CONCLUSION

This test was conducted over an 8.35 hour period of time. The air conditioner was turned off for this test. At the beginning of the test the inside temperature was around 70 degrees in fact, two hours into the test the trailer was still cool. At the two hour mark the outside temperature was 80 degrees and the trailer was beginning to heat up from the sun. At this time there was still no detectable levels of formaldehyde. The reported high temperature for the day was 80 degrees.

Since these test results were averaged over the entire 8.35 hour test period, it is obvious that near the end of the test formaldehyde concentrations were significantly higher than the average reported values since there was no detectable formaldehyde during the first 2 hours.

OSHA has set an exposure limit of 0.75 ppm over an 8 hour time period and a limit of 2.0 ppm for short term exposure (15 minutes). NIOSH has established a much lower limit; 0.016 ppm for 8 hours and 0.1ppm for short term exposure.

These data show that both the OSHA and NIOSH limits for formaldehyde were exceeded in this FEMA trailer.

Michael S. Bonner, Ph.D.

[redacted]

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From: Romano, Eugene
Sent: Wednesday, April 19, 2006 9:02 AM
To: Weber, Bob; Brekke, Cheryl; Melton, Sidney; Miller, Michael J; Matzen, Martin
Cc: Woodard, Glenn
Subject: FW: Formaldehyde Questions

Good Morning –

Thanks for your cooperation late yesterday to provide information to put this response together for Mary. Please keep me informed of any update to the details listed below or any additional information on this issue. I'll also be sending you a copy of the HQ PIO statement (in a separate message) that was to be used to respond to CNN's inquiry. Please let me know if there is any other information that I can provide to help you on this matter.

Thanks, Gene
Acting Lead PIO
[redacted]

From: Romano, Eugene
Sent: Tuesday, April 18, 2006 5:34 PM
To: Hudak, Mary
Cc: Woodard, Glenn; DeCarlo, Leonard D; Brezany, Eugene; Payton, Crystal
Subject: Formaldehyde Questions

1. **How many maintenance calls received?**
   a. According to Sid Melton, MPOPS, a total of 39 calls reporting fumes suspected to be formaldehyde have been received (19 to the JFO and 20 from the maintenance line).
2. **Have any follow-up calls been made to the disaster victims?**
   a. None
3. **Where do we stand on establishing a testing contract?**
   a. According to Mike Miller, Logistics, a scope of work was established and the Contracting Office Biloxi opened the bids on April 6. (I have a copy of the scope of work)
   b. As of today (4/18) only one (1) bid has been received and the Contracting Office Biloxi has reopened the bidding period until April 28.
   c. NOTE: Logistics did request that a company working for CH2M Hill (Bonner Analytical Testing Co.) conduct a formaldehyde test on April 6 on the TT unit of Carlton and Dawn Sistrunk, who originally reported the problem to WLOX-TV. (I have a copy of the report.)
4. **What did we do about manufacturer's offer to come down to test?**
   a. According to Mike Miller, Logistics, the manufacturer never came down or tested.
5. **What standard procedures are being followed by workers to air out or vent units?**
   a. According to Mike Miller, Logistics, FEMA workers open and vent all units received at the Purvis Staging Area. Units usually are there for approximately three to four days before they are hauled south.
   b. According to Mike Miller, Logistics, the local contractors (Bechtel and CH2M Hill) have been told to open and vent the units during the set-up period.
   c. According to Sid, Melton, MHOPS, FEMA workers have been instructed to open and vent units if the smell any odor during the Ready For Occupancy (RFO) inspection. Note:
   d. NOTE: Units could sit for several days closed up depending on when the disaster victims is ready to complete the lease in process. All units leased include a manufacturer's warning sheet and operator's

C

manual, which also repeats the warning. MHOPS has asked the contractor to experiment with "Baking Out" the fumes. The procedure outlined was to identify a family that leaves early and returns late in the day. The plan is to close up the house for most of the day and to ventilate the house about two hours before the family returns. Results are not yet available.

6. **What decision did OGC make concerning which standard levels we are supposed to test for – EPA or OSHA/NIOSH?**
   a. According to Marty Matzen, OGC, he referred the matter to the Office of General Counsel (Edward Broyles and Linda Davis) in Headquarters on April 11, but has not received a ruling as of today.

FROM FEMA
6-15-07

FORMALDEHYDE TIMELINE

March 16, 2006

FEMA was informed of the initial applicant complaint by the Mississippi news media. FEMA immediately began to address additional applicant concerns on a case-by-case basis in the Gulf Coast.

FEMA implemented a practice of investigating complaints about formaldehyde levels. This investigation included sending a housing staff employee to visit with the occupants of the units and discuss ventilation of the units. If the unit had an obvious formaldehyde odor or the occupants were experiencing physical discomfort while in the unit, FEMA offered to replace the unit with an older unit that had reduced levels of formaldehyde emissions.

Residents in MS and LA were informed that they could contact the maintenance call centers if they had concerns about formaldehyde levels in their travel trailers. Call center numbers are still active –
Louisiana – (888) 294-2822
Mississippi – (866) 877-6075

March 28-29, 2006

FEMA Office of Occupational Safety and Health conducted formaldehyde air sampling tests of travel trailers at the Purvis, MS staging area. This report is posted on FEMA's website.
http://www.fema.gov/media/index.shtm

May 2006

Sierra Club issued a report calling attention to what it claimed were *dangerous levels* of formaldehyde in FEMA trailers.

May 12, 2006

Hillard et al. v. United States of America et al., Case No. 2:06-cv-02576-MVL-KWR is filed in the U.S. District Court for the Eastern District of Louisiana. *Hilliard* alleges that FEMA-provided trailers in the Gulf Coast have high concentrations of formaldehyde that cause a clear and present danger to the health and well-being of the people who live in the trailers.

July, 2006

FEMA distributed a brochure to occupants of manufactured housing units across the Gulf Coast informing them of the risks associated with exposure. Actions to reduce formaldehyde levels were also recommended.

August 8, 2006

FEMA issued a press release on the plan to test methods to reduce formaldehyde in travel trailers.
http://www.fema.gov/news/newsrelease.fema?id=28663

D

FORMALDEHYDE TIMELINE

September 12, 2006

FEMA modified an Interagency Agreement with the Environmental Protection Agency (EPA) to conduct formaldehyde testing in travel trailer units.

September 18, 2006

The EPA began testing to measure the effectiveness of actions taken by FEMA to reduce formaldehyde levels (such as use of ventilation, air conditioning, and vent fans). Testing occurred at a Baton Rouge staging area and lasted for two weeks.

The EPA gathered baseline data on two groups of the 96 new, unused units, which that had been closed up for approximately six weeks.

Only previously unoccupied trailers were tested in order to eliminate any effects from human activities that might cause formaldehyde levels to rise. Samples were taken at different times of the day; ambient outdoor samples also were taken concurrent with the collection of the samples in the trailers. Ambient temperature and relative humidity data was collected as well for each ambient sample.

October 7, 2006

EPA concluded the testing.

October, 2006

FEMA Office of Safety conducted formaldehyde air sampling tests of travel Trailers at the Purvis, MS staging area. This report is posted on FEMA's website. http://www.fema.gov/media/index.shtm

November 17, 2006

EPA provided the data gathered during the sampling phase to FEMA for further analysis.

November 18, 2006

FEMA forwarded the data to the Department of Health and Human Services (HHS) Agency for Toxic Substances and Disease Register (ATSDR) in Atlanta, Ga., which is associated with the Centers for Disease Control (CDC).

February 1, 2007

CDC/ATSDR provides FEMA with analysis of EPA Sampling. This report is posted on FEMA's website.
http://www.fema.gov/media/index.shtm

February 22, 2007

FEMA issued a press release with updated information on FEMA's plan to analyze the data provided by EPA to determine the impact of the ventilation and climate control measures on formaldehyde levels.
http://www.fema.gov/media/fact_sheets/trailers_update.shtm

FORMALDEHYDE TIMELINE

March 2007

FEMA initiates internal review of processes, training and documentation relating to formaldehyde in travel trailers.

March 2, 2007

Judge Lemmon granted FEMA's motion to dismiss in the *Hillard* formaldehyde litigation.

March 28, 2007

FEMA issued a statement on its investigation of the data provided by EPA. http://www.fema.gov/media/archives/2007/032807.shtm

April 12, 2007

FEMA staff briefed House Government Reform Committee staffers on formaldehyde levels in FEMA-provided trailers.

May 4, 2007

FEMA issues press statement about the ATSDR analysis of EPA sampling. http://www.fema.gov/news/newsrelease.fema?id=36010

May 18, 2007

Oldenburg et al. v. United States of America et al., Docket # 07-2961 filed in the U.S. District Court for the Eastern District of Louisiana. *Oldenburg* is a class action lawsuit against the federal government as well as private contractors alleging negligence in providing housing units with high levels of formaldehyde emissions.

June 4, 2007

FEMA issues press release on "FEMA actions to minimize formaldehyde in travel trailers. http://www.fema.gov/news/newsrelease.fema?id=36730

Currently

FEMA is updating purchase specifications to include a requirement for low emission materials.

FEMA is preparing training for FEMA housing staff including staging areas, field staff and contractors to be aware of the formaldehyde issue, effective ventilation methods and proper response to formaldehyde complaints.

FEMA is engaging with the medical community and is developing new procedures for responding to occupant complaints regarding formaldehyde.

FEMA is working with the DHS Office of Health Affairs, and other federal agencies to ensure that FEMA is taking every possible step in protecting disaster victims from potential health and safety risks from formaldehyde exposure in travel trailers.

Wood-Hooks, Valerie

From: Hart, David
Sent: Saturday, May 20, 2006 8:09 AM
To: Bonomo, Guy; Woodruff, Larry
Subject: FW: Formaldehyde News Story Scare

Good news

From: Miller, Stephen
Sent: Friday, May 19, 2006 6:59 PM
To: Reams, Stephen
Cc: Dibenedetto, Margarita; Hart, David; 'Gil, Juan'; Kidd, Don ; Rodriguez, Rene
Subject: RE: Formaldehyde News Story Scare

Can we get VIN and barcodes to identify the units? Mississippi has a contract to test the units. I will find out how that was written. We may want to pursue this as a proactive action.

From: Reams, Stephen
Sent: Friday, May 19, 2006 6:00 PM
To: Miller, Stephen
Cc: Dibenedetto, Margarita; Hart, David; Gil, Juan; Kidd, Don ; Rodriguez, Rene
Subject: FW: Formaldehyde News Story Scare

It's about to start.

From: Jackson, Karen
Sent: Friday, May 19, 2006 2:35 PM
To: Reams, Stephen
Cc: Dunn-Alexander, Roslyn; Dibenedetto, Margarita; Haynes, Tracy
Subject: Formaldehyde News Story Scare

[redacted] called complaining about breathing problems, which she says is a result of possible formaldehyde in unit. She states that she has two sons who live in separate units who are complaining about burning in their eyes. She states one son says that he sleeps outside b/c his eyes burn so bad. [redacted] says that she was scared to complain b/c she thought her unit would be taken away. Two of the units are at [redacted] and the other is located on [redacted]. Her phone number is [redacted]

There was also a concern about formaldehyde at the UNO site, as a result of a news story that supposedly showed up on television. [redacted] in Unit [redacted] is concerned for safety of child at UNO site. An inspector did leave a notice on her door, so she could contact him but the number given was not a working number.

Is this a recertification situation to look into, since it is dealing with an occupant or can someone get an inspector out to these units?

Thanks!

Karen Jackson

E

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

May 31, 2006

MEMORANDUM FOR: John Crowley, Chief of Staff
JFO, Biloxi, Mississippi

FROM Bronson Brown, Chief
Occupational Safety and Health

SUBJECT: Formaldehyde Air Sampling, FEMA Trailer Staging Area, Purvis, Mississippi

CORRECTIVE ACTION: Specific recommendations are provided.

Air monitoring for formaldehyde exposure conducted at the FEMA Trailer Staging Area in Purvis, Mississippi revealed that employee exposures were all below the Occupational Safety and Health Administration (OSHA) Permissible Exposure Limit (PEL) of 0.75 parts per million (PPM) and the Action Level (AL) of 0.5 ppm for formaldehyde based on an eight-hour time weighted average (TWA). This memorandum transmits the complete findings of the investigation and makes recommendations for corrective actions needed to ensure compliance in accordance with OSHA 29 Code of Federal Regulations (CFR) 1910.1048 for Formaldehyde.

Background

Per your request, formaldehyde air monitoring was performed in FEMA new and refurbished trailers on March 28 and 29, 2006. The focus of the monitoring was to determine the worker exposure level of formaldehyde and to evaluate the work operations associated with the trailer staging operations. The monitoring was conducted by Messrs. Ken Medernach and Vincent McCarthy, Disaster Safety Officers (DSO), FEMA Occupational Safety and Health (OSH). FEMA employees performing work activities involving the trailer staging operations may include inspections, prep work and set-up for trailers prior to public receipt. This monitoring was conducted in response to general concerns and inquires related to potential employee exposure to formaldehyde.

Specifically, area and instantaneous air monitoring was preformed in 13 newly received and 15 refurbished trailers. Short term air monitoring was performed in three trailers. Personal air monitoring was performed on three FEMA employees whose job duties require entering staged trailers. During our evaluation it was indicated by trailer staging management that FEMA employees do not perform job activities inside trailers for more than two hours per day. In an effort to simulate a "worst case scenario" area monitoring was performed with trailer doors and windows closed.

F

Findings

Formaldehyde is a chemical component commonly found in building materials utilized in commercially manufactured trailers. Laboratory results from the area air monitoring indicated that area formaldehyde levels were below the OSHA PEL of 0.75 ppm and the Action Level of 0.5 ppm, based on an eight-hour time weighted average (TWA). Results ranged from 0.02 to 0.3 ppm calculated during a two hour period. Instantaneous formaldehyde results upon entering the trailers ranged from 0.03 to 0.47 ppm. Short term air monitoring results for formaldehyde ranged from 0.05 to 0.31 ppm.

Additional monitoring conduct after the same trailers were ventilated for three and one half hours ranged from 0.03 to 0.26 ppm. Personal air monitoring results were all below the laboratory's level of quantification. A summary of the air monitoring that was performed are provided as Attachment 1.

Based on the sampling results, there is no indication that FEMA employees have the potential to be exposed above OSHA's permissible exposure level while performing job activities involving trailer staging operations. The formaldehyde levels found in the trailers are comparable to the levels posted on the Environmental Protection Agency (EPA) website for typical levels found from building materials off-gassing in trailers and/or manufactured homes.

Recommendations

To ensure the safety and health of all workers involved in the trailer staging operations, the following practices and recommendations must be implemented:

1. FEMA employees assigned to trailer staging operations must receive formaldehyde training in accordance with OSHA 29 CFR 1910.1048 guidelines and hazard communication training in accordance with OSHA 29 CFR 1910.1200.

2. Standard operating procedures are to be written for FEMA trailer staging operations and provided to all FEMA employees required to perform work in the trailers for review.

3. Manufactures' recommendations for trailer occupancy are to be posted in all trailers prior to public receipt.

Should you have any questions or concerns regarding this report please contact myself at [redacted] or David Chawaga at [redacted].

Attachment I

Table One
FEMA Purvis, Mississippi Trailer Staging Area
Formaldehyde Sampling
Area Monitoring

SAMPLE ID NUMBER	TRAILER BARCODE	MONITORING DATE	INSTANTANEOUS RESULTS	AIR SAMPLE START TIME	AIR SAMPLE END TIME	LAB RESULT (PPM)	TWA RESULT (PPM)	DATE TRAILER ARRIVED ON LOT	TRAILER NEW OR REFURB	TRAILER MFG
DL6421	1375857	3/28/06	0.09	0735	1600	0.15	0.04	3/24/06	New	Morgan/Fleetwood
PE7052	1375782	3/28/06	0.39	0735	1535	0.41	0.1	3/26/06	New	Morgan/Fleetwood
DR0888	1375866	3/28/06	0.09	0740	1545	0.13	0.03	3/27/06	New	Morgan/Fleetwood
DL6426	1375863	3/28/06	0.21	0740	1559	0.24	0.06	3/28/06	New	Morgan/Fleetwood
DV0071	1234369	3/28/06	0.21	0740	1502	<0.079	<0.079	3/23/06	New	Morgan/Fleetwood
DL6411	1375868	3/28/06	0.03	0742	1548	0.096	0.02	3/27/06	New	Morgan/Fleetwood
DR9106	1375685	3/28/06	0.05	0742	1605	0.19	0.05	3/22/06	New	Morgan/Fleetwood
PE7044	1375677	3/28/06	0.21	0742	1607	0.2	0.05	3/22/06	New	Morgan/Fleetwood
PE7005	1375882	3/28/06	0.47	0745	1559	0.34	0.09	3/28/06	New	Morgan/Fleetwood
DR9080	1375867	3/28/06	0.47	0746	1550	0.11	0.03	3/27/06	New	Morgan/Fleetwood
PG0691	1375279	3/28/06	0.21	0746	1615	0.98	0.25	3/11/06	Refurb	Pilgrim
PG0703	1122438	3/28/06	0.05	0747	1615	0.32	0.08	3/11/06	Refurb	Cavallier
DV0469	1375870	3/28/06	0.09	0750	1553	0.25	0.06	3/27/06	New	Morgan/Fleetwood
DL6418	1375871	3/28/06	0.31	0750	1554	0.24	0.06	3/28/06	New	Morgan/Fleetwood
DR9058	1118378	3/28/06	0.09	0750	1617	0.66	0.17	3/13/06	Refurb	Cavallier
DR0856	1375878	3/28/06	0.21	0755	1557	0.34	0.09	3/28/06	New	Morgan/Fleetwood
DR9100	1288983	3/29/06	0.31	0800	1610	0.3	0.075	3/24/06	Refurb	MaxiLite
DR9065	1152958	3/29/06	0.31	0803	1612	0.63	0.16	3/22/06	Refurb	Outback
PG0701	1287952	3/29/06	0.47	0806	1628	1.19	0.3	3/24/06	Refurb	Jayco

Table One
FEMA Purvis, Mississippi Trailer Staging Area
Formaldehyde Sampling
Area Monitoring

SAMPLE ID NUMBER	TRAILER BARCODE	MONITORING DATE	INSTANTANEOUS RESULTS	AIR SAMPLE START TIME	AIR SAMPLE END TIME	LAB RESULT (PPM)	TWA RESULT (PPM)	DATE TRAILER ARRIVED ON LOT	TRAILER NEW OR REFURB	TRAILER MFG
DR0857	1234464	3/29/06	0.31	0808	1630	0.61	0.15	3/24/06	Refurb	Zinger -Crossroads
PE7036	1154433	3/29/06	0.31	0810	1630	0.41	0.1	3/24/06	Refurb	Z II- Keystone
DR0826	1243315	3/29/06	0.28	0820	1635	0.75	0.19	3/16/06	Refurb	Jag - Fabrique
PG0675	1142789	3/29/06	0.47	0822	1637	0.31	0.08	3/17/06	Refurb	Coachmen
PE7038	1144125	3/29/06	0.29	0828	1630	0.086	0.02	3/17/06	Refurb	Terry - Fleetwood
DF5807	1243130	3/29/06	0.47	0832	1638	0.78	0.2	3/17/06	Refurb	Jag - Fabrique
DV0102	1288930	3/29/06	0.03	0853	1653	0.88	0.22	3/24/06	Refurb	Dutchmen
DL6366	1288735	3/29/06	0.05	0856	1650	0.62	0.16	3/24/06	Refurb	Dutchmen
PG0679	1289003	3/29/06	0.04	0859	1655	0.43	0.1	3/24/06	Refurb	Dutchmen
DL6421	1375857	3/28/06	0.09	0735	1600	0.15	0.04	3/24/06	New	Morgan/Fleetwood

Table Two
FEMA Purvis, Mississippi Trailer Staging Area
Formaldehyde Sampling
Personal Monitoring

Sample ID Number	Trailer Barcode	Monitoring Date	Sample Time Start	Sample Time End	Lab Result (PPM)	TWA Result (PPM)	Date Trailer on Lot	Trailer New or Refurb	MFG Name/model
DF5845 Burkett	Various	03/29/06	0645	1540	<0.086	<0.086	3/24/06	Various	Various
DF5826 Gibbs	Various	03/29/06	0650	1530	<0.086	<0.086	3/26/06	Various	Various
DF5844 Chapman	Various	03/29/06	0653	1533	<0.083	<0.083	3/27/06	Various	Various

Table Three
FEMA Purvis, Mississippi Trailer Staging Area
Formaldehyde Sampling
Short Term Monitoring

Sample ID Number	Trailer Barcode	Monitoring Date	Short Term Time Start	Short Term Time End	Short Term Monitoring Results	Trailer New or Refurb	MFG Name/model	Comments
Short Term 1a	1375510	03/29/06	1420	1435	0.31	New	Morgan	Closed
Short Term 1b	1375510	03/29/06	1810	1825	0.03	New	Morgan	Ventilated for 3.5 hrs then closed
Short Term 2a	1375482	03/29/06	1422	1437	0.05	New	Morgan	Closed
Short Term 2b	1375482	03/29/06	1812	1827	0.05	New	Morgan	Ventilated for 3.5 hrs then closed
Short Term 3a	1375463	03/29/06	1424	1439	0.26	New	Morgan	Closed
Short Term 3b	1375463	03/29/06	1815'	1830	0.26	New	Morgan	Ventilated for 3.5 hrs then closed

Cindy
[redacted]

From: Melton, Sidney [mailto:[redacted]
Sent: Thursday, June 01, 2006 7:26 AM
To: Miller, Stephen; Howell, Cindy; Igert, Jill
Cc: Gil, Juan
Subject: RE: Formaldehyde

CH2 had a test done by bonner analytical testing company, but I don't believe the standards used really gave an accurate results. Basically they turned off all air and put the test tubes throughout the TT. Of course as the TT heated up thru the day the reading became higher.

So until a standard is set on exactly how to test, then its guess work but I'm sure testing with no AC or windows open is not the standard.

Cavalier did let us know that if an individual is leaving and cutting their AC off, for them to leave the stove fan on with some windows and vents open to keep circulation going.

We are still in pursuit of a contract to do testing.

From: Miller, Stephen
Sent: Thursday, June 01, 2006 6:56 AM
To: 'Howell, Cindy'; Hart, David; Bonomo, Guy; Blake, Martin; Dipofi, David; Boyle, Brian ; Igert, Jill; Ringo, William; Carrigan, William
Cc: Gil, Juan; Misczak, Mark; Melton, Sidney
Subject: RE: Formaldehyde

Not that I am aware of. Perhaps Sid Melton can shed some light on this, they have been involved from the beginning.

From: Howell, Cindy [mailto:[redacted]
Sent: Wednesday, May 31, 2006 5:53 PM
To: Hart, David; Bonomo, Guy; Blake, Martin; Dipofi, David; Boyle, Brian ; Igert, Jill; Miller, Stephen; Ringo, William; Carrigan, William
Cc: Gil, Juan; Misczak, Mark
Subject: FW: Formaldehyde

Has FEMA or an authorized representative conducted any tests to measure the formaldehyde levels in the travel trailers or mobile homes we are using?

Cindy
[redacted]

From: Hart, David
Sent: Tuesday, May 30, 2006 10:02 AM
To: Suchodolski, Stacy; Bonomo, Guy; Howell, Cindy
Subject: RE: Formaldehyde

HQ made the determination, airing these units out would be the only steps we take. However, if an applicant comes to us with air quality testing in hand, perhaps we should take those to OGC for a determination before we act or do not act.

G

From: Suchodolski, Stacy
Sent: Tuesday, May 30, 2006 8:49 AM
To: Bonomo, Guy; Howell, Cindy; Hart, David
Subject: FW: Formaldehyde

Hi

Would anyone have this information?

Thanks,
Stac

From: Cox, Geraldine
Sent: Monday, May 29, 2006 3:11 PM
To: Suchodolski, Stacy
Cc: Dipofi, David; Howell, Cindy
Subject: RE: Formaldehyde

Dear Stacy:

From my discussions with the Sierra Club, they measured formaldehyde at twice the PEL for 8 hour exposure. The formaldehyde problem has also been mentioned in the school trailers by others as causing tearing eyes and other allergic problems. Do you have actual measurements from the trailers that show the trailers, especially the ones installed by Bechtel (the ones the Sierra Club reported as being the highest levels), are at a safe level? Do we have measurements in the classroom trailers? What are the values?

Geraldine (Gerry) V. Cox, Ph.D.
Environmental Specialist
FEMA
U.S. Department of Homeland Security
New Orleans Area Field Office
One Seine Court
New Orleans, LA 70114
New Cell Phone: [redacted] (can take messages)
Blackberry: [redacted]
Office: [redacted]
Fax: [redacted]
email: [redacted]

From: Suchodolski, Stacy
Sent: Saturday, May 27, 2006 9:28 AM
To: Cox, Geraldine
Cc: Dipofi, David; Howell, Cindy
Subject: Formaldehyde

Geraldine,

Hi

I received guidance from our IA Policy group at HQ. According to HQ there are no health concerns associated with the formaldehyde inside our FEMA MH/TT. We were given instructions to turn on the heater for an hour, then turn off the air and open all the windows and turn on the air for 48 hours. This will eliminate the smell. If you have any questions/concerns, please feel free to contact me.

Thank you,
Stacy

FEDERAL EMERGENCY MANAGEMENT AGENCY
TEMPORARY HOUSING INFORMATION UPDATE

NAME OF APPLICANT	TELEPHONE NO.	APPLICATION NO.
[redacted]	[redacted]	[redacted]

CURRENT STATUS *(if changed)*
- [x] Eligible
- [ ] Ineligible-insurance
- [ ] Withdrawn
- [ ] Ineligible-other

CURRENT ADDRESS *(if changed)*
[redacted]

CHANGE	DATE	ACTION TAKEN	INITIALS
An assessment for the presence of formaldehyde	4/25/07	After five minutes my eyes started	JOG
		to burn and a headache soon followed.	
App has had unit			
tested in 8/06 +			
report indicates level is			
above livable standards/			
(Report attached)			
Close MS-0004299			

PREPARED BY:
Jerry Grimsley
HOUSING REPRESENTATIVE — DATE 4/25/07

APPROVED BY:
SUPERVISOR — DATE 4/25/07

FEMA Form 90-67, JUN 02 PREVIOUS EDITIONS MAY BE USED. FEMA-1604-DR-MS THA PROGRAM

H

ADVANCED CHEMICAL SENSORS INC.
3201 North Dixie Highway, Boca Raton, FL 33431
(561) 338-3116 • FAX: (561) 338-5737

AIHA ACCREDITED LABORATORY

Reviewed by: _____
Laurence D. Locker, Ph.D.
Laboratory Director

TO: [redacted]

DATE: 8/25/2006

FORMALDEHYDE VAPOR ANALYSIS REPORT

SAMPLE NO	DATE	NAME	EXPOSURE TIME(hr)	CONCENTRATION (ppm)
GY6690	08/18/06 to 08/20/06	[redacted] [redacted] FEMA Trailer	18:26 – 10:00 = 39.57	0.18

It is generally believed that there are no harmful effects for formaldehyde levels in indoor air below 0.1 ppm. The EPA and Lung Association recommend 0.1 ppm as the maximum value. Some people may be sensitive to lower concentrations.

The level measured is above the recommended limit. An additional test is recommended for corroboration before remedial action is considered.

Method of Analysis: OSHA Method 64

Date Received: 08/24/06

Date Analyzed: 08/25/06

25112

Page 1 of 1

The data reported are average concentrations for the monitoring period used, based on the information provided by the user. Analysis results for unexposed samples ("Blanks"), used for quality assurance testing, are not subtracted from sample results reported.

Allen, Jotham

From: Redfearn, Elizabeth on behalf of HQ - Lodging
Sent: Thursday, June 08, 2006 11:05 AM
To: Bratton, Lauryn C; Weise, Donna
Cc: HQ - Lodging
Subject: FW: [redacted]

Follow Up Flag: Follow up
Flag Status: Completed

FYI

Have a great day!
Office: [redacted]
Cell: [redacted]

From: Alkman, Pam
Sent: Thursday, June 08, 2006 10:04 AM
To: HQ - Lodging
Cc: Cross, Carrie
Subject: RE: [redacted]

Completed
The hotel manager finally agreed once the authorization was on the CLC database.
I left a message for the app on his cell phone. Maybe Carrie will have better luck talking to him at night.
He is now a full-blown Congressional because of the formaldehyde.

From: Redfearn, Elizabeth **On Behalf Of** HQ - Lodging
Sent: Tuesday, June 06, 2006 5:30 PM
To: Alkman, Pam
Cc: HQ - Lodging; Cross, Carrie
Subject: FW: [redacted]

Pam, will you follow up with this manager about getting the applicant reimbursed? Once it's worked out, will you also advise the applicant?

Thanks,
Liz

Have a great day!
Office: [redacted]
Cell: [redacted]

From: Cross, Carrie
Sent: Tuesday, June 06, 2006 5:15 PM
To: HQ - Lodging
Subject: RE: [redacted]

LIZ,
NO ONE IS AT THE HOTEL TONIGHT THAT WILL ALLOW THIS TO HAPPEN. I WAS INFORMED TO CONTACT HOTEL MANAGER IN THE AM. HER NAME IS [redacted]. HER NUMBER IS [redacted]. CAN YOU SEE IF SOMEONE FROM THE A.M. SHIFT CAN CALL THE HOTEL MANAGER TO GET THIS CORRECTED?

THANKS,

I

CARRIE

From: Redfearn, Elizabeth **On Behalf Of** HQ - Lodging
Sent: Tuesday, June 06, 2006 5:06 PM
To: Cross, Carrie
Cc: HQ - Lodging
Subject: FW: [redacted]

Carrie, will you take care of this one to get him reimbursed for his hotel stay through last night?

Thanks,
Liz

Have a great day!
Office: [redacted]
Cell: [redacted]

From: Bratton, Lauryn C
Sent: Tuesday, June 06, 2006 4:06 PM
To: HQ - Lodging
Subject: RE: [redacted]

Sorry it took so long…I had to get the OK from Cheryl to authorize the payment. The App was leased in this afternoon, so we will pay up until today.

Thanks,
Lauryn

From: Redfearn, Elizabeth **On Behalf Of** HQ - Lodging
Sent: Tuesday, June 06, 2006 12:57 PM
To: Bratton, Lauryn C
Cc: Brekke, Cheryl; HQ - Lodging
Subject: RE: [redacted]

Excellent!

…but what about the dates he paid for the hotel? I need to know when he moved into the hotel. I also need your concurrence to cover those expenses, which I highly recommend. Please advise.

Thanks,
Liz

Have a great day!
Office: [redacted]
Cell: [redacted]

From: Bratton, Lauryn C
Sent: Tuesday, June 06, 2006 12:44 PM
To: HQ - Lodging
Cc: Brekke, Cheryl
Subject: RE: [redacted]

Our congressional caseworker just got off the phone with the App. The App has been offered a MH and is going to look at it and be leased in.

Thanks,
Lauryn

From: Redfearn, Elizabeth **On Behalf Of** HQ - Lodging
Sent: Tuesday, June 06, 2006 12:31 PM
To: Bratton, Lauryn C
Cc: Brekke, Cheryl; HQ - Lodging
Subject: RE: [redacted]

In the meantime, we still need a decision because he is currently paying for his own hotel and it won't be eligible for 408 reimbursement. The only way to cover it is through an HPOP authorization.

Thanks,
Liz

Have a great day!
Office: [redacted]
Cell: [redacted]

From: Bratton, Lauryn C
Sent: Tuesday, June 06, 2006 12:23 PM
To: HQ - Lodging
Cc: Brekke, Cheryl
Subject: FW: [redacted]

We're moving as fast as we can on this one.
I'll let you know when we have something definite.

Thanks,
auryn

From: Price, Phillip A
Sent: Tuesday, June 06, 2006 11:32 AM
To: CAMACHO, CARLOS J
Cc: Bratton, Lauryn C
Subject: FW: [redacted]

Carlos, I need to place this applicant in a MH in a commercial park. As you can see, this is an applicant who has a formaldehyde issue. Can you take care of it for me? Let me know. Thanks, Phillip

---

From: Bratton, Lauryn C
Sent: Tuesday, June 06, 2006 11:07 AM
To: Price, Phillip A
Subject: FW: [redacted]

Thanks,
Lauryn

From: Cross, Carrie
Sent: Monday, June 05, 2006 10:22 PM
To: Bratton, Lauryn C; HQ - Lodging
Subject: RE: [redacted]

Mr. [redacted] called again tonight. He stated that no one has tried calling him. He stated that someone told him from FEMA that someone has been trying to get a hold of him. He stated that no one contacted him. PLEASE call this applicant only on his cell number at [redacted]. You may also try calling the hotel if you don't get an answer from the cell number. Hotel number located at bottom of email.

Thank you,
Carrie Cross

From: Bratton, Lauryn C
Sent: Monday, June 05, 2006 9:47 AM
To: HQ - Lodging; Warner, Jeannie
Cc: Tage, Jeri; Cross, Carrie
Subject: RE: [redacted]

Liz,
I've got our Congressional caseworker looking into this. We may be able to get him into a group site pretty quickly. I'll let you know as soon as I get word on that.

Thanks,
Lauryn

From: HQ - Lodging
Sent: Monday, June 05, 2006 9:39 AM
To: Warner, Jeannie; Bratton, Lauryn C
Cc: Tage, Jeri; Cross, Carrie; HQ - Lodging
Subject: RE: [redacted]
Importance: High

Jeannie, please disregard this one as the applicant is in MS.

Lauryn, this applicant is not a previous HPOP applicant, but please consider authorizing a hotel stay due to the wait for the ADA/UFAS unit exchange. These cases are getting considerable attention at the White House level. The comment in the case from this call reads:

> applicant was made sicker because of the formaldehyde in the tt fema placed for him to live in. doc on file from doctor states living in the tt was further damaging his lungs.
>
> applicant is waiting for an ada tt without formaldehyde.
>
> APP HAS BEEN PAYING FOR HIS OWN HOTEL. WILL SEND IN RECEIPTS FROM HOTEL
>
> HPOP HAS BEEN SENT EMAIL BY POC FOR ASSISTANCE.

Thanks,
Liz

From: Cross, Carrie
Sent: Sunday, June 04, 2006 11:02 PM
To: HQ - Lodging; Warner, Jeannie; Bratton, Lauryn C
Cc: Tage, Jeri; Cross, Carrie
Subject: [redacted]

Congressional Case.

This applicant called in and spoke to Sharon Bates. I had to help her with the call.

This applicant is dying from Non Hodgkins lympomia, which is terminal. The way the app explained this to me was that all the doctors can do for him is to medicate him to keep him comfortable.

He had a stroke during hurricane Katrina from barometric pressure.

This app does have a TT. His doctor has told him that the TT has formaldehyde and is causing his lungs to swell and is causing further damage to his lungs. Please see correspondence for doctor statements.

He has been staying at a hotel and is asking that we get him a new TT, one that has been checked for formaldehyde, and to be reimbursed for his hotel stay since he has had to pay for hotel at no fault of his own.

Please contact this applicant at [redacted] He is staying in the C-Inn Motel.

Your prompt assistance to this issue would be greatly appreciated.

This applicant's birthday is Thursday coming up. He expressed to me that he would really like to have this situation taken care of for his birthday. That is all he is wishing for this year.

Applicant has expressed that his TT that he has now has been broken into several times. The area in which his TT is located was expressed to be not a pleasant enviroment in which to live.

Thank you,
Carrie Cross

Allen, Jotham

From: Redfearn, Elizabeth on behalf of HQ - Lodging
Sent: Tuesday, June 13, 2006 9:25 PM
To: Fletcher, Don; Tage, Jeri
Cc: Aikman, Pam; Bratton, Lauryn C; HQ - Lodging
Subject: RE: EXTENSION DENIED: [redacted]
Follow Up Flag: Follow up
Flag Status: Completed

Don, thank you for your work on this one. I'm confident that the call to the applicant was challenging.

Liz

Have a great day!
Office: [redacted]
Cell: [redacted]

From: Fletcher, Don
Sent: Tuesday, June 13, 2006 8:01 PM
To: Tage, Jeri; HQ - Lodging
Cc: Aikman, Pam; Bratton, Lauryn C
Subject: RE: EXTENSION DENIED: [redacted]

PER YOUR REQUEST, THE APPLICANT AND THE HOTEL WERE BOTH CONTACTED AND BOTH WERE ADVISED THAT TONIGHT, JUNE 13, 2006 IS THE LAST NIGHT FOR FEMA AUTHORIZATION. I WAS UNABLE TO CONTACT THE BILLING DEPARTMENT OF THE HOTEL AS THEY WERE CLOSED FOR THE DAY BUT I TALKED TO LILLY AND SHE CONFIRMED THAT SHE UNDERSTOOD THIS WAS MR. [redacted] LAST NIGHT IN THE HOTEL UNDER FEMA AUTHORIZATION. SHE SAID SHE WOULD BE SURE THAT MAY, THE GENERAL MANAGE WAS TOLD FIRST THING TOMORROW. APPLICANT WAS CONTACTED AND HE WAS ALSO ADVISED THAT HE HAS TO ASSUME RESPONSIBILITY FOR HIS HOTEL STAY AFTER TONIGHT, JUNE 13, 2006. HE WAS ADVISED THAT HIS PREVIOUS AUTHORIZATION UNTIL JUNE 21ST WAS GIVEN IN ERROR AND HAD BEEN RESCINDED. HE SAID HE HAD NO WHERE TO GO, HE WAS DYING WITH CANCER, HE WOULD NOT GO BACK TO THE TT AS HE HAD A VIOLENT REACTION TO THE FORMALDEHYDE THE SHORT TIME HE WAS IN THE TRAILER, HE COULD NOT STAY A FEW DAYS WITH HIS PARENT AS THEY WERE ALCOHOLICS AND WOULDN'T LET HIM AND HE HAD BEEN TOLD HE COULD NOT SLEEP IN HIS CAR. IT WAS SUGGESTED HE CONTACT THE LOCAL CHARITABLE ORGANIZATIONS TOMORROW FOR ASSISTANCE OR HE COULD STAY IN THE HOTEL AT HIS EXPENSE. HE SAID HE WAS RETURNING TO THE CONGRESSIONAL OFFICE TOMORROW AS THEY HAD AGREED TO FAX A REPORT OF HIS MEDICAL CONDITION AND MAKE AN APPEAL.

From: Tage, Jeri
Sent: Tuesday, June 13, 2006 6:17 PM
To: HQ - Lodging; Fletcher, Don
Cc: Aikman, Pam; Bratton, Lauryn C

Subject: RE: EXTENSION DENIED: [redacted]

Don,

Please call both this applicant and the hotel to inform them of the situation. Please make a clear contact in the NEMIS file (see below) that you have made both contacts. Please reply to all when this has been completed.

Thank,
Jeri

From: Redfearn, Elizabeth **On Behalf Of** HQ - Lodging
Sent: Tuesday, June 13, 2006 5:36 PM
To: Tage, Jeri
Cc: Aikman, Pam; HQ - Lodging; Bratton, Lauryn C
Subject: EXTENSION DENIED: [redacted]
Importance: High

Jeri,

This applicant was mistakenly extended to June 21 today. CLC and HPOP are both now corrected to June 14.

Please have someone call the applicant and hotel to advise of this correction. It is imperative that the hotel, in particular, be contacted and that it be clearly documented in NEMIS to avoid future billing issues.

The TT (park model) that he has been leased into has been cleared and our attorneys state that we have no further obligation to shelter this applicant in the hotel. It is his choice as to whether he moves into the TT, but FEMA will not pay for the hotel after tonight.

Please reply to all when this correction is completed.

Thanks,
Liz

Elizabeth M. Redfearn
Transitional Housing Unit (THU)
Hotel Population Outreach Program (HPOP)
Office: [redacted]
Cell: [redacted]
Fax: [redacted]
Email: [redacted]

Allen, Jotham

From: Redfearn, Elizabeth on behalf of HQ - Lodging
Sent: Wednesday, June 14, 2006 4:43 PM
To: Pfleuger, Ruth; Fuimaono, Herman T
Cc: Carter, Kristy; Cedrone, Angelo; Warner, Jeannie; Bordelon, Douglas; HQ - Lodging
Subject: RE: [redacted]

Follow Up Flag: Follow up
Flag Status: Completed

For now, the decision is that this request is **denied**.

Thanks,
Liz

Have a great day!
Office: [redacted]
Cell: [redacted]

From: Pfleuger, Ruth
Sent: Wednesday, June 14, 2006 3:11 PM
To: Fuimaono, Herman T
Cc: Carter, Kristy; Cedrone, Angelo; Warner, Jeannie; Bordelon, Douglas; HQ - Lodging
Subject: RE: [redacted]

So how long does it usually take? This applicant claims she's had the windows open and a/c running for 2 weeks now and the odor and fumes are as strong as they were the first day.

Ruth
TXNPSC HPOP

From: Bordelon, Douglas
Sent: Wednesday, June 14, 2006 2:03 PM
To: HQ - Lodging; Pfleuger, Ruth
Cc: Carter, Kristy; Cedrone, Angelo; Fuimaono, Herman T; Warner, Jeannie
Subject: RE: [redacted]

Liz / Ruth,

See below.

Doug

From: Fuimaono, Herman T
Sent: Wednesday, June 14, 2006 2:03 PM
To: Bordelon, Douglas
Cc: Carter, Kristy; Cedrone, Angelo
Subject: RE: [redacted]

There had been some applicants that were extended in the hotels for 2 to 3 weeks because of formaldehyde problems. Applicants had open all windows, turn on heaters, turn on A/C, yet the formaldehyde odors still lingers in the TT. These health issues that we are talking about. If the applicants are having respiratory problems because of these odors, we

J

handle them from that prospective. In case somebody might sue FEMA for housing them in a formaldehyde filled TT while he/she is experiencing respiratory problems, I feel hotel extension can solve all that. So please extend them until the odor is gone.

Thank you,

Herman

From: Bordelon, Douglas
Sent: Wednesday, June 14, 2006 1:37 PM
To: HQ - Lodging; Fuimaono, Herman T
Cc: Warner, Jeannie; Pfleuger, Ruth
Subject: RE: [redacted]

Liz,

[redacted] is one of Herman Fuimaono's apps.

Herman, please read below.

Thanks,
Doug

From: Redfearn, Elizabeth **On Behalf Of** HQ - Lodging
Sent: Wednesday, June 14, 2006 11:27 AM
To: Bordelon, Douglas
Cc: HQ - Lodging; Warner, Jeannie; Pfleuger, Ruth; Webbeking, Amy L
Subject: RE: [redacted]

Doug, who is this case assigned to now?

Thanks,
Liz

Have a great day!
Office: [redacted]
Cell: [redacted]

From: Pfleuger, Ruth
Sent: Tuesday, June 13, 2006 8:55 PM
To: Webbeking, Amy L
Cc: HQ - Lodging; Warner, Jeannie
Subject: [redacted]

I called and spoke with [redacted]. The maintenance issues were corrected last Saturday, but app is still in hotel because she says she can't live in the TT due to a strong odor & fumes that are causing her respiratory problems and making her eyes burn. She said she called maintenance back and the lady at the maintenance number told her it was formaldehyde residue and that formaldehyde is used in the construction of the TT's. She also stated their only resolution was to advise her to keep the windows open all the time.

Ms. [redacted] told me she works in Baton Rouge and returns to NOLA 2-4 days a week to work on her damaged property. She said she stays with family when she's in Baton Rouge to work.

Don't know what to do here.

Ruth
TXNPSO HPOP

rfgdf

From: Howell, Cindy
Sent: Thursday, June 15, 2006 9:53 AM
To: Souza, Kevin; Springgate, Ann; Igert, Jill
Cc: Haynes, Tracy; Misczak, Mark; Rucker, Lesli; Warner, Jeannie; Stark, James; Miller, Stephen; Dibenedetto, Margarita; Rave, Joan
Subject: RE: Occupant MSDS request-Urgent

Joan asked, "Does the agency intend to accommodate requests from individuals who indicate that because of formaldehyde they don't want to stay in a TT or MH?"
We have 3 applicants who want to return to the hotel today due to formaldehyde issues.
Please advise.

Cindy
[redacted]

-----Original Message-----
From: Souza, Kevin
Sent: Wednesday, June 14, 2006 8:07 PM
To: Rave, Joan; Springgate, Ann; Stark, James; Igert, Jill; Dibenedetto, Margarita; Miller, Stephen
Cc: Haynes, Tracy; Misczak, Mark; Howell, Cindy; Rucker, Lesli
Subject: Re: Occupant MSDS request-Urgent

This came up at the Senate. Has the Agency conducted our own testing of the units?

If not, we need to do so ASAP and put this issue to rest or remove people from harm. I don't want to rely on non-fed testing.

We also need an information campaign on what we are doing about the potential issue and our eventual findings to include temporary and permanent remedies.

K

----Original Message-----
From: Rave, Joan
To: Springgate, Ann; Stark, James; Igert, Jill; Dibenedetto, Margarita; Miller, Stephen
CC: Haynes, Tracy; Misczak, Mark; Howell, Cindy; Souza, Kevin; Rucker, Lesli
Sent: Wed Jun 14 18:48:32 2006
Subject: RE: Occupant MSDS request-Urgent

Issue Number One:

We have placed individuals from the CLC Hotel program into TTs. Some of these applicants are now requesting to be returned to the hotels because they are fearful of reactions to the formaldehyde. At this time we have taken no action to return them to hotels.

Does the agency intend to accommodate requests from individuals who indicate that because of formaldehyde they don't want to stay in a TT or MH?

rave

-----Original Message-----
From: Springgate, Ann
Sent: Wednesday, June 14, 2006 5:36 PM
To: Stark, James; Rave, Joan; Igert, Jill; Dibenedetto, Margarita; Miller, Stephen; Mann, Dalton; Landry, Dondra; Preston, Patrick
Cc: Haynes, Tracy; King, Michael; Garza, Judith; Misczak, Mark; Martin, Sandra; Pritchard, Josie; Howell, Cindy; Bonomo, Guy; Narciso, Louis
Subject: RE: Occupant MSDS request-Urgent

Until we receive more formal guidance from HQ Litigation OGC, yes- all requests, including these, have to be vetted through Jill.

K

Ann Springgate
FEMA Office of General Counsel
Louisiana Transitional Recovery Office-New Orleans
[redacted]
cell [redacted]

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-----Original Message-----
From: Stark, James
Sent: Wednesday, June 14, 2006 5:28 PM
To: Rave, Joan; Igert, Jill; Dibenedetto, Margarita; Miller, Stephen; Mann, Dalton; Landry, Dondra; Preston, Patrick
Cc: Springgate, Ann; Haynes, Tracy; King, Michael; Garza, Judith; Misczak, Mark; Martin, Sandra; Pritchard, Josie; Howell, Cindy; Bonomo, Guy; Narciso, Louis
Subject: RE: Occupant MSDS request-Urgent

OK, If I interpret this correctly, we are at all stop on providing MSDSs to requestors. Any further Qs or requests will only be answered after consult with Jill Igert...correct?

Jim Stark
Chief of Staff
FEMA Gulf Coast Recovery Office
Acting Director,
FEMA Louisiana TRO
[redacted]

---Original Message-----
From: Rave, Joan
Sent: Wednesday, June 14, 2006 3:26 PM
To: Igert, Jill; Dibenedetto, Margarita; Miller, Stephen; Mann, Dalton; Landry, Dondra; Preston, Patrick
Cc: Springgate, Ann; Haynes, Tracy; Stark, James; King, Michael; Garza, Judith; Misczak, Mark; Martin, Sandra; Pritchard, Josie; Howell, Cindy; Bonomo, Guy; Narciso, Louis
Subject: RE: Occupant MSDS request-Urgent

Jill, we appreciate this & we're thankful that you are "it"!

COTRs, Please advise your contractors to refer any questions about formaldehyde to FEMA.

Thanks,
rave

-----Original Message-----
From: Igert, Jill
Sent: Wednesday, June 14, 2006 11:23 AM
To: Dibenedetto, Margarita; Rave, Joan; Miller, Stephen; Mann, Dalton; Landry, Dondra; Preston, Patrick
Cc: Springgate, Ann
Subject: FW: Occupant MSDS request-Urgent

All,

Please see the email from FEMA's Associate Counsel for Litigation, Jordan Fried, below. Given that the formaldehyde issues have now reached the courts via a class action suit, we [illegible] be very careful in to whom and how we respond for requests for information regarding

formaldehyde in the tt's. Obviously, not every applicant is involved in the suit at this point, but we will be receiving guidance from HQ very shortly about how we respond to requests for either information or for action regarding this issue.

I am the local point of contact with OGC on this matter -- if you have any questions regarding this issue, please do not hesitate to contact me.

Thanks for your cooperation and assistance.

Jill F. Igert, Field Attorney
Office of the General Counsel
Baton Rouge Area Field Office
[redacted] (desk)
[redacted] (cell)

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-----Original Message-----
From: Fried, Jordan
Sent: Wednesday, June 14, 2006 10:35 AM
To: Lucie, Harold; Igert, Jill
Cc: Springgate, Ann; Ross, Cembrye ; '[redacted]
Subject: Re: Occupant MSDS request-Urgent

A class action suit seeking injunctive and monetary relief from FEMA and trailer manufacturers was filed last week. Administrative tort claims also were filed. Rick Preston is handling the matter for OGC.

ie program should not be dealing with applicants on the formaldehyde issue without first coordinating with Rick and DOJ.

We also need to preserve all related documents, including electronic documents. We will be getting out guidance on this shortly.

Jordan Fried
Associate General Counsel for Litigation

Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Lucie, Harold
To: Igert, Jill
CC: Fried, Jordan; Springgate, Ann; Ross, Cembrye
Sent: Wed Jun 14 10:59:52 2006
Subject: RE: Occupant MSDS request-Urgent

No. Jordan said he is on it. I have no idea if this is related to that possible class action but it sure sounds fishy. I'm going to cc Jordan as an FYI.

H. Quinton Lucie, Field Attorney

Office of the General Counsel

Transitional Recovery Office New Orleans, LA

[redacted]
[redacted] (c)
[redacted] fax

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From: Igert, Jill
Sent: Wednesday, June 14, 2006 9:58 AM
To: Lucie, Harold; Ross, Cembrye
Cc: Springgate, Ann
Subject: RE: Occupant MSDS request-Urgent

Quin,

Have you received a copy of the suit in this case yet - I assume not because you haven't forwarded it. Please refer anyone contacting you regarding this case to me as the local IA contact.

anks,

Jill F. Igert, Field Attorney

Office of the General Counsel

Baton Rouge Area Field Office

[redacted] (desk)

[redacted] (cell)

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From: Lucie, Harold
Sent: Wednesday, June 14, 2006 9:35 AM
To: Igert, Jill; Ross, Cembrye
Subject: FW: Occupant MSDS request-Urgent

FYI.

My guess is that just about the time we get a handle on ABA issues, formaldehyde will fill up the gap.

H. Quinton Lucie, Field Attorney

Office of the General Counsel

Transitional Recovery Office New Orleans, LA

[redacted]

[redacted] (c)

[redacted] fax

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From: Miller, Stephen
Sent: Wednesday, June 14, 2006 9:21 AM
To: Landry, Dondra
Cc: Porter, David; Dibenedetto, Margarita; Lucie, Harold
Subject: RE: Occupant MSDS request-Urgent

If this is to proceed we need to request the information from the applicant.

-----Original Message-----

From: Scott Pullin [mailto[redacted]

Sent: Wednesday, June 14, 2006 10:13 AM

To: [redacted]

Subject: MSDS Sheets for Mr. [redacted]

I am responding to your e-mail to Dan Shea regarding Mr. [redacted]. We can provide the MSDS sheets for this unit.

We recommend that FEMA request a letter from the occupant's doctor if we are going to provide these MSDS sheets.

e would like a copy of the Doctor's letter faxed to Dan Shea at [redacted]. We would also like to send a Gulf Stream Coach representative along with a FEMA representative to inspect the occupant's trailer.

Respectfully,

GULF STREAM COACH, INC.

Scott A. Pullin

Vice President of Operations

[This E-mail scanned for viruses by Data Constructs L.L.C.]

From: Landry, Dondra
Sent: Wednesday, June 14, 2006 8:54 AM
To: Miller, Stephen
Porter, David; Dibenedetto, Margarita
Subject: RE: Occupant MSDS request-Urgent

Okay, Thank you very much. I truly do appreciate your assistance in this matter.

Thanks again,

Dondra J. Landry

From: Miller, Stephen
Sent: Tuesday, June 13, 2006 5:56 PM
To: Landry, Dondra
Cc: Porter, David; Dibenedetto, Margarita
Subject: RE: Occupant MSDS request-Urgent

I have requested from the manufacturer a copy, if available, of the MSDS for the chemicals used in the manufacture of the materials used in the construction of the units. I am not c ain if the end product is required to have a MSDS. At least I didn't receive one with

the last pair of acid washed jeans I purchased.

From: Landry, Dondra
Sent: Tuesday, June 13, 2006 4:11 PM
To: Miller, Stephen
Cc: Porter, David; Dibenedetto, Margarita
Subject: FW: Occupant MSDS request-Urgent

Mr. Miller,

I received information that one of our applicant, Mr. [redacted] Reg #: [redacted], has contacted FEMA in reference to obtaining a copy of the Manufacturer's Safety Data Sheets due to medical complications. As stated in the emails below, it is my understanding that the applicant is currently living in a Gulf Stream model. I was told that you may be able to assist me in obtaining this information. Any help that you may be able to offer would be greatly appreciated. If you require additional information, please feel free to contact me!

Thank you!

Dondra J. Landry

FEMA IA/Housing

Baton Rouge, La

Cell: [redacted]

Desk: [redacted]

Email: [redacted]

From: Scott, Rosalind
Sent: Tuesday, June 13, 2006 11:16 AM
To: Landry, Dondra
Subject: RE: Occupant MSDS request-Urgent

Dondra,

Spoke with Mr. [redacted], Reg # [redacted]. He has been experiencing numerous respiratory problems. Upon advice from his doctor, app is requesting manufacturer's safety data sheets in regards to types of solvents, glues or adhesives used in mfg the trailer. App stated that the trailer stinks like formaldehyde. Verified cma so that info can be forwarded to app.

Ms. Rosalind

From: Landry, Dondra
Sent: Tuesday, June 13, 2006 7:54 AM
To: Scott, Rosalind
Subject: FW: Occupant MSDS request-Urgent

Ms. Rosalind,

Will you please look into this case and give me an update? (Contact the applicant and try to find out what documents his doctors need and if we are able to obtain it).

Thanks,

Dondra

From: Dibenedetto, Margarita
Sent: Tuesday, June 13, 2006 7:52 AM
To: Porter, David
Cc: Landry, Dondra
Subject: RE: Occupant MSDS request-Urgent

ndra,

Please have someone contact this applicant and see what document he needs.

Thanks,

Maggie

From: Porter, David
Sent: Monday, June 12, 2006 5:15 PM
To: Dibenedetto, Margarita
Subject: FW: Occupant MSDS request-Urgent
Importance: High

Hello Maggie,

s applicant went directly to Gulfstream. Can you check with him to see what he needs?

I will work with Gulfstream as required.

Thanks

From: Dan Shea [mailto:[redacted]
Sent: Monday, June 12, 2006 10:52 AM
To: Porter, David
Subject: Occupant MSDS request

[redacted] is the occupant whose doctor has requested MSDS sheets for his FEMA trailer. The barcode on his trailer is [redacted].Mr [redacted] phone number is [redacted]. Gulf Stream Coach is willing to work with FEMA to resolve this occupants concern.

Dan Shea

[redacted]

Wood-Hooks, Valerie

From: Vollmar, Tena A
Sent: Tuesday, June 27, 2006 7:18 PM
To: McQueeney, Michelle
Cc: Stark, James W; Misczak, Mark; Madden, Darryl J; Miller, Stephen
Subject: RE: Urgent: Death of Applicant

Michelle:

Thanks for the update. I believe most recent info indicates this may be CDC not EPA. I'll update when I get more.

I've spoken with Ann re: MA vs IAA, etc. I'll be in Baton Rouge tomorrow and will meet with Corey on this issue and get back to you.

Thanks,

Tena

-----Original Message-----
From: McQueeney, Michelle
Sent: Tuesday, June 27, 2006 16:34
To: Vollmar, Tena A
Cc: Stark, James W; Misczak, Mark; Madden, Darryl J; Miller, Stephen
Subject: RE: Urgent: Death of Applicant

Just had an impromptu meeting with Mike King, Ann Springgate, Pete Cote, and Mark to sort through some process issues related to this string of emails.

Understand there is some confusion/concern at HQ as to whether or not this is a mission assignment for preparedness purposes. Clearly it is not--this is a response and recovery issue related to the safety of trailers that we are using for this disaster. OGC will clarify this position within HQ.

Ann asked who was writing the SOW for the mission assignment/IAA/"tasking" to EPA. I indicated that Jim put Tena on point for this. WE had some discussion as to what should be in the SOW that I committed to passing on to Tena. Suggestions were that EPA be tasked with conducting a random sample of all types of TT units that FEMA has purchased. Sample should include all venders that we've used, and include both new (never been lived in) and used units. Steve Miller should be able to help you with specifics about vendors, types etc.

Thanks,
Michelle

-----Original Message-----
From: McQueeney, Michelle
Sent: Tuesday, June 27, 2006 12:34 PM
To: Vollmar, Tena A
Cc: Stark, James W; Misczak, Mark; Madden, Darryl J
Subject: RE: Urgent: Death of Applicant

Please make it clear in the MA/IAA that EPA is doing this review at the PFO's request and that the report/findings will go to the PFO for consideration of next steps.

-----Original Message-----
From: McQueeney, Michelle
Sent: Tuesday, June 27, 2006 12:14 PM
To: Vollmar, Tena A
Cc: Stark, James W; Misczak, Mark; Madden, Darryl J
Subject: FW: Urgent: Death of Applicant

Ma,

I just spoke further with Jim on this. He is en route to Baton Rouge, and asked me to reach out to you. He would like you to start working this MA/IAA with EPA. Don't care what the mechanism is (MA vs IAA), but want to get this assessment started ASAP.

Thanks,
Michelle

-----Original Message-----
From: McQueeney, Michelle
Sent: Tuesday, June 27, 2006 11:58 AM
To: Misczak, Mark; Garratt, David; Haynes, Tracy; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; Souza, Kevin; [redacted]; Rodi, Rachel C; Pritchard, Josie; Jamieson, Gil; Madden, Darryl J
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J; Vollmar, Tena A
Subject: RE: Urgent: Death of Applicant

Thanks Mark. Darryl Madden (Gulf Coast Recovery Press Secretary) will work with your team and the LA TRO public affairs team on a press statement and standardized safety notice for all residents. Please have your team start on the safety notice--Darryl will be on the ground in NOLA shortly.

Gulf Coast Recovery supports a mission assignment to EPA for full testing and recommendations as well.

Jim Stark, please have JFO Ops execute this mission assignment with EPA and please provide a status update to this group when the MA is ready.

Thanks,
Michelle
-----Original Message-----
From: Misczak, Mark
Sent: Tuesday, June 27, 2006 11:46 AM
To: Garratt, David; Haynes, Tracy; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; Souza, Kevin; McQueeney, Michelle; [redacted]; Rodi, Rachel C; Pritchard, Josie
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J
Subject: RE: Urgent: Death of Applicant

Thank you. We will move forward with a standardized safety notice and sit tight on testing based on the potential EPA mission assignment. I will contact Kevin to coordinate on the MA if needed. I agree this is better served through the EPA as the safety of MH/TTs is not a FEMA only issue.

Thanks again,

Mark

-----Original Message-----
From: Garratt, David
Sent: Tuesday, June 27, 2006 11:36 AM
To: Misczak, Mark; Haynes, Tracy; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; Souza, Kevin; McQueeney, Michelle; [redacted]; Rodi, Rachel C; Pritchard, Josie
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J
Subject: Re: Urgent: Death of Applicant

Mark:

discussed this with Kevin yesterday, and his recommendation, which I support, is to mission assign EPA to to a full assessment of the formaldahyde problem, and make

recommendations.

Agree that you should not wait to post notices.

Dave

-----Original Message-----
From: Misczak, Mark
To: Haynes, Tracy; Garratt, David; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; Souza, Kevin; McQueeney, Michelle; 'Miller, Stephen' [redacted]; Rodi, Rachel C; Pritchard, Josie
CC: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J
Sent: Tue Jun 27 12:32:25 2006
Subject: Urgent: Death of Applicant

Michelle,

Based on our conversation a few minutes ago… we are request PIO to prepare a response to the inevitable question about trailer safety. In addition, we need to move past OGC objections to possible testing and move forward with our safety notice (similar to the one HUD uses for Mobile Homes). I believe this issue is well past the point of "wait and see".

Please let me know what message Gulf Coast Recovery is willing to support on the issues surrounding formaldehyde.

hank you,

Mark

From: Haynes, Tracy
Sent: Tuesday, June 27, 2006 10:10 AM
To: Souza, Kevin; Dannels, Donna; Garratt, David; Jones, Berl; Misczak, Mark; Stark, James W; King, Michael; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah
Subject: Death of Applicant in Mobile Home Park

Just an FYI regarding the death of an applicant in a mobile home park in St. Tammany's Parrish. See attached.

At the present time, we don't have any additional information.

McQueeney, Michelle

·om: Jamieson, Gil
ent: Tuesday, June 27, 2006 11:52 AM
To: McQueeney, Michelle; Stark, James W; Madden, Darryl J
Subject: Re: Urgent: Death of Applicant

Understand and agree.

-----Original Message-----
From: McQueeney, Michelle
To: Jamieson, Gil; Stark, James W; Madden, Darryl J
Sent: Tue Jun 27 12:47:25 2006
Subject: FW: Urgent: Death of Applicant

Gil, Jim, and Darryl:

A FEMA applicant was found dead in his trailer in St. Tammany earlier today. We do not have autopsy results yet, but he had apparently told his neighbor in the past that he was afraid to use his A/C because he thought it would make the formaldehyde worse. It may not have anything to do with formaldehyde, but I agree with Mark that we need to deal with this head on.

Misczak says that OGC has not wanted FEMA to test to determine if formaldehyde levels are in fact unsafe. HQ Recovery (Souza and Garratt) are recommending that we mission assign EPA to do a full assessment and make recommendations. I agree with this----want to ensure that you're on board with this approach too. Needs to be backed by Gulf Coast Recovery.

garding messaging---we need to develop a statement for the media---would like Darryl (as soon as he arrives on site) to work with LA TRO public affairs and mark's team to develop a statement, and also easy to understand messaging that can be immediately provided to all residents living in FEMA trailers. HUD provides a formaldehyde message to everyone living in a MH—mark's team has that language and it could be used as a model. Our messaging would essentially be the same as what we used in previous press on this issue---how to air out your trailer, use your A/C etc….

Please advise ASAP. Gil---I left you a voicemail on this too. Darryl---please come see me as soon as you get in.

Thanks,

Michelle

From: Misczak, Mark
Sent: Tuesday, June 27, 2006 11:32 AM
To: Haynes, Tracy; Garratt, David; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; Souza, Kevin; McQueeney, Michelle; 'Miller, Stephen'; Rodi, Rachel C; Pritchard, Josie
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; ver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; uder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J
Subject: Urgent: Death of Applicant

M

Wood-Hooks, Valerie

From: Ringo, William
Sent: Wednesday, June 28, 2006 10:25 AM
To: Stark, James W
Subject: Death in a trailer blamed on formaldehyde

Jim,
There was a death yesterday in a TT in Slidell blamed on sensitivity to formaldehyde. Ratcliff got together a conference call with CDC, FEMA, EPA, housing (here and DC) and safety. We will monitor the trailer in question as soon as we get access to it.
Bill Ringo

William P. Ringo, Ph.D., CIH, CSP
FEMA Occupational Health and Safety Officer
New Orleans TRO
[redacted]
[redacted] (cell)

Wood-Hooks, Valerie

From: Collor, Corey
Sent: Wednesday, June 28, 2006 4:20 PM
To: Mcqueeney, Michelle
Cc: 'Atkin, Tom'; Stark, James W
Subject: FW: CDC TeleConference Jun 28th.doc

Minutes
Centers for Disease Control and Environmental Protection Agency Teleconference

Wednesday, June 28, 2006
Office of Travis Ratcliff
0900 hrs

Persons in Attendance:

TRO:
Travis Ratcliff, Acting Director, Baton Rouge TRO
Corey Collor, Acting Operations Chief
Louis Simoneaux, Jr., Operations Support Branch Lead
Errollyn Jackson, Operations Specialist
Maggie DeBenedetto, FEMA Housing
Tracy Hanes, FEMA Individual Assistance
Thomas Medernach, FEMA Safety

LTJG Kyle Lyons, United States Public Health Service
Elizabeth Doomes, Environmental Protection Agency

Via Telephone:

Agencies for Toxic Substances and Disease Registry (ATSDR)
LCDR Alan Crawford
Douglas G. Hanley
James "Jim" S. Holler
Steve Jones
Peter Kowalski
Richard Nickle
LCDR Gary Perlman
George Pettigrew
CDR Richard Robinson
Tarah S. Somers
Scott V. Wright

Centers for Disease Control (CDC)

CAPT Walter Daley
Patrick Young

Environmental Protection Agency (EPA)
Sam Coleman, Division Director
Ronnie Crossland
Gary Newhart
Susan Webster

FEMA
Bill Range
Ronnie Crossman
Safety Representatives
New Orleans Area Field Office

Occupational and Safety Health Administration (OSHA)
In attendance

Synopsis:

The compressed boards of the travel trailers contain formaldehyde. A man, John Doe, in St. Tammany parish died as the possible result of Formaldehyde Sensitivity. Details surrounding the death remain unknown. At the time of this writing it is not known if an autopsy has been performed.

The teleconference was convened to:

(1) Determine the likelihood that formaldehyde was a causative agent in the death of John Doe due to environmental factors;

(2) Determine actual health effects verses perceived health effects of formaldehyde usage in consumer products;

(3) Identify an organization to test the air quality of John Doe's trailer;

(4) Determine whether or not random sampling of all FEMA trailers is necessary;

(5) Determine pre-emptive measures against possible negative media onslaught; and

(6) Determine possible indemnifications for FEMA in case civil restitution is sought.

Resolutions:

(1) Treat John Doe's death as a separate issue from possible occupational and non-occupational trailer issues.

(2) Determine John Doe's cause of death and pre-mortem physical, social, and mental health and habits.

(3) The contractor of John Doe's trailer has segregated and sealed it. FEMA Safety is to investigate and sample said trailer. The trailer is to remain in isolation until further notice.

(4) Request that the Consumer Product Safety Commission vet FEMA trailers against the industry standard.

(5) Identify an independent, non-governmental agency to conduct tests of indoor air quality and evaluate policies (this includes the measurement of FEMA trailer occupancy readiness against mobile home manufacturer's standards and testing the screening values based upon pre and post exposure scenarios).

(6) Louisiana Department of Health and Hospitals is composing a Fact Sheet on Formaldehyde; advise FEMA Community Relations of its existence as part of its field work (particularly in St. Bernard and St. Tammany parishes).

Notes:

- FEMA is allowed to requisition ATSDR to perform the air surveys
- Quality Control Reviews of non-occupational housing have been performed in Biloxi, Mississippi, but not in Louisiana.
- The safety of FEMA travel trailers is measured against OSHA standards
- FEMA Office of General Counsel (OGC) has commissioned FEMA Safety to investigate all deaths which occur in FEMA housing.
- First Month Occupancy Phenomena- the apparent reoccurrence of strong chemical vapors released by the manufactured homes components.

Key Questions:

- What the causative agent's performance threshold is as measured against the Mobile Home Manufacturer's Association's requisites?
- What's the appropriate standard (formaldehyde has seven formal standards)?
- What are the ages of the homes which have been distributed? Is the age a significant factor?
- Who can commit the proper federal agency for conduction of air surveys?

Consumer Advisories:

- 65-80% of all consumer products in the United States contain formaldehyde.
- In the event the occupant smells formaldehyde they should open windows and doors to ensure maximum ventilation of the manufactured dwelling.
- Manufactured Homes must be out-gassed at least two weeks prior to habitation

rfgdf

From: McQueeney, Michelle
ent: Wednesday, June 28, 2006 12:43 PM
o: Sevier, Adrian; Garratt, David; Jamieson, Gil
Cc: Souza, Kevin; 'Hallstead, Carl'; 'Trissell, David'; Springgate, Ann; Donley, Diane; Preston, Patrick; Stark, James W
Subject: RE: Formaldehyde

Adrian-
Agree completely. This morning's call was unfortunate--I did not learn of it until after the fact either---I am working to get more details as to who participated and what was discussed.

I have already passed your guidance below on to all the folks here in the field that are involved in this issue.

I am compiling a list of everyone that needs to be included on the TT/formaldehyde team--to include the OGC folks you've designated, as well as other names that Kevin provided yesterday. I will send that list out shortly to everyone at the TRO and HQ for visibility and comment, as well as instructions that everyone working any aspect of this issue must coordinate with the entire group.

Apologies for the rocky start--
Michelle

-----Original Message-----
From: Sevier, Adrian
Sent: Wednesday, June 28, 2006 11:18 AM
To: McQueeney, Michelle; Garratt, David
Cc: Souza, Kevin; Hallstead, Carl; Trissell, David; Springgate, Ann; Donley, Diane; eston, Patrick
bject: FW: Formaldehyde
Importance: High

I understand there was a conference call this morning to discuss this issue and I do not believe OGC was invited. We must be involved in all issues pertaining to formaldehyde as the Agency is in litigation. Decisions with respect to testing, press releases, safety notices, etc., must come through this office first. To be moving forward with plans and consulting with other agencies prior to vetting this internally could seriously undermine the Agency's position in the litigation and that is not acceptable.

The Department of Justice considers the litigation of national importance and it is thus handling from Washington which requires full involvement of FEMA HQ OGC. We are not getting off to a good start. Given the level of activity that appears to have occurred in the last 24 hours without OGC, I'd strongly advise HQ Recovery take the lead on formaldehyde issues. A close working relationship on this is absolutely critical.

For OGC, Patrick Preston has the lead for the Litigation Division, and Ann Springgate (field) and Diane Donley (HQ) have the lead for the Program Law Division. Please ensure that they are included in all meetings and review all plans, protocols, press releases, safety statements and any other public statement the Agency intends to make regarding formaldehyde.

-----Original Message-----
From: Souza, Kevin
Sent: Wednesday, June 28, 2006 11:44 AM
To: Sevier, Adrian
Subject: Formaldehyde

Adrian,

I tried to answer that question myself yesterday. Here is the entire email chain....(as you can see I stressed the importance of including OGC).

K

-----Original Message-----
F[illegible] Souza, Kevin
S[illegible] Tuesday, June 27, 2006 3:36 PM
To: McQueeney, Michelle
Cc: Garratt, David; Dannels, Donna; Jones, Berl; Hallstead, Carl
Subject: RE: Urgent: Death of Applicant

Got it.

Your HQ Recovery POC will be Carl Hallstead. I recommend establishing other HQ POCs with Public Affairs, OGC, and Legislative Affairs as they are equally as interested in the action plan.

Thanks Michelle!

Kevin

-----Original Message-----
From: McQueeney, Michelle
Sent: Tuesday, June 27, 2006 2:52 PM
To: Souza, Kevin; Misczak, Mark; Garratt, David; Haynes, Tracy; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; [redacted]; Rodi, Rachel C; Pritchard, Josie; Jamieson, Gil; Madden, Darryl J
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J; Vollmar, Tena A; DeBorja, Ramoncito; Wall, Darren; Fried, Jordan; Taylor, Cindy
Subject: RE: Urgent: Death of Applicant

Yes, Gulf Coast Recovery will take the lead, in coordination with the TROs and HQ R[illegible]very.

-----Original Message-----
From: Souza, Kevin
Sent: Tuesday, June 27, 2006 1:03 PM
To: McQueeney, Michelle; Misczak, Mark; Garratt, David; Haynes, Tracy; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; [redacted]; Rodi, Rachel C; Pritchard, Josie; Jamieson, Gil; Madden, Darryl J
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J; Vollmar, Tena A; DeBorja, Ramoncito; Wall, Darren; Fried, Jordan; Taylor, Cindy
Subject: RE: Urgent: Death of Applicant

Michelle,

I want to make sure our respective responsibilities are clear.

Is the Gulf Coast Recovery office now taking the lead for resolution of the formaldehyde issue?

Such responsibility includes the arrangement for comprehensive testing at the Federal level, a communication strategy, congressional and Office of General Counsel coordination, and execution of remedial steps if necessary.

Resolution will take the cooperative work of many elements of our Agency, but we to delineate the leadership component to avoid confusion and duplication of effort.

Thanks,

[illegible] n

-----Original Message-----
From: McQueeney, Michelle

Sent: Tuesday, June 27, 2006 12:58 PM
To: Misczak, Mark; Garratt, David; Haynes, Tracy; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; Souza, Kevin; '[redacted]'; Rodi, Rachel C; Pritchard, Josie; Jamieson, Gil; Madden, Darryl J
C[illegible] Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; (er, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J; Vollmar, Tena A
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Jim Stark, please have JFO Ops execute this mission assignment with EPA and please provide a status update to this group when the MA is ready.

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Sent: Tuesday, June 27, 2006 11:46 AM
To: Garratt, David; Haynes, Tracy; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; Souza, Kevin; McQueeney, Michelle; [redacted]; Rodi, Rachel C; Pritchard, Josie
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J
Subject: RE: Urgent: Death of Applicant

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Thanks again,

Mark

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Sent: Tuesday, June 27, 2006 11:36 AM
To: Misczak, Mark; Haynes, Tracy; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; Souza, Kevin; McQueeney, Michelle; [redacted]; Rodi, Rachel C; Pritchard, Josie
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J
Subject: Re: Urgent: Death of Applicant

Mark:

I discussed this with Kevin yesterday, and his recommendation, which I support, is to mission assign EPA to to a full assessment of the formaldahyde problem, and make recommendations.

Agree that you should not wait to post notices.

Dave

-----Original Message-----
From: Misczak, Mark

To: Haynes, Tracy; Garratt, David; Stark, James W; Jones, Berl; King, Michael; Dannels, Donna; Souza, Kevin; McQueeney, Michelle; 'Miller, Stephen' [redacted]; Rodi, Rachel C; Pritchard, Josie
CC: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J
Sent: Tue Jun 27 12:32:25 2006
Subject: Urgent: Death of Applicant

Michelle,

Based on our conversation a few minutes ago… we are request PIO to prepare a response to the inevitable question about trailer safety. In addition, we need to move past OGC objections to possible testing and move forward with our safety notice (similar to the one HUD uses for Mobile Homes). I believe this issue is well past the point of "wait and see".

Please let me know what message Gulf Coast Recovery is willing to support on the issues surrounding formaldehyde.

Thank you,

Mark

From: Haynes, Tracy
Sent: Tuesday, June 27, 2006 10:10 AM
To: Souza, Kevin; Dannels, Donna; Garratt, David; Jones, Berl; Misczak, Mark; Stark, James W; King, Michael; Allison, Phyllis L; Verburg, Brian; Millican, Mark; Black, Brenda J
Cc: Howell, Cindy; Blake, Martin; Dibenedetto, Margarita; Kidd, Don ; MacKendrick, David; Oliver, Clifford; Phillips, David; Lannan, Robert; Jackson, Kenneth; McCarthy, Fran; Stouder, Sarah
Subject: Death of Applicant in Mobile Home Park

Just an FYI regarding the death of an applicant in a mobile home park in St. Tammany's Parrish. See attached.

At the present time, we don't have any additional information.

From: Johnson, Debvin
Sent: Tuesday, June 27, 2006 10:07 AM
To: Haynes, Tracy
Subject:

Debvin Johnson

Individual Assistance

[redacted] Cell

[redacted] Desk

[redacted]

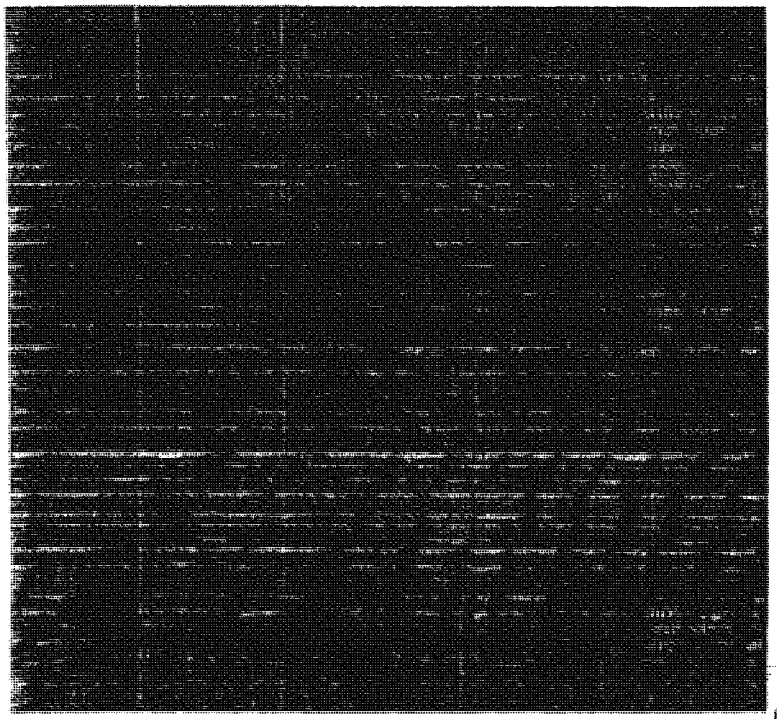
"I love the recklessness of faith,

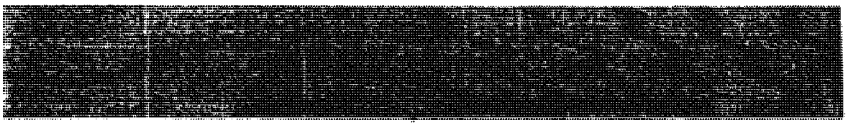
first you leap, then you grow the wings."

Morris, Sandra

From: Rigby, Richard A
Sent: Wednesday, July 26, 2006 9:51 AM
To: Alejandro, Armando; Camacho, Carlos
Cc: Auge, Jason R
Subject: Formaldehyde Issues

Can you send someone to check this out to simply do a sniff test, and determine the needs for a different unit.





Rich Rigby
U.S.DHS FEMA
Mississippi Housing Operations
Maintenance Specialist
FEMA/STATE TRO BILOXI
Office: [redacted]

McNeese, Martin

From: McNeese, Martin
Sent: Wednesday, July 26, 2006 5:44 PM
To: Hall, Betsy
Subject: FW: Summary of EPA Conference Call

This email lists the manufacturers named in the lawsuit along with FEMA and also documents some of EPA's concerns. I've requested information from Baton Rouge on the EPA Interagency Agreement mod and will get it to you when they get back to me.

Martin McNeese
Louisiana TRO
[redacted]
cell [redacted]

From: Haubrich, Gail
Sent: Friday, July 21, 2006 11:40 AM
To: McNeese, Martin
Subject: FW: Summary of EPA Conference Call

From: Haubrich, Gail
Sent: Tuesday, July 11, 2006 6:38 PM
To: Haynes, Tracy
Cc: Souza, Kevin; Hallstead, Carl; Nagle, Douglas
Subject: Summary of EPA Conference Call

Tracy,

Doug Nagle and I listened in on the EPA conference call today. Although it was supposed to be a technical call, the discussion was more strategic in nature. Also present were Sam Coleman, Dana Tulis, and Ron Crossland of EPA, Rick Preston of FEMA OGC, David Chawaga of FEMA Safety, and someone from CDC.

Sam and Dana prefaced the call by saying that they have done some preliminary research to establish a health base level for formaldehyde and it appears that it will be much lower than we suspected. The 14 day exposure maximum may be .03 ppm and the one year level may top out at.008 ppm. The levels we find after testing may well be more than 100 times higher than the health base level. Sam and Dana again expressed concern with regard to the advisability of testing at all, and said that they will do the same on Thursday's call.

This low of a standard level will require testing for much lower levels of airborne contaminants than originally anticipated and may take more time to set up. After some discussion, Sam proposed a plan that everybody seemed to like. He suggested that once we have established the valid sampling number of units to be tested for each manufacturer, they will leave half the units closed up for 2 weeks, and turn the air conditioning on in the other half for 2 weeks, then test all the units. That way they can establish the difference between ventilated and unventilated units during the same 2 week period.

EPA plans to have the testing done by their standby contractor, Weston Solutions. They asked that we provide information identifying all the major unit manufacturers, types and rough number of units by each manufacturer, and location of all our staging areas. They will also need to do outdoor air quality testing at staging, especially at Sherwood staging, since it is a former military installation. They may also need access to private property

R

surrounding the staging areas to complete outdoor air testing.

Rick Preston shared that there are 7 manufacturers named in the lawsuit. They are:

Gulfstream Coach	Fleetwood Enterprises	Fleetwood Canada
Starcraft RV	Pilgrim International	Monaco Coach Corporation
KZRV		

EPA again summarized their concerns as follows:

- Testing levels of formaldehyde may well be far higher than the health base level
- A full study may take several months, including peer review
- It will be almost impossible to not to release testing results to the public
- The media will characterize any findings in the worst possible light

That is about it in a nutshell. I sent out an email to try to get some of the manufacturer and staging info prior to Thursday's call. Gail

McNeese, Martin

From: Haubrich, Gail
Sent: Friday, July 21, 2006 10:41 AM
To: McNeese, Martin
Subject: FW: Tomorrow's Formaldehyde Conference Call

From: Haubrich, Gail
Sent: Wednesday, July 12, 2006 10:05 AM
To: Souza, Kevin
Subject: RE: Tomorrow's Formaldehyde Conference Call

Thanks, Kevin.

From: Souza, Kevin
Sent: Wednesday, July 12, 2006 9:52 AM
To: Haubrich, Gail
Cc: Haynes, Tracy
Subject: RE: Tomorrow's Formaldehyde Conference Call

I need to speak with Senior Recovery Leadership about the issues. I will try to make the call..

K

From: Haubrich, Gail
Sent: Wednesday, July 12, 2006 10:52 AM
To: Souza, Kevin
Cc: Haynes, Tracy
Subject: Tomorrow's Formaldehyde Conference Call
Importance: High

Hi Kevin,

I hope you had a chance to read my email regarding the EPA conference call yesterday. During the call, EPA and CDC renewed their concerns regarding the advisability of formaldehyde testing. Their preliminary research has indicated that the acceptable level of formaldehyde will probably turn out to be much lower than we anticipated, and our units may be far above that level even after we ventilate them.

Because of this, Tracy believes that it is critical that you participate in tomorrow's conference call, if possible. Is this something that you will be able to do? If not, please give me a call at [redacted] or [redacted] (cell) to discuss how you want us to proceed. Thanks, Gail

McNeese, Martin

From: McNeese, Martin
Sent: Wednesday, July 26, 2006 8:44 AM
To: Melton, Sidney
Cc: Smith, George; Laundy, Edward J; Arno, Jon
Subject: RE: Formaldehyde Flier

Tracking:

Recipient	Read
Melton, Sidney	Read: 7/26/2006 8:48 AM
Smith, George	
Laundy, Edward J	Read: 7/26/2006 9:01 AM
Arno, Jon	Read: 7/26/2006 8:42 AM

Hi Sid, we are trying to not generate a lot of calls, just get the facts out as we know them so we are not putting our number on it. We are anticipating that we will be able to refine the flier after the test to be a little more specific on actions that may reduce the levels. But who knows.

Take care

Martin McNeese
Louisiana TRO
[redacted]
cell [redacted]

From: Melton, Sidney
Sent: Wednesday, July 26, 2006 9:26 AM
To: McNeese, Martin; Laundy, Edward J; Arno, Jon
Cc: Smith, George
Subject: RE: Formaldehyde Flier

Martin, question..I don't see a number on it. Are ya'll going to put your MDC numbers on it, we here in MS would put our call center number it.

Or is the intent not to?

Sidney L. Melton
Individual Assistance Section Chief
TRO Mississippi
[redacted]

From: McNeese, Martin
Sent: Wednesday, July 26, 2006 9:22 AM
To: Laundy, Edward J; Melton, Sidney; Arno, Jon
Cc: Smith, George
Subject: Formaldehyde Flier

In conjunction with HQ we have developed the attached flier. We are going to have our installation contractors give it out on all new lease-ins as part of the package, have the MDC give it to each trailer on the next monthly PM visit and give them to our recert people to hand out on recert. We are going to

print 200,000 for the Louisiana theater and can get some for the other three states at the same time. (Jon, I don't know who is doing your DHOP).

I have the lead on a project with EPA to do some testing on formaldehyde in the TT. EPA is working on the draft test plan. The test is basically to define the formaldehyde levels on various models in a controlled test and then to perform several actions (open widows for specific time, run fans, control humidity) and measure the effect on the formaldehyde level. We are 2-3 weeks from beginning the test, the test will take 2 weeks and then there is a 3-4 week period for data analysis and compilation. I have set up a Thursday afternoon call at 4 PM CDT for the next 4 weeks to keep everyone apprised of the progress on the test activities. If you would like a representative on the calls let me know who you designate and I will put them on the list.

Take care

Martin McNeese
Louisiana TRO
[redacted]
cell [redacted]

Important Information for Travel Trailer Occupants

FEMA

FEMA

If you notice an odor in your trailer—it could be formaldehyde.

What is formaldehyde?

Formaldehyde is a common indoor air pollutant that can be found in nearly all homes and buildings. It is a colorless gas that is released into the home from a variety of indoor sources. Formaldehyde can be found in a variety of every day products in your home, such as:

Household Products: cleaning solutions, dishwashing liquids, fabric softeners, shoe-care agents, carpet cleaning solutions, adhesives
Personal Care Products: nail polish, cosmetics, shampoos, antiperspirants
Fabrics: clothing, linens, draperies, couch cushions, automobile interiors
Appliances: wood stoves, gas appliances, kerosene stoves
Tobacco products: cigarettes, cigars
Building materials: particleboard, plywood, cabinets, and wall and floor materials, wallpaper, some other paper goods, paint coatings

As a result, travel trailers, mobile homes, manufactured homes, new homes, and recently remodeled homes are more likely to contain higher levels of formaldehyde. Over time, formaldehyde goes away and the odors and the effects decrease or disappear.

How might formaldehyde affect me?

Formaldehyde is just one of several gases present indoors that may cause discomfort. It may cause symptoms similar to that of the common cold or flu. Formaldehyde can affect people differently-some people are very sensitive to formaldehyde while others may not have any noticeable reaction to the same level. People with eye, skin, respiratory, or allergic conditions, and those with asthma are potentially more susceptible to the effects of formaldehyde. Children and the elderly may be more sensitive as well. People who suspect they are sensitive to formaldehyde should work closely with a doctor to see if formaldehyde is causing their symptoms.

What can I do to reduce my exposure to formaldehyde in my travel trailer?

- **Increase ventilation.** You can reduce your exposure to formaldehyde by bringing more outdoor air into your home. Open windows and doors whenever possible.
- **Keep indoor temperatures moderate.** As the temperature rises, the effects of formaldehyde may be more noticeable. You can use the air conditioner to keep temperatures relatively low, which will help lower the formaldehyde effects and odors.
- **Lower the humidity.** You can decrease the rate at which formaldehyde is released from pressed wood and other products by lowering the humidity in your travel trailer. Humidity should be maintained at about 40% to 50% relative humidity in the home.
- **Do not smoke inside.** Tobacco smoking produces formaldehyde and other toxic chemicals.

EWA-Waxman - 378

Office of the Director
U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

July 26, 2006

MEMORANDUM FOR: Secretary Michael Chertoff

FROM: R. David Paulison
Director

SUBJECT: Informational Memorandum – Formaldehyde in Travel Trailers

Since Hurricane Katrina, FEMA has purchased 144,000 travel trailers in connection with hurricanes Katrina and Rita. Currently, there are 95,000 travel trailers occupied in the Gulf Coast: 79,000 in Louisiana; 13,000 in Mississippi and 3,000 in Texas. The following outlines the status of the issues raised in the MSNBC.com article, "Are FEMA trailers 'toxic tin cans'?" and the action FEMA is taking to address them.

Media Exposure
Articles about formaldehyde and the general habitability of FEMA-provided travel trailers first started to appear in March 2006, possibly earlier. In May 2006, the Sierra Club issued a report calling attention to what it claimed were "dangerous levels" of formaldehyde in FEMA trailers, a release that drove intermittent media coverage in May and June. Following the MSNBC.com story that ran the weekend of July 22, media attention in this story has increased, though not dramatically. While FEMA has not directly briefed you on this issue – believing it was being appropriately handled by FEMA's program office, legal counsel and complaint resolution process – FEMA's Office of Public Affairs included relevant stories in the DHS Daily Wrap in late June 2006 and again on July 20. While the number of complaints recorded by FEMA thus far has been minimal (20+ complaints out of 79,000 trailers deployed in Louisiana), FEMA leadership continues take the issue seriously and has undertaken measures to examine the safety of the travel trailers deployed in Gulf Coast states.

Actions Taken by FEMA, EPA, and HHS/CDC
With the increased media attention, FEMA asked EPA and CDC approximately three weeks ago for assistance as it relates to formaldehyde in travel trailers by conducting testing of the formaldehyde levels in sample groups of travel trailers. The aim is to identify activities that occupants can undertake that will reduce the levels of formaldehyde in their trailers.

The process involves the development by EPA of a testing plan, which has already been drafted. This plan will be evaluated by an outside agency (contractor). Currently, the draft plan calls for testing formaldehyde levels in 12 trailers from each of FEMA's seven manufacturers, plus a randomly selected set of 12 from inventory that had been purchased off of lots. Of the sets of 12

travel trailers, six will serve as a control group, with testing being conducted at the beginning and the end of the two week period.

Testing will be done at intervals over a two week period, with ambient air outside the trailers also to be tested. The test plan will identify a variety of activities to reduce levels, such as opening the windows for 15 minutes every morning, with testing to take place after each of the different activities. EPA will compile the results and return the data to FEMA. FEMA will then provide detailed recommendations on how to lower formaldehyde levels in the trailers.

EPA has developed a draft testing plan that it will have evaluated by an outside group, and will test the air in the 96 trailers over a two week period. The information will be provided to FEMA. We anticipate that the entire process will be completed in approximately 8 weeks.

Status of Current Litigation
Based on all currently available information, there is a small population that may be particularly sensitive to formaldehyde. FEMA believes there are actions that can be taken to mitigate the risk to this population that will be tested over the next two months.

DOJ will soon file on FEMA's behalf a motion to dismiss FEMA from the class-action lawsuit filed in Louisiana that names the Federal Government and trailer manufacturers as defendants, alleging that "the temporary housing is unsafe and presents a clear and present danger to the health and well-being of plaintiffs and their families." DOJ will assert that the plaintiffs have failed to comply with the requirements of the Federal Tort Claims Act in that they have failed to exhaust their administrative remedies prior to filing suit. Since exhaustion is a prerequisite to the court's jurisdiction, DOJ's motion will almost certainly be granted, which will take FEMA out of the litigation during that time while the administrative remedies are processed. It is likely that FEMA will be brought back into the litigation once this is complete, which could be anywhere from 6-12 or more months from now.

Plaintiffs' attempt to establish this matter as a class action is unlikely to succeed. The Federal Tort Claims Act simply does not allow for the creation of a class. It requires each any every claimant to directly participate in the litigation and assert specific harm and damages.

The individual plaintiffs named in the lawsuit have not, so far, claimed any specific harm or damage. The one administrative claim that has been submitted claimed damages of $2 billion which, besides being excessive and based on speculation, is not proper since it lacks the specificity required for Federal Tort Claims.

FEMA's overall level of exposure for damages is low. Individual plaintiffs, in order to succeed, bear the burden of proof and must establish specific harm and damage. Based on the limited information known so far, this is likely be a very high threshold for them to meet.

FEMA's Inspection and Quality Control Process
FEMA sent four observers to the Gulf Stream plant in Indiana. Gulf Stream is by far the largest producer of travel trailers in connection with the 2005 hurricanes. FEMA staff checked the quality of the units that came off the assembly line in increments of 50,000, over a six month period. They did not test for formaldehyde.

FEMA Response Process for Complaints
FEMA in Louisiana has established a toll-free number for residents to call with issues about their travel trailers. Reports are that there have very few calls about formaldehyde odors. However when there are complaints, residents are provided with another trailer, primarily older trailers as formaldehyde odors diminish over time.

Currently, FEMA is taking steps to address concerns that may be associated with the presence of formaldehyde in travel trailers on the Gulf Coast. Specifically, FEMA is working to identify ways to reduce formaldehyde levels in travel trailers that are already occupied and identifying ways to reduce levels of formaldehyde in trailers before people move into them. Some people may be particularly sensitive to the chemical, while others may not have any noticeable reaction.

FEMA has prepared a brochure that is currently in production and will be distributed to FEMA trailer occupants across the Gulf Coast and elsewhere explaining how persons who may be sensitive to formaldehyde might be affected by its presence and identifying actions they can take to reduce their exposure to it in travel trailers. The brochure will be distributed in the next two weeks and identifies some steps which can lessen the presence of formaldehyde including: increasing ventilation, keeping indoor temperatures cool, and being aware of other activities, such as cigarette smoking inside the travel trailers or bringing in other items that contain formaldehyde, which may increase the overall amount of formaldehyde in a trailer.

###

Martinet, Mary

From: Brooks, Mark
Sent: Friday, August 04, 2006 3:10 PM
To: Montoya, Barbara; Shedd, Kristen
Cc: Martinet, Mary; Cotton, George ; Igert, Jill
Subject: FW: MOI FOR [redacted]

Barbara/Kristen:

This is an FYI only. First I've heard of any potential complaint on Formaldehyde in Texas. I'll be sure to let you know if anything else comes of this.

Mary Ellen, Jill and George:

I know the issue has had more visibility in your jurisdiction, thought you might be interested.

Mark K. Brooks
Field Attorney - Office of Chief Counsel
DHS – FEMA 1624 DR-TX
Cell [redacted]
Office [redacted]

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From: Wade, Pam
Sent: Friday, August 04, 2006 1:36 PM
To: Brooks, Mark
Subject: FW: MOI FOR [redacted]

From: Wade, Pam
Sent: Friday, August 04, 2006 13:32
To: Cooley, Sandra; Bennett, Bob
Subject: FW: MOI FOR [redacted]

Sandra,

You are probably aware of this situation, but wanted to be sure! Mark Brooks with Office of Chief Counsel has already received this info.

And, Bob, I wanted to be sure you were aware.

Pam

W

From: Drake, George [mailto:[redacted]
Sent: Friday, August 04, 2006 12:07
To: Visko, Tammi; Esparza, Edna -; Wade, Pam; Brooks, Mark
Subject: FW: MOI FOR [redacted]

I don't think this will be an issue – just wanted you to be aware - Geo

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From: Drake, George
Sent: Friday, August 04, 2006 10:59 AM
To: Burton, River
Cc: Powell, Charles S; Kriegel, Gary; Cooley, Sandra; Laundy, Edward J; Weaver, Randy
Subject: RE: MOI FOR [redacted]

This is so sad for everyone – I don't think we need move on this with any particular speed – this may be partly how Ms [redacted] is grieving and trying to cope
with her loss – I'll make sure Pam and Edna are aware, and probably Mark – will keep in touch on this - Geo

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From: Burton, River
Sent: Friday, August 04, 2006 10:45 AM
To: Drake, George
Cc: Powell, Charles S; Kriegel, Gary; Cooley, Sandra; Laundy, Edward J; Weaver, Randy
Subject: FW: MOI FOR [redacted]

George,

The applicant referenced below is very distraught about the loss of her baby and blames the smell of TT for the death of her child. When Addie completed a move out late yesterday, the applicant demanded that the trailer remain in place until her lawyer has a look at it. Addie also stated that when she entered the trailer her nose burned (the AC was off and it was hot, she mentioned), but the sensation went away as the door remained open.

I also spoke with Tanya, the Recert Specialist's lead. She said the applicant had agreed to a move out shortly after her baby died in hospital in mid-July. Dennis (Recert Specialist) stated that the applicant did not mention a smell in her TT or anything about the cause of her baby's death. Dennis was never able to recertify the applicant; he posted three notices, which finally drew a response from the applicant. Dennis postponed the MOI to allow the applicant time to cope with the death of the baby.

We will be forwarding this MOI soon and wanted all relevant parties to be aware of this situation.

Thank you,
River

From: Allen, Addie D
Sent: Friday, August 04, 2006 9:50 AM
To: Burton, River
Subject: RE: MOI FOR [redacted]

Hi River,

The Move-Out Inspection was delayed on 7/26/06 due to inclement weather conditions however, I was able to do the inspection on Thursday, 8/3/06.

Mrs. [redacted] the applicant, came out of the damaged dwelling, after Mr. [redacted] opened the Travel Trailer, stating that FEMA is the reason that her baby girl died on 7/[redacted]06 and she will not let the (Blink Blink profanity used) Travel Trailer be moved off of her property over her dead body until her lawyer can find out what type of odor is in the Travel Trailer. She left out of the Travel Trailer screaming that she lost her baby because of FEMA and something

was going to be done about it. Mr. [redacted] was in the Travel Trailer with me and he stated that she was still emotional about the loss. I expressed sympathy for their loss.

Mrs. [redacted] returned and I observed her enter that Travel Trailer that she stated might have formaldehyde in it with a lighted cigarette. Mrs. [redacted] stated that she lay in the bed for six weeks with the pregnancy inhaling the smell that caused her early delivery and baby girls' death. I did ask Mrs. [redacted] whether Maintenance was called for assistance and she did not answer that a call had been made.

Mr. [redacted] stated that he did believe that it saw formaldehyde in the walls or somewhere and he hoped that it would not be issued to another family. I asked Mr. [redacted] whether he called Maintenance and he said he had not called but would call to see if he can get a signed statement that there is an odor in the TT.

I explained to them that my role with the Travel Trailer was to do an inspection to give an assessment of the Travel Trailer for its return.

A Move-Out Inspection form was signed by Mrs. [redacted]. She stated again after she received her copy of the Move-Out Inspection Report that she did not want the Travel Trailer moved until she had her lawyer look at it. She stated they do not have a telephone and I advised that I did not know the schedule for removal.

From: Allen, Addie D
Sent: Wednesday, July 26, 2006 1:47 PM
To: Burton, River
Subject: MOI FOR [redacted]

Hi River,

A MOI for [redacted] scheduled for 2:15 p.m. in [redacted] Texas. Will Mr. Drake still observe today?

rfgdf

From: Souza, Kevin
'ent: Thursday, August 17, 2006 11:22 AM
o: Sherman, Ron
Subject: FW: EPA & Formaldehyde Testing

-----Original Message-----
From: McNeese, Martin
Sent: Thursday, August 10, 2006 11:01 PM
To: Souza, Kevin
Subject: RE: EPA & Formaldehyde Testing

Thanks for being on the call. I knew that they would bring it up but thanks goodness PIO did some damage control. Mary Margaret actually called and read me final draft before they put it out and I said OK but I should have insisted on a written copy to make sure EPA knew. Yet, I think EPA is being a butthead since it was one of their own people that leaked the EPA/FEMA formaldehyde info to start with. And I know that PIO was getting slammed with speculation anyway.

On another related topic, TX is getting trouble over formaldehyde and asked safety to test units that people complain about. I think we are on the right track because safety (Dave Chawaga for Bronson) called me and they understand that this is not practical with the number of units. I talked to Ed Laundy in TX (who I trained) and explained that they don't have anything to do with the test results since there are no standards and testing is meaningless. Apparently they had a baby die and they parents (after the fact, no maintenance requests) are trying to tie formaldehyde. He told me that the chief of staff took it out of his hands.

I want to talk to Betsy Hall in Gil's shop and want to get all DHOP chiefs, safety and ither the chiefs of staff or Directors on a call and make sure that we are consistent and ɔt doing something over-reactive or stupid if an occupant complains. What do you think?

Thanks for your support Kevin

Martin McNeese
FEMA Region VIII
Emergency Management Program Specialist
Louisiana Recovery Office
[redacted]
cell [redacted]

-----Original Message-----
From: Souza, Kevin
Sent: Thursday, August 10, 2006 6:51 AM
To: McNeese, Martin
Subject: Re: EPA & Formaldehyde Testing

Hi Martin,

I will do everything I can to get on the call. My only wildcard for the day is that the General has asked for me to attend a meeting with the Director (and they have not yet set a time).

Other than that I will be there. Keep up the great work. I don't know what we would do if you weren't there.

K

--Original Message-----

From: McNeese, Martin
To: Souza, Kevin
Sent: Wed Aug 09 23:03:18 2006
Subject: EPA & Formaldehyde Testing

Kevin, don't know your schedule for tomorrow, Thursday, but if you can jump on the call I might need help. EPA is causing me some headaches because they are pissed that we released the very generic press release, even though they were the first to disclose to the media that they are doing the test for us. I have a hotel operators conference in Baton Rouge that I have to do at noon and will conduct the call from the BR AFO. I intend to keep everyone on schedule and I feel good about the schedule with the staging power being the pacing item but we should start in the last week of Aug.

I just need any help I can to stop all of the second agendas, especially from Bronson Brown's (safety) shop and just move on.

I hope that you are doing OK, hang in there, UFAS is coming.

Martin McNeese

FEMA Region VIII

Emergency Management Program Specialist

Louisiana Recovery Office

[redacted]

cell [redacted]

Supplemental A

rfgdf

From: Preston, Patrick
Sent: Thursday, June 15, 2006 9:43 AM
To: Igert, Jill; 'Fried, Jordan'; Souza, Kevin
Subject: RE: Occupant MSDS request-Urgent

Do not initiate any testing until we give the OK. While I agree that we should conduct testing, we should not do so until we are fully prepared to respond to the results. Once you get results and should they indicate some problem, the clock is running on our duty to respond to them.

Rick

-----Original Message-----
From: Igert, Jill
Sent: Thursday, June 15, 2006 9:21 AM
To: Fried, Jordan; Preston, Patrick
Subject: FW: Occupant MSDS request-Urgent

Rick/Jordan,

Please see the email from Kevin below -- you weren't copied so I didn't know if you had seen it.

Thanks,

Jill F. Igert, Field Attorney
Office of the General Counsel
Baton Rouge Area Field Office
[redacted] (desk)
[redacted] (cell)

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-----Original Message-----
From: Souza, Kevin
Sent: Wednesday, June 14, 2006 8:07 PM
To: Rave, Joan; Springgate, Ann; Stark, James; Igert, Jill; Dibenedetto, Margarita; Miller, Stephen
Cc: Haynes, Tracy; Misczak, Mark; Howell, Cindy; Rucker, Lesli
Subject: Re: Occupant MSDS request-Urgent

This came up at the Senate. Has the Agency conducted our own testing of the units?

If not, we need to do so ASAP and put this issue to rest or remove people from harm. I don't want to rely on non-fed testing.

We also need an information campaign on what we are doing about the potential issue and our eventual findings to include temporary and permanent remedies.

K

-----Original Message-----
From: Rave, Joan

/Supplemental B/

rfgdf

From: Rucker, Lesli
Sent: Sunday, June 18, 2006 5:59 PM
To: Souza, Kevin
Subject: FW: FORMALDEHYDE ISSUE

Kevin – This captures the Friday AM conference call regarding the TTs. The number of applicant complaints is under 5 in Louisiana and any complaints to date in Mississippi have been addressed utilizing this approach. OGC was to have a conference call on Friday afternoon and I have yet to hear from Diane if there is anything further that they suggest needs to be addressed. Diane and field attorneys were also on the call. The logistics folks indicated that the change out will be good, clean units. I'll follow up with Diane. Lesli

---

From: Phillips, Peggy
Sent: Friday, June 16, 2006 11:36 AM
To: Miller, Michael.; Trask, Patricia C; Aupperlee, Tracy; Burchette, Joe; Lannan, Robert; Brekke, Cheryl; Warner, Jeannie; Melton, Sidney; Gilliam Sr, Robert; Blake, Martin; Rucker, Lesli; Igert, Jill; Stark, James; Cox, Geraldine ; Hallstead, Carl; Howell, Cindy
Cc: Miller, Stephen
Subject: FORMALDEHYDE ISSUE

Good Morning Everyone,

The following is a result of the conference call this morning, Friday, 6/16/06, regarding the formaldehyde issue. At this time, it was decided that we will address this issue on an individual basis.

As needed, we will make the following suggestions to the tenant:

1. Air out the unit
2. Do not leave the unit closed up during extreme heat
3. Ensure that the air conditioning is running and properly maintained
4. As a final recommendation, we would swap out the unit for a used, renovated unit which would not present the off-gassing problems experienced in the new units

Mike Miller, Purvis Staging Area, has agreed to set aside approximately 50 units in inventory for the purpose of swapping out units with a formaldehyde problem for the renovated unit.

In the event that testing is required on a national basis, Headquarters Logistics will take the lead in maintaining a single point of contact for completion of this requirement.

Further, OGC has advised that we do not do testing, which would imply FEMA's ownership of this issue.

Gulfstream is working closely with FEMA to resolve the formaldehyde problem in the smaller travel trailer (Cavalier) units. They have offered to install an exhaust fan at their expense on a case by case

basis should this become necessary.

Jill Igert will notify us of HQ OGC's findings, and will reconvene as necessary to address this issue.

Peggy Phillips

Logistical Management Specialist

Phone: [redacted]

Fax: [redacted]

[redacted]

/ Supplemental C /

Formaldehyde Testing Proposal
Revision #3

- **Testing sample is for approximately 84 units – not 96 as we had discussed. No mention of units from the units purchased from commercial dealers.**

- **What about the units that were the subject of complaints – no mention of using those (or similar units from the same manufacturer) in the test.**

- **Sample size of 12 units for each of the 7 manufacturers cannot be met – but the proposal doesn't address what will be done if less than 12 "new" units can be located for a particular manufacturer. We need to determine if we are going to go ahead and test units for a named defendant in the class action suit even if we don't have 12 units for the sample.**

- **Discussion on July 20th conference call regarding "baking-off" the units by opening the windows and turning on the heater as being the most effective way to alleviate formaldehyde. Should we be including the heater as one of the variables in this test?**

- **Are we trying to identify a methodology for FEMA to reduce the levels of formaldehyde in the units before we place the applicants into the units or are we trying to identify a methodology for the applicants to reduce the levels while they are living in the units? If it is the latter, it doesn't seem that the variables are in sync with the typical living conditions for the average applicant. I don't understand why Sample B is focused on the utilization of the air conditioner and virtually nothing else since it is unrealistic that an applicant will use it 24 hours a day. Have we confirmed that these air conditioners can withstand this amount of use for fourteen straight days?**

Jill F. Igert, Lead Attorney
Office of the Chief Counsel
[redacted]

Supplemental D

rfgdf

From: Preston, Patrick [redacted]
Sent: Thursday, October 05, 2006 2:08 PM
To: Garratt, David; Donley, Diane; Sherman, Ron; Souza, Kevin
Cc: McIntyre, James; Walker, Mary-Margaret; Preston, Patrick
Subject: RE: Media Inquiry- FOX NEWS (Atlanta)

Actually the litigation (Hilliard) was filed on May 12, 2006 and shortly thereafter I met with Kevin and others at which time we began the process of getting the testing underway.

Rick Preston

From: Garratt, David [mailto:[redacted]
Sent: Thursday, October 05, 2006 1:58 PM
To: Donley, Diane; Sherman, Ron; Souza, Kevin
Cc: McIntyre, James; Walker, Mary-Margaret; Preston, Patrick
Subject: Re: Media Inquiry- FOX NEWS (Atlanta)

For the record, we initiated this testing before we were sued.

-----Original Message-----
From: Donley, Diane
To: Sherman, Ron
Cc: David Garratt
Cc: McIntyre, James
Cc: Walker, Mary-Margaret
Cc: Preston, Patrick
Sent: Oct 5, 2006 12:57 PM
Subject: RE: Media Inquiry- FOX NEWS (Atlanta)

Rick Preston, the litigation atorney on the formaldehyde case, and I just had an extended conversation with Mary Margaret Walker on formaldehyde. The testing was undertaken because FEMA was sued. We have already provided press releases and notices to all trailer occupants. The testing was done without a predetermined outcome. The testing is covered under the following exception to FOIA - #5 and has been prepared in anticipation of litigation and is covered under deliberative process privilege, the attorney work product privilege and the attorney client privilege.

Diane L. Donley
Office of Chief Counsel
Federal Emergency Management Agency
Department of Homeland Security
[redacted]

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Sherman, Ron [mailto[redacted]
Sent: Wednesday, October 04, 2006 8:28 PM
To: Walker, Mary-Margaret; Donley, Diane
Cc: Garratt, David; McIntyre, James
Subject: Re: Media Inquiry- FOX NEWS

Chairman WAXMAN. I want to recognize Ranking Member Tom Davis for his opening statement, and then we will proceed with the hearing.

Mr. DAVIS OF VIRGINIA. Well, thank you, Mr. Chairman.

Let me commend Chairman Waxman for agreeing to hold a hearing later this month on disaster preparedness, as well. We wrote the chairman requesting the hearing, and we appreciate his agreeing to examine where FEMA and DHS stand as we approach the active part of 2007 hurricane season, August and September. A hearing on that important topic confirms our shared interest in conducting important oversight. We are both eager to learn whether, in today's post-Katrina environment, we are better prepared for natural or man-made disasters than we were 2 years ago.

Sadly, thousands of displaced residents still occupy Government property, temporary housing in the Gulf Coast region. Today we are here to discuss the issue of unsafe levels of formaldehyde in FEMA trailers.

The Select Committee to Investigate the Preparation for and Response to Hurricane Katrina, which I chaired, entitled our final report A Failure of Initiative, because leadership at all levels failed to get the information they needed and failed to act decisively to meet the crisis. Among those failures was the inability of FEMA to provide timely, short-term shelter and adequate long-term housing to those displaced by the catastrophe.

As part of the Federal Government's response to Hurricanes Katrina and Rita, FEMA acquired thousands of manufactured houses, recreational travel trailers, and larger trailers for use by the victims on the Gulf Coast. These temporary homes contained walls, cabinetry, and other components made of particle board and plywood. The glue or coating used in manufacturing or treating particle board or plywood often contained formaldehyde, a common chemical used in many industrial and commercial settings.

A naturally occurring chemical, formaldehyde is also a byproduct of cigarette smoke. When inhaled in large doses, it can cause extreme discomfort and illness.

Over a year ago FEMA began fielding complaints about noxious odors emanating from some of the occupied trailers. At that time I wrote Secretary Chertoff asking about the extent of the problem. We received assurances the issues were limited to a small number of units and it was under control.

In August 2006, FEMA communicated to the committee in no uncertain terms the health and safety of inhabitants was driving the Agency's response to the formaldehyde complaints. The committee was told FEMA had partnered with leading Government experts, both at the EPA and the CDC, to develop a robust testing program and incident response system.

It now seems that what FEMA told the committee was not completely correct. Apparently, the problem of unsafe formaldehyde levels in FEMA trailers is more widespread than initially acknowledged, and FEMA's reaction to the problem was deliberately stunted to bolster the Agency's litigation position.

New information recently provided to the committee shows these statements mischaracterized the scope and purpose of FEMA's actual response to the formaldehyde reports. Recently discovered doc-

uments make it appear FEMA's concerns were legal liability and public relations, not human health and safety. Decisions about assistance to Gulf Coast residents seem to have been driven by the desire to limit litigation, even if that meant limiting genuine testing and risk mitigation efforts, as well.

One internal e-mail from June 2006, reported the Agency's Office of General Counsel "has advised that we do not do testing" because this would "imply FEMA's ownership of this issue."

Another attorney advised, "Do not initiate any testing until we give the OK. While I agree we should conduct testing, we should not do so until we are fully prepared to respond to the results. Once you get results, and should they indicate some problem, the clock is running on our duty to respond to them."

This information is deeply troubling. FEMA was not forthright with congressional investigators. It took nearly a year and a threat of subpoenas for FEMA to produce all the documents the committee requested. After seeing the documents, it is pretty clear why FEMA tried to hide them behind dubious claims of confidentiality and privilege.

The information in these documents contradicts what we were told all along. Holding them back only highlighted their damning significance. Beyond the litigation-centric process, we have to be concerned about substantive problems. The causes and effects of excessive formaldehyde fumes in housing product purchased by the Federal Government has still not been addressed.

Katrina had many hard lessons to teach. One of them was the Federal Government's primary response agency has to be proactive, nimble, and trusted as the honest broker between Washington and those at need at the State and local levels. Reading these documents, I am not persuaded FEMA is that agency yet. The noxious gas in those trailers should have energized FEMA to admit the problem and solve it, not hide it behind a fog of risk-averse lawyering.

FEMA's toxic response to these formaldehyde fumes should energize us to demand accountability and push for the reforms that will clear the air and improve the Nation's emergency response capabilities.

Thank you.

[The prepared statement of Hon. Tom Davis follows:]

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5051
Minority (202) 225–5074

Statement of Rep. Tom Davis
Ranking Republican Member
Committee on Oversight and Government Reform
Hearing on *"FEMA's Toxic Trailers"*
July 19, 2007

Let me begin by commending Chairman Waxman for agreeing to hold a hearing later this month on disaster preparedness. We wrote the Chairman requesting the hearing, and we appreciate his agreeing to examine where FEMA and DHS stand as we approach the active part of 2007 Hurricane season – August and September. A hearing on that important topic confirms our shared interest in conducting important oversight. We are both eager to learn whether, in today's post-Katrina environment, we are better prepared for natural and man-made disasters than we were two years ago.

Sadly, thousands of displaced residents still occupy government-provided temporary housing in the Gulf coast region. And today we are here to discuss the issue of unsafe levels of formaldehyde in FEMA trailers.

The Select Committee to Investigate the Preparation for and Response to Hurricane Katrina, which I chaired, entitled our final report "A Failure of Initiative" because leadership at all levels failed to get the information they needed and failed to act decisively to meet the crisis. Among those failures was the inability of the Federal Emergency Management Agency to provide timely short-term shelter and adequate long-term housing to those displaced by the catastrophe.

As part of the federal government's response to hurricanes Katrina and Rita, FEMA acquired thousands of manufactured houses, recreational travel trailers and larger trailers for use by victims of the Gulf Coast. These temporary homes contain walls, cabinetry, and other components made of particle board and plywood. The glue or coating used in manufacturing or treating particle board or plywood often contains formaldehyde, a common chemical used in many industrial and commercial settings. A naturally occurring chemical, formaldehyde is also a byproduct of cigarette smoke. When inhaled in large doses, it can cause extreme discomfort and illnesses.

Over a year ago, FEMA began fielding complaints about noxious odors emanating from some of the occupied trailers. At that time, I wrote Secretary Chertoff asking about the extent of the problem. We received assurances the issue was limited to a small number of units and was under control. In August 2006, FEMA communicated to

the Committee in no uncertain terms the health and safety of inhabitants was driving the agency's response to the formaldehyde complaints. The Committee was told FEMA had partnered with leading government experts – both at the EPA and CDC – to develop a robust testing program and incident response system.

It now seems what FEMA told the Committee was not completely correct.

Apparently, the problem of unsafe formaldehyde levels in FEMA trailers was more widespread than initially acknowledged. And FEMA's reaction to the problem was deliberately stunted to bolster the agency's litigation position. New information recently provided to the Committee shows those statements mischaracterized the scope and purpose of FEMA's actual response to the formaldehyde reports. Recently discovered documents make it appear FEMA's primary concerns were legal liability and public relations, not human health and safety. Decisions about assistance to Gulf Coast residents seem to have been driven by the desire to limit litigation, even if that meant limiting genuine testing and risk mitigation efforts as well.

One internal email from June 2006 reported the agency's Office of General Counsel "has advised that we do not do testing" because this "would imply FEMA's ownership of this issue." Another attorney advised "[d]o not initiate any testing until we give the OK. While I agree we should conduct testing we should not do so until we are fully prepared to respond to the results. Once you get results and should they indicate some problem, the clock is running on our duty to respond to them."

This information is deeply troubling. FEMA was not forthright with Congressional investigators. It took nearly a year, and a threat of subpoenas, for FEMA to produce all the documents the Committee requested. After seeing the documents, it's pretty clear why FEMA tried to hide them behind dubious claims of confidentiality and privilege. The information in these documents contradicts what we were told all along. Holding them back only highlighted their damning significance. And, beyond the litigation-centric process, we have to be concerned the substantive problem – the causes and effects of excessive formaldehyde fumes in housing product purchased by the federal government – has still not been addressed.

Katrina had many hard lessons to teach. One of them was the federal government's primary response agency has to be proactive, nimble, and trusted as the honest broker between Washington and those in need at the state and local levels. Reading these documents, I'm not persuaded FEMA is that agency yet. The noxious gas in those trailers should have energized FEMA to admit the problem and solve it, not hide it behind a fog of risk-averse lawyering. FEMA's toxic response to those formaldehyde fumes should energize us to demand accountability and push for the reforms that will clear the air and improve that nation's emergency response capabilities.

Chairman WAXMAN. Thank you very much, Mr. Davis.

Let me ask unanimous consent that Representatives Melancon, Jindal, and Taylor be permitted to join us at our hearing today, even though they are not members of the committee. Without objection, we welcome them to our hearing.

I want to welcome our first panel. We are going to hear from Mr. Paulison after this first panel. We are pleased to have these witnesses who are willing to travel to Washington, DC, to share their experiences with FEMA's trailers with this committee. I realize these experiences have not been pleasant ones, and I thank you all for being here.

On this first panel we have Dr. Scott Needle. Dr. Needle is a Pediatrician. He obtained his medical degree from Johns Hopkins University in Baltimore, and until June 2007 Dr. Needle had been a Pediatrician in Bay St. Louis, MS.

Mary DeVany is an expert in the fields of industrial hygiene and occupational safety. She has an M.S. in biochemistry from Loyola University in Chicago, and she is a Certified Safety Professional in Comprehensive Practices, Certified Hazardous Materials Manager, and is qualified as an Instructor for OSHA compliance.

Mr. Paul Stewart was an occupant of a FEMA trailer from December 2005 through March 2006. In March 2006 Mr. Stewart was the first FEMA trailer occupant to discuss formaldehyde levels publicly.

Lindsay Huckabee and her family have been FEMA mobile home occupants since December 2005. She continues to reside in a trailer along with her husband and five children.

James Harris, Jr., is a practicing minister and a small businessman. He and his family have been living in a FEMA trailer since April 2006.

We want to welcome each of you to our hearing today.

It is the practice of this committee that all witnesses that testify take an oath, and I would like to ask you if you would stand and raise your right hands.

[Witnesses sworn.]

Chairman WAXMAN. The record will indicate that each of the witnesses answered in the affirmative.

We are delighted to have you here. If you submitted a statement to us, that statement will be made part of the record in full. I am going to have a clock on for 5 minutes, and I would like to ask, if you could, to try to keep to the 5-minutes. If you run a little over, that is no problem. There is a little clock there you can see that is green, and it will turn orange when there is a minute left, and red when the 5-minutes are up, so you might take a glance over at it at some point during your comments.

Dr. Needle, why don't we start with you?

STATEMENTS OF SCOTT NEEDLE, M.D., AMERICAN ACADEMY OF PEDIATRICS; MARY DEVANY, INDUSTRIAL HYGIENIST, DEVANY INDUSTRIAL CONSULTANTS; PAUL STEWART, TRAVEL TRAILER OCCUPANT, DECEMBER 2005 TO MARCH 2006; LINDSAY HUCKABEE, MOBILE HOME OCCUPANT, DECEMBER 2005 TO PRESENT; AND JAMES HARRIS, JR., TRAVEL TRAILER OCCUPANT, APRIL 2006 TO PRESENT

STATEMENT OF SCOTT NEEDLE, M.D.

Dr. NEEDLE. Good morning. Thank you, Mr. Chairman, for this opportunity to testify today at this important hearing.

My name is Dr. Scott Needle, and I am proud to represent the American Academy of Pediatrics. I serve on the Academy's Disaster Preparedness Advisory Council. I am also a general pediatrician who was, until recently, in solo private practice in Bay St. Louis, MS, an area that experienced some of the worst devastation after Hurricane Katrina.

The American Academy of Pediatrics has grave concerns regarding all aspects of the current and future health of children on the Gulf Coast who continue to recover after Katrina. We appreciate your efforts today to bring attention to the potential risks to children's health associated with exposure to formaldehyde gas in the trailers provided by FEMA after the hurricane.

Formaldehyde gas is known to cause a wide range of health effects. The AAP Handbook on Pediatric Environmental Health cautions that "formaldehyde is a known respiratory irritant in the occupational setting," and warns that it can also be found as an air pollutant in residential settings.

The Federal Agency for Toxic Substances and Disease Registry [ATSDR], states, "Children may be more susceptible than adults to the respiratory effects of formaldehyde. Children may be more vulnerable to corrosive agents than adults because of the relatively smaller diameter of their airways. Children may be more vulnerable because of relatively increased ventilation per kilogram and failure to evacuate an area promptly when exposed."

Studies since 1990 have found higher rates of asthma, chronic bronchitis, and allergies in children exposed to high levels of formaldehyde. In 2004, the International Agency for Research on Cancer, an arm of the World Health Organization, classified formaldehyde as a known carcinogen. The U.S. National Toxicology Program classifies it as "reasonably anticipated to be a human carcinogen."

Formaldehyde is used in hundreds of products, but particularly in the resins used to bond laminated wood products and to bond wood chips in particle board. Mobile homes and travel trailers, which have small, enclosed spaces, low exchange rates of air, and many particle board furnishings, may have much higher concentrations of formaldehyde than other types of homes.

My concern in this issue stems from my experiences in treating children of Hancock County, MS, during the weeks and months after Hurricane Katrina. In spring, 2006, certain patterns of illness emerged among some of my patients. Many children returned repeatedly to my office with symptoms that would not go away or

would clear up and them promptly recur—sinus infections, ear infections, cold, and a variety of other respiratory symptoms.

In talking with these families, I found that they shared two common characteristics: first, they were all living in travel trailers provided by FEMA; second, the families reported that these symptoms started not long after moving into these trailers.

Research revealed my patients' symptoms were all consistent with exposure to formaldehyde. At the same time, the Sierra Club released the results of initial testing, which found 29 out of 31 trailers with elevated levels of formaldehyde over 0.1 parts per million.

Over the subsequent year, I contacted the Mississippi State Department of Health, Centers for Disease Control and Prevention, researchers at various Gulf Coast universities, and others to alert them to the patterns I was seeing. Unfortunately, my efforts did not lead to any immediate action, and I am, therefore, personally and professionally grateful to you for bringing attention to this issue through this hearing.

The American Academy of Pediatrics remains deeply concerned that Gulf Coast children continuing to reside in FEMA trailers may have been and may continue to be exposed to levels of formaldehyde that are hazardous to both short-term and long-term health. The Academy urges FEMA and Federal health agencies to undertake a systematic, scientifically rigorous study of the issue to determine children's exact exposure levels, correlation with the reported symptoms, and the practical and concrete steps that can be taken to safeguard their health.

Furthermore, the Academy urges FEMA to set standards for formaldehyde levels in trailers purchased by the Agency that are consistent with the most current science, including an additional margin of safety that takes into account the special vulnerabilities of children.

Finally, the Academy encourages FEMA to explore alternative options for providing short and long-term housing to disaster victims that would pose fewer health risks than the travel trailers currently occupied since Hurricane Katrina.

The American Academy of Pediatrics commends you, Mr. Chairman, for holding this hearing today to call attention to the potential hazards of formaldehyde exposure among Gulf Coast children residing in the FEMA trailers. We look forward to working with Congress to minimize the exposure of children and all Americans to potentially toxic chemicals in these and other settings.

I appreciate this opportunity to testify and I will be pleased to answer any questions that you might have.

[The prepared statement of Dr. Needle follows:]

American Academy of Pediatrics

TESTIMONY OF SCOTT NEEDLE, MD, FAAP ON BEHALF OF THE AMERICAN ACADEMY OF PEDIATRICS

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

July 19, 2007

Department of Federal Affairs
The Homer Building
601 Thirteenth Street, N.W.
Suite 400 North
Washington, D C. 20005
202-347-8600 / 800-336-5475 / FAX. 202-393-6137

Good morning. I appreciate this opportunity to testify today before the Committee on Oversight and Government Reform at this hearing on trailers provided after Hurricane Katrina by the Federal Emergency Management Agency (FEMA). My name is Scott Needle, MD, FAAP, and I am proud to represent the American Academy of Pediatrics (AAP), a non-profit professional organization of more than 60,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults. I serve on the Academy's Disaster Preparedness Advisory Council. Until recently, I was a general pediatrician in private practice in Bay St. Louis, Mississippi, an area that experienced some of the worst devastation of Hurricane Katrina .

The American Academy of Pediatrics (AAP) has grave concerns regarding the current and future health of children in the Gulf Coast who continue to recover from Hurricane Katrina. From the dangers and hardship associated with evacuation and relocation, to respiratory problems and injuries immediately after the hurricane, to the ongoing concerns related to mental health effects, the children of the Gulf Coast have borne an enormous amount of suffering associated with that disaster. Today's hearing examines the potential risks to children's health associated with exposure to formaldehyde gas in the trailers provided by the FEMA following Hurricane Katrina.

Formaldehyde gas is known to cause a wide range of health effects. The AAP handbook on pediatric environmental health acknowledges that, "Formaldehyde is a known

respiratory irritant in the occupational setting and a common air pollutant in the home."[1]

The federal Agency for Toxic Substances and Disease Registry states:

> Formaldehyde is an eye, skin, and respiratory tract irritant. Inhalation of vapors can produce narrowing of the bronchi and an accumulation of fluid in the lungs. Children may be more susceptible than adults to the respiratory effects of formaldehyde. … Even fairly low concentrations of formaldehyde can produce rapid onset of nose and throat irritation, causing cough, chest pain, shortness of breath, and wheezing. Higher exposures can cause significant inflammation of the lower respiratory tract, resulting in swelling of the throat, inflammation of the windpipe and bronchi, narrowing of the bronchi, inflammation of the lungs, and accumulation of fluid in the lungs. Pulmonary injury may continue to worsen for 12 hours or more after exposure. … Children may be more vulnerable to corrosive agents than adults because of the relatively smaller diameter of their airways. Children may be more vulnerable because of relatively increased minute ventilation per kg and failure to evacuate an area promptly when exposed.[2]

Studies since 1990 have found higher rates of asthma, chronic bronchitis, and allergies in children exposed to elevated levels of formaldehyde.[3,4,5,6] In 2004, the International Agency for Research on Cancer, an arm of the World Health Organization, classified formaldehyde as a carcinogen;[7] the U.S. National Toxicology Program classifies it as "reasonably anticipated to be a human carcinogen."[8]

Formaldehyde is used in hundreds of products, but particularly in the resins used to bond laminated wood products and to bind wood chips in particleboard. Mobile homes and travel trailers, which have small, enclosed spaces, low air exchange rates, and many particleboard furnishings, may have much higher concentrations of formaldehyde than other types of homes.[9,10]

My concern in this issue stems from my experience treating children in Hancock County, Mississippi in the weeks and months following Hurricane Katrina. In spring 2006,

certain patterns of illness emerged among some of my patients. Many children returned repeatedly to my office with symptoms that would not go away, or that would clear up and then recur: sinus infections, ear infections, colds, and other respiratory symptoms. In talking with these families, I found that they all shared two common characteristics. First, they were all living in travel trailers provided by FEMA. Second, these families reported that their symptoms started not long after moving into these trailers.

Research revealed that my patients' symptoms were all consistent with exposure to formaldehyde. At the same time, the Sierra Club released the results of testing which found 29 out of 31 trailers with elevated levels of formaldehyde.[11] Over the subsequent year, I contacted the Mississippi Department of Health, the Centers for Disease Control and Prevention (CDC), and various researchers at Gulf Coast universities, and others to alert them to the patterns I was seeing. Unfortunately, my efforts did not lead to any immediate action. I am therefore personally and professionally grateful to you for bringing attention to this issue through this hearing.

The American Academy of Pediatrics remains deeply concerned that Gulf Coast children residing in FEMA trailers may have been and may continue to be exposed to levels of formaldehyde gas that are hazardous to both their short-term and long-term health. The Academy urges FEMA and federal health agencies undertake a systematic, scientifically rigorous study of this issue to determine children's exposure levels and correlation with reported symptoms, and steps that should be taken to safeguard their health. Furthermore, the Academy urges FEMA to set standards for formaldehyde levels in

trailers purchased by the agency that are consistent with the most current science, including an additional margin of safety that takes into account the special vulnerabilities of children. Finally, the Academy encourages FEMA to explore alternative options for providing short- and long- term housing to disaster victims tbat would pose fewer health risks than the travel trailers currently occupied since Hurricane Katrina.

The American Academy of Pediatrics commends you, Mr. Chairman, for holding this hearing today to call attention to the potential hazards of formaldehyde exposure among Gulf Coast children residing in FEMA trailers. We look forward to working with Congress to minimize the exposure of children and all Americans to potentially toxic chemicals in these and other settings. I appreciate this opportunity to testify, and I will be pleased to answer any questions you may have.

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[1] American Academy of Pediatrics. Pediatric Environmental Health, 2d Edition. American Academy of Pediatrics, 2003.
[2] Agency for Toxic Substances & Disease Registry. Medical Management Guidelines for Formaldehyde. http://www.atsdr.cdc.gov/MHMI/mmg111.html#bookmark02
[3] American Academy of Pediatrics. Pediatric Environmental Health, 2d Edition. American Academy of Pediatrics, 2003.
[4] Wantke F, Demmer CM, Tappler P, Gotz M, Jarisch R. Exposure to gaseous formaldehyde induces IgE-mediated sensitization to formaldehyde in school-children. *Clin Exp Allergy*. 1996 Mar; 26(3):276-80.
[5] Garrett MH, Hooper MA, Hooper BM, Rayment PR, Abramson MJ. Increased risk of allergy in children due to formaldehyde exposure in homes. *Allergy*. 1999 Apr; 54(4):330-7.
[6] Rumchev KB, Spickett JT, Bulsara MK, Phillips MR, Stick SM. Domestic exposure to formaldehyde significantly increases the risk of asthma in young children. *Eur Respir J*. 2002 Aug; 20(2):403-8.
[7] International Agency for Research on Cancer, "IARC Classifies Formaldehyde As Carcinogenic to Humans," Press Release No. 153, June 15, 2004, http://www.iarc.fr/ENG/Press_Releases/archives/pr153a.html
[8] Krzyzanowski M, Quackenboss JJ, Lebowitz MD. Chronic respiratory effects of indoor formaldehyde exposure. *Environ Res.* 1990 Aug;52(2):117-25.
[9] American Academy of Pediatrics. Pediatric Environmental Health, 2d Edition. American Academy of Pediatrics, 2003.
[10] Spengler JD. Sources and concentrations of indoor air pollution. In: Samet JM, Spengler JD, eds. *Indoor Air Pollution: A Health Perspective.* Baltimore, MD: Johns Hopkins University Press; 1991.
[11] Sierra Club. Toxic Trailers? Tests Reveal High Formaldehyde Levels in FEMA Trailers. http://www.sierraclub.org/gulfcoast/downloads/formaldehyde_test.pdf.

Chairman WAXMAN. Thank you very much, Dr. Needle.

Ms. DeVany, we are pleased to have you.

STATEMENT OF MARY DEVANY

Ms. DEVANY. Good morning. My name is Mary DeVany, and I am a scientist specializing in industrial hygiene, the recognition and control of occupational and environmental health, and safety concerns.

I would like to thank Congressman Waxman, Congressman Davis, and the other congressional representatives that decided to hold this hearing and attend today.

I also wish to thank my husband, who is a Wesley Lifebrook, a certified industrial hygienist who returned just 5 months ago from active duty in Iraq. If it were not for his research, knowledge, and support, I could not have been here today.

I want to share some information to help you take action, because we Americans have the ability to give our disaster victims safe and secure housing, free from known hazards that every American wants and deserves.

As you know, formaldehyde is a component in manufacturing of particle board, press board, fiber board, paneling grooves, counter tops, and other materials, including some adhesives used to lay carpeting. Since these materials are so common, everyone is exposed, to some degree. However, when the exposure gets elevated, we experience symptoms including headache, dizziness, nausea, loss of sense of smell, and fatigue. Respiratory system irritation, nose bleeds, sinus infection, throat irritation, coughing, and chest congestion occur, as well. Eye and skin itching, burning, and skin eruptions occur.

Formaldehyde also makes many pre-existing medical conditions worse, including asthma, allergies that affect the sinuses, chronic bronchitis, emphysema, skin diseases such as eczema, and migraine headaches.

Over the long term, we know that formaldehyde can cause changes to certain cells in the immune system. Skin and respiratory sensitization can also occur in some people, making them have serious health effects with even very low exposures. And changes in nasal and nasal pharyngeal cells occur that can develop into cancer.

According to the National Cancer Institute, it may also cause brain cancer and possibly leukemia.

Regarding exposure limits, the scientific community recommends limits based on two main groups: adults in the workplace and the population at large. Agencies such as OSHA, NIOSH, and the military base their limits on the average adult worker not sensitized to formaldehyde and—and this is critical—people who are exposed for an average of only 8 to 10 hours per day, 40 hours per week, with the rest of the hours each day and week away from the exposure source, so these levels can be set much higher because the away-from-the-exposure-source recovery time assists those people and their bodies in recovering from their exposures.

Levels set by agencies such as the EPA, the ATSDR—Agency for Toxic Substances and Disease Registry—and many State agencies, as well as the World Health Organization, set exposure standards

aimed to protect nearly all of our most vulnerable citizens, including the elderly, infants, and people that are medically compromised. Workplace and military standards do not protect this at-risk segment of our population.

Because of concern for the health of individuals living in these trailers, over a year ago the Sierra Club began sampling trailers in Mississippi. Within a couple of months after being informed of the high levels, FEMA had sampling conducted by the EPA. The Sierra Club sampled 69 trailers, the EPA tested 96. The results were similar: nearly all of the trailers sampled had formaldehyde levels at least three times the proposed level for healthy, physically fit sailors exposed to formaldehyde on a submarine for only 90 days. That population group even excludes medically unfit soldiers.

One of the responses FEMA just implemented was to adopt, for new travel trailers, below-hub particle board and powdered emissions regulations that only apply to mobile homes. By closing this loophole, FEMA is showing commitment to the health of the inhabitants of these brand new trailers. However, approximately 86,000 people are still living in the old travel trailers, and, according to the sample results, most of these trailers have unacceptably high levels of formaldehyde.

So what can you do? Manufacturers can substitute soy-based adhesives for formaldehyde-based ones. We can give people who are sick different trailers or other temporary housing. We can educate trailer occupants on formaldehyde health effects and give them options for relocating. We can ensure that people without symptoms are removed from hazardous exposures by testing all existing trailers before they develop the symptoms. And we must require manufacturers to cure an off-gas formaldehyde at the manufacturing level.

In addition, we should test the formaldehyde level in each trailer prior to acceptance and delivery of new trailers. We should not sell or donate empty, vacated trailers that have elevated formaldehyde levels to Native Americans or others before ensuring that the levels are safe. There are routine procedures to cure formaldehyde in empty trailers that should be implemented.

In conclusion, the elevated exposures to this toxic, irritating, and cancer-causing gas in FEMA-issued travel trailers has developed into a major public health concern. Now that we have recognized the problem, Americans need to take prompt, effective action to help these disaster victims and safeguard their health. We have the tools. We now need Congress to take decisive action. We owe this to our fellow Americans who have been victimized again through no fault of their own.

I am ready for questions. Thank you.

[The prepared statement of Ms. DeVany follows:]

The Serious Public Health Issues Resulting from Formaldehyde Exposures Within FEMA Travel Trailers Issued to Hurricane Disaster Victims, and Recommended Action Items

Testimony of
Mary C. DeVany
before the
Committee on Oversight and Government Reform
U.S. House of Representatives
July 19, 2007

1. Introduction and Professional Background

I have been an occupational and community health and safety engineer (industrial hygienist) for 30 years. Industrial hygienists are guardians of occupational and community health and safety; we are scientists who work like community and workplace detectives – searching for hazards and exposures that may impact health and safety. We devise methods to eliminate or at least limit and control these harmful conditions – including exposures to harmful chemicals, noise, biological contaminants, radiation, vibration and other physical hazards to protect community and workplace health and safety. Educational and professional credentials include: Certified Safety Professional (CSP) in Comprehensive Practice; Certified Hazardous Materials Manager at the Master Level (CHMM); and MS from Loyola University of Chicago in biology – areas of concentration: biochemistry and human physiology.

For more than 20 years I have owned and operated an international occupational safety, health and environmental consulting company. My main areas of interest include indoor air quality, reproductive system toxicology, control of hazardous atmospheres and development of ventilation and protective equipment measures to protect people from hazardous exposures.

I have been active in the local and national levels in the American Society of Safety Engineers (ASSE), the American Industrial Hygiene Association (AIHA) and the American Public Health Association (APHA). I have served on the OR Governor's Steering Committee for Occupational Safety and Health, the WA Governor's Accident Prevention Committee (chair, appointed by the governor), have chaired national committees on Emerging (Hazards) Issues, Confined Spaces, and Social Concerns, and served on the national Global Sweatshops Task Force and on the international Joint Industrial Hygiene Ethics Committee. My pro bono work also includes being the Workplace Technical Advisor to the Sierra Club. That is how I got involved in this issue; and I am grateful for the privilege of speaking with you and discussing this important public health concern.

2. Formaldehyde: Definition and Uses

Formaldehyde is a colorless, flammable, strong, pungent-smelling gas often mixed with water at ~ 37% to make a liquid formaldehyde solution. It is an important industrial chemical used to manufacture building materials and to produce many commercial, industrial and household products.

It is used in pressed wood products such as particleboard, plywood, and fiberboard, glues and adhesives, permanent press fabrics, paper product coatings, and certain insulation materials. In addition, formaldehyde is commonly used as an industrial fungicide, germicide, and disinfectant, and as a preservative in mortuaries and medical laboratories.

3. Travel Trailer Manufacturing Process

Formaldehyde is commonly used in pressed wood products such as particleboard, plywood, and fiberboard, as parts of the subfloors cabinetry and furniture. It is also used in their manufacturing process and in glues and adhesives for these materials as well as countertops and carpeting.

4. Formaldehyde Standards

Overview: Many standards exist because they are developed to protect different populations and to protect these populations for varying durations of exposures. In general, the longer the duration, the lower the exposure level can be to avoid adverse effects.

Standards set to protect the adult working population at work, since this represents only 40 hours per week of exposure and a healthier population, can allow higher levels. Standards set by the military, representing a selected very healthy population screened to exclude any medically compromised soldiers/sailors, can be even higher.

OSHA (Occupational Safety and Health Administration): After extensive rulemaking, OSHA issued a comprehensive regulation covering occupational exposure to formaldehyde, 29 CFR 1910.1048. This rule reduced the permissible exposure limits (PELs) to 0.75 ppm (part formaldehyde per million parts of air) as an 8-hour time-weighted average (TWA_8) and a short-term exposure limit (STEL) of 2 ppm for a 15 minute time period. OSHA recognizes formaldehyde as a potential occupational carcinogen and also regulates formaldehyde for its irritating, sensitizing and toxic effects. The rule was based on a wide range of evidence including animal bioassays and epidemiological evidence and is designed to most protect workers, but not those already sensitized or with pre-existing medical conditions, from cancer and other harmful health effects but not from discomfort. This standard was promulgated with the understanding that *workers will only be exposed for 8 hours/day and no more than 40 hours/week,* and that the time outside these 40 hours will have no formaldehyde exposures (*exposure recovery time*). Note that the adult population able to work a 40-hour work week is, as a group, much healthier and able to endure exposures that the elderly, the very young, and the medically compromised cannot. Also, this standard only allows 40 hours of exposure

at this level. If overtime is worked, calculations must be performed that reduce that maximum allowable exposure level.[1]

HUD (Housing and Urban Development): For more than 20 years HUD has regulated the production of manufactured homes to reduce the associated hazards to future occupants. Included are regulations limiting formaldehyde emissions in plywood materials to no more than 0.2 ppm and in particleboard materials to no more than 0.3 ppm. The production facility must also establish procedures to identify potential increases in formaldehyde emissions from other sources and have an independent testing laboratory observe or conduct the emissions testing.[2] These standards were developed to protect the general public from health effects of exposures to formaldehyde in their living quarters. These levels, mixed in the general air of the manufactured home, will normally keep emissions below 0.01 ppm even in areas such as the kitchen.

HUD also monitors state plans and third party inspection agencies to ensure their oversight is adequate and is authorized to take administrative action against them for violations.[2]

ATSDR (Agency for Toxic Substances and Disease Registry): The ATSDR has established inhalation minimal risk level (MRL) as follows:
Acute MRL: 0.04 ppm (1-14 days of exposure)
Intermediate duration MRL: 0.03 ppm (>14-364 days of exposure)
Chronic duration MRL: 0.008 ppm (365 or more days of exposure)
These MRS's are based upon respiratory effects in humans. *The MRL is an estimate of the daily human exposure to a hazardous substance that is likely to be without appreciable risk of adverse non-cancer health effects over a specified duration of exposure.*"[3]

TCEQ (The Texas Commission on Environmental Quality): The Effects Screening levels of 2003 are set as chemical-specific air concentrations set to protect human health and welfare. Short-term ESL's are based on data concerning acute health effects, the potential for odors to be a nuisance, and effects on vegetation, while long-term ESL's are based on data concerning chronic health and vegetation effects. ESL's are as follows:
Short-Term ESL (1 hour): 0.012 ppm
Long-Term ESL (1 year): 0.0012 ppm[4]

NIOSH (National Institute of Occupational Safety and Health), U.S. Dept. of Health and Human Services, Center for Disease Control and Prevention (CDC):
NIOSH develops Recommended Exposure levels designed to protect all workers. These are:
10-hour Time Weighted Average (with 14 hours of non exposure recovery time): 0.016 ppm
Ceiling Level: 0.1 ppm
IDLH (Immediately Dangerous to Life and Health): 20 ppm[5]

ACGIH (American Conference of Governmental Industrial Hygienists): Workplace Threshold Limit Value (TLV) for a 15 minute time weighted average in the workplace 4 times per 8-hour shift with 16 hours recovery time: 0.3 ppm[6]

WHO (World Health Organization) and **Health Canada**: These organizations have standards designed to protect against cancer – the threshold exposure level at which there is a negligible risk of upper respiratory tract cancer in humans due to cytotoxic (cellular) damage to the nasal mucosa. These standards are for short-term exposures only, with subsequent zero (negligible) levels of exposure for recovery:
WHO: 30-minute average: 0.08 ppm (0.1 mg/m^3)[7]
Health Canada: Residential Indoor Air Quality Guidelines, 1-hr exposure limit: 0.1 ppm and 8-hour exposure limit: 0.04 ppm[8]

Council Subcommittee on Emergency and Continuous Exposure Guidance Levels for Selected Submarine Contaminants: These standards are set for sailors screened for physical fitness, living on submarines. As can be seen from these values, and revising standards to account for current research and health effects knowledge these levels are proposed to be even lower than those for the American workforce:
Current level for 1-hour exposure: 3 ppm; proposed: 0.4 ppm
Current level 24-hour exposure: 1 ppm; proposed: 0.1 ppm[9]

5. Short-Term Health Effects of Formaldehyde Exposure

List of Effects:

- Sore throat
- Coughing
- Mucous membrane irritation, runny nose
- Sinus irritation
- Respiratory irritation
- Burning, stinging, watery eyes
- Chest congestion
- Skin sensitivity and rashes

When formaldehyde is present in the air at levels exceeding 0.1 ppm, many individuals may experience health effects such as watery eyes; burning sensations of the eyes, nose, and throat; coughing; wheezing; nausea; and skin irritation. Some people are very sensitive to formaldehyde, while others have no reaction to the same level of exposure.

6. Long Term Formaldehyde Health Effects and Cancer Potential

Although the short-term health effects of formaldehyde exposure are well known, less is known about its potential long-term health effects. In 1980, laboratory studies showed that exposure to formaldehyde could cause nasal cancer in rats. This finding raised the question of whether formaldehyde exposure could also cause cancer in humans. In 1987, the U.S. Environmental Protection Agency (EPA) classified formaldehyde as a probable human carcinogen under conditions of unusually high or prolonged exposure (1). Since that time, some studies of industrial workers have suggested that formaldehyde exposure is associated with nasal cancer and nasopharyngeal cancer, and possibly with leukemia. In 1995, the International Agency for Research on Cancer (IARC) concluded that formaldehyde is a probable human carcinogen. And in a reevaluation of existing data in June 2004, the IARC reclassified formaldehyde as a known human carcinogen.

Since 1980, the National Cancer Institute (NCI) has conducted studies to determine whether there is an association between occupational exposure to formaldehyde and an increase in the risk of cancer. The results of this research have provided the EPA and the Occupational Safety and Health Administration (OSHA) with information to evaluate the potential health effects of workplace exposure to formaldehyde.

Long-term effects of formaldehyde have been evaluated in epidemiological studies (studies that attempt to uncover the patterns and causes of disease in groups of people). One type of study, called a cohort study, looks at populations that have different exposures to a particular factor, such as formaldehyde. A cohort is a group of people who are followed over time to see whether a disease develops. Another kind of study, a case-control study, begins with people diagnosed as having a disease (cases) and compares them to people without the disease (controls).

Several NCI studies have found that anatomists and embalmers, professions with potential exposure to formaldehyde, are at an increased risk for leukemia and brain cancer compared with the general population. In 2003, a number of cohort studies were completed among workers exposed to formaldehyde. One study, conducted by the NCI, analyzed 25,619 workers in formaldehyde industries and estimated each worker's exposure to formaldehyde while at work.[10] The analysis found an increased risk of death due to leukemia, particularly myeloid leukemia, among the workers exposed to formaldehyde. This risk was associated with increasing peak and average levels of exposure and the duration of exposure, but not cumulative exposure. Another study of 14,014 textile workers performed by the National Institute for Occupational Safety and Health (NIOSH) also found an association between the duration of exposure to formaldehyde and leukemia deaths. However, an additional cohort study of 11,039 British industry workers found no association between cumulative formaldehyde exposure and leukemia deaths.

Formaldehyde undergoes rapid chemical changes immediately after absorption. Therefore, some scientists think effects of formaldehyde at sites other than the upper respiratory tract are unlikely. However, some laboratory studies suggest that formaldehyde may affect the lymphatic and blood systems. Based on both the epidemiologic data from cohort studies and the experimental data from laboratory research, NCI investigators have concluded that exposure to formaldehyde may cause leukemia, particularly myeloid leukemia, in humans. However, inconsistent results from other studies suggest that further research is needed before definite conclusions are drawn.[10]

Several case-control studies and cohort studies, including analysis of the large NCI cohort, have reported an association between formaldehyde exposure and nasopharyngeal cancer, although others have not. Data from extended follow-up of the NCI study found that the excess of nasopharyngeal cancer observed in the earlier report persisted[10].

Earlier analysis of the NCI cohort found increased lung cancer deaths among industrial workers compared with the general U.S. population. However, the rate of lung cancer deaths did not increase with higher levels of formaldehyde exposure. This observation led the researchers to conclude that factors other than formaldehyde exposure might have

caused the increased deaths. New data on lung cancer from the extended follow-up did not find any relationship between formaldehyde exposure and lung cancer mortality.

In addition, in a study of immune response in subjects exposed to formaldeyde in mobile homes, significant changes in immune system antibodies was found.[11]

7. Hypersensitive Individuals Health Effects

Types of People More Susceptible - The very young (children, infants), the elderly, those with respiratory, skin and other chronic diseases are much more susceptible to the effects of formaldehyde. These individuals experience adverse symptoms at much lower concentrations that those that would affect the general/workplace population of normal, healthy adults.

Pre-existing conditions are exacerbated by formaldehyde exposure, especially respiratory ailments, including asthma, emphysema, and chronic bronchitis and skin allergies.

The symptoms of sinus irritation, sore throat, coughing, and nasal irritation from formaldehyde exposures also cause individuals to be much more susceptible to colds and other respiratory diseases caused by microbial exposures. This increased incidence is especially prevalent in individuals with compromised immune systems and pre-existing respiratory disorders.

Sensitization – includes changes in nasal cells – makes the susceptible individual more sensitive to the respiratory irritating effects of other organics, molds, and other airborne contaminants, and mores susceptible to carcinomas of the nasopharynx. Skin sensitization results in allergy-induced skin rashes and dermatitis.

8. Formaldehyde Exposure in Travel Trailers and Various Occupations

According to a 1997 report by the U.S. Consumer Product Safety Commission, formaldehyde is normally present in both indoor and outdoor air at low levels, usually less than 0.03 parts of formaldehyde per million parts of air (ppm). Materials containing formaldehyde can release formaldehyde gas or vapor into the air. Formaldehyde can also be released by burning wood, kerosene, natural gas, or cigarettes; through automobile emissions; or from natural processes. Pressed wood products containing formaldehyde resins are usually the most significant source of formaldehyde in travel trailer homes.

Industrial workers who produce formaldehyde or formaldehyde-containing products, laboratory technicians, health care professionals, and mortuary employees may be exposed to higher levels of formaldehyde than the general public. Exposure occurs primarily by inhaling formaldehyde gas or vapor from the air or by absorbing liquids containing formaldehyde through the skin.

9. HUD Rule Changes

The HUD standard (see above) places limits on formaldehyde emissions and product certification of all plywood and particleboard materials, which involves emission certification by a nationally recognized testing laboratory and a written quality control

plan for each plant where particle board is produced or finished or where the plywood is finished. These standards have been required by HUD for manufactured homes, and now FEMA has incorporated those same standards in its manufacturing specifications for travel trailers. The HUD standards also require that each manufactured home be provided with a Health Notice on formaldehyde emissions as required by section 3280.309 of the Standards.

10. FEMA Formaldehyde Sampling of Travel Trailers

In July 2006, FEMA developed and implemented an air monitoring and sampling plan to establish and verify methods to reduce the presence of formaldehyde fumes in travel trailers. The sampling was conducted by the Environmental Protection Agency (EPA) and the data were analyzed by the ATSDR (Agency for Toxic Substances and Disease Register), which is affiliated with the Centers for Disease Control, at the U.S. Department of Health and Human Services (HHS).

The results of this study showed high levels of formaldehyde in nearly all of the trailers, whether they were continuously ventilated or were kept cool through air conditioning.

Without giving any explanation, **although the ATSDR has an exposure limit of 0.008 ppm for exposures of 365 or more days, rather than use this limit when analyzing EPA's air sampling of FEMA's trailers, the ATSDR arbitrarily chose a limit of 0.3 ppm as their "level of concern" and applied *this* high level to the results as if it were a safe and applicable exposure limit.**

This level is nearly 400 times the ATSDR's limit for people exposed more than 365 days, as the hurricane victims living in travel trailers are, and resulted in a bizarre skewing of the sampling results interpretation. However, even applying this "level of concern," the average sampling results were even higher than this very elevated level.

This misapplication and skewing of scientific results is at best unethical and grossly misrepresents and attempt to minimize the adverse health effects being experienced by thousands of travel trailer residents.

11. What Congress Should Do

Glues and adhesives that do not use formaldehyde and use soy products instead are readily available. These add very little cost to the manufacture of travel trailers, especially when considering the relative costs of medical treatment and the potential liability incurred by providing inferior and unsafe public housing.

Long term, the best solution is placing Katrina victims currently utilizing FEMA trailers into permanent housing. We need to help these victims return to normal lives. Thousands of families with 3,4,5 or more members are living in these small trailers. This amount of people taking showers and simply living in such cramped space causes mold formation and other additional adverse health impacts.

Short term, merely replacing trailers of those families that complain is not nearly protective enough. The average odor threshold for formaldehyde is 0.83 ppm, with few people being able to detect formaldehyde at levels lower than 0.5 ppm. Therefore, thousands of people may be overexposed and having their health compromised, especially individuals that are elderly and small children who are not aware or the hazard. FEMA needs to test and assure all trailers have safe formaldehyde indoor air concentrations immediately, them relocate *without delay* people living in trailers with levels above 0.05 ppm. Also, trailers must not be sold or donated to Native Americans or others without this testing being done to assure safe air quality.

In addition, FEMA needs to review and implement as necessary additional US Government procurement specifications for travel trailers purchased, to include "baking off" procedures by the manufacturers and parts suppliers. This would allow formaldehyde to cure and off-gas at the manufacturing level rather than once occupied.

An additional necessary action item includes assuring all *new* trailers have safe formaldehyde indoor air concentrations. Clearance sampling (testing the formaldehyde level in each trailer prior to acceptance/delivery) must be done. If a trailer is found to be above standard it poses a potential health concern to its occupants and FEMA should not accept delivery of the trailer.

Lastly, FEMA needs to educate trailer occupants of formaldehyde health effects and give them options for relocation.

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Chairman WAXMAN. Thank you very much, Ms. DeVany.

Mr. Stewart, please go ahead.

STATEMENT OF PAUL STEWART

Mr. STEWART. Thank you.

Mr. Waxman and members of the committee, it is a great honor to be here today and discuss the experiences my wife and I endured with FEMA and the temporary trailer they provided us, while at the same time it is sad that this hearing has to take place at all.

On December 2, 2005, FEMA delivered our camper. When we first took possession of the camper we noticed a strong new smell inside the camper. We aired out the camper as FEMA instructed, turning on the heat, opening the windows, turning on the exhaust vent. The camper stayed that way for the next 4 months.

The first night we stayed in the camper, my wife woke up several times with a runny nose. At one point she turned the light on and realized that her runny nose was actually a bloody nose. I was also beginning to show symptoms of my own, which included scratchy eyes, scratchy throat, coughing, and runny nose.

The symptoms we had continued for weeks, then months, and we finally thought about just leaving, but at the time we couldn't leave. We were still fighting with the Army Corps of Engineers, with FEMA. We had debris all over our yard. Money was short, and we were stuck.

Then one morning when I woke up I found our pet cockatiel was very lethargic, unable to move. He was regurgitating, unable to keep his balance. I immediately called the veterinarian, who told us to get him out of the camper immediately, so we did. We took him outside. We got ready to leave, and within an hour the bird was beginning to get better. He wasn't better, but he was getting better.

We took him to the veterinarian, who told us that the camper was probably making him sick. We asked him how that was possible, and he said, well, there are many chemicals inside the camper, especially a new one. He said that formaldehyde was the most likely cause. He said if we don't get the bird out of there, the bird will probably die. He explained to us that birds, much like children, breathe much more rapidly than adults and they take in much more of the toxins that are inside the camper, and that he is going to show symptoms before we do, but that we should also get out.

From that point on we kept the bird outside as often as we could, and we really do believe that bird saved our lives.

At that point I started to research formaldehyde and started to find out what formaldehyde could do to us and others like us who were living in these campers. What I found out almost immediately is that the EPA lists formaldehyde as a carcinogen.

There was also a common problem inside the campers, in that all the smoke detectors inside the FEMA campers would go off for no reason at all. You would go into FEMA campers and find the batteries ripped out, smoke detectors torn off the wall, and so forth. What I found out was that formaldehyde can set off smoke detectors. I checked with a firefighter friend of mine who knew someone in the industry, and they did confirm that formaldehyde at high levels will set off smoke detectors.

I then called FEMA and talked to them about the problems, and they told me to "air out the camper." I explained to them that I had been airing out the camper for 4 months, and they said, well, continue to air out the camper. They also told me that some people are just "more chemically sensitive than others."

That statement kind of made me angry. As a former U.S. Army infantry officer and as a former police officer I have been tazed, pepper sprayed, I have been through CS gas chambers, and I do not consider myself to be a chemically sensitive person.

Anyway, I started to look for ways to mitigate the problem. What I did first was I tore out all of the exposed particle board I could find. I replaced it with pine plank. That did nothing. I then went ahead and bought some ferns that the Space Center said to use to try to reduce formaldehyde. That didn't work, either. I then got a substance used by the mortuary business to try and absorb formaldehyde. That didn't work. Then I purchased an air purifier, a professional one, 15 pound charcoal filter. It moves 400 cubic feet of air per minute, and it is designed to cover 1,500 square feet. That also had no effect.

Eventually I ended up testing my own camper, after I called FEMA numerous times and asked them to help and they refused. When I tested my camper, I found a company called American Chemical Sensors out of Boca Raton, FL. They mailed me a test kit and actually told me that I should get out of the camper when they heard of our symptoms. They said our symptoms made it look as though we were having formaldehyde poisoning.

I got the sensor, hung it inside the camper, and took it down and mailed it back to the company. When they got the results, the results were 0.22 parts per million, or twice what the EPA considers safe.

I called FEMA and told them what was going on, and they told me that, "I should be happy with the camper that I have, and that we do not have any other campers to supply you."

I couldn't believe what FEMA was telling me. Essentially they were telling me that they were going to do nothing about the problem, even though I had already alerted them that what we were living in was cancer causing.

During this time I also started to dig around, and what I did find was an OSHA study dated October 11, 2005, 43 days after Hurricane Katrina. The OSHA study tested outside ambient air at a Pass Christian trailer holding facility. That outside ambient air tested as high as five parts per million—not 0.5 parts per million, but five parts per million outdoor ambient air.

I called FEMA, told them what I had found, and again they told me, sorry, there is nothing we can do for you.

At that point I called the local television station, and they decided to run the story. The next morning at 8 I got a call from FEMA, who told me that they were on their way with a new camper.

The new camper arrived, and when it did the FEMA representatives arrived shortly before the camper did and wanted to cut my sewer lines, my water lines, and pull my camper out. I refused. I wouldn't let them.

When the camper showed up, it showed up in front of the driveway. I walked outside. I didn't even walk up to the camper and I could smell the formaldehyde from my driveway. The workers who delivered the camper also said they could not go inside, the formaldehyde was so bad.

I told them to take the camper and go home. I didn't want it.

At that point FEMA called me at one point and said, "What are we going to have to do to make you happy?" And they said also, "So you didn't refuse it because of the type of camper it was?" During that conversation they also wanted to record my conversation with them, which I thought was kind of strange. I worked in police work a number of years, and I can tell you that what it sounded to me like was that they were trying to get together a chain of custody. They were trying to put together evidence. I felt like a criminal.

Anyway, I refused that camper, and at that point FEMA brought me another new camper. I know I am running out of time, sir. I apologize. When they brought me the third camper I got a call, and they said, we are going to bring you a camper. We have inspected this camper. There is no formaldehyde inside this camper.

My wife and I were pretty excited. They said, we have had people go through this camper, and we can assure you this camper is brand new. They talked about the options that were in the camper and so forth. My wife and I said, we are not really concerned about the options; we just want a safe place to live.

They brought out the camper to us, and when the camper showed up they had approximately 15 FEMA people on my property. There was a public relations person there. There were officials there. Anyway, they brought the camper in, they convinced us. The public relations woman convinced us that the camper was fine, there was nothing wrong with it, there was no formaldehyde in it, so we let her take our old camper.

They delivered the camper, and the people went about setting it up. It took them most of the day, and by the time my wife and I got in there it was dark. When we went to go inside the camper, the public relations woman said, "OK, I can't stay around any longer, I have to leave," so she left.

When she left, my wife and I realized immediately upon entering the camper that it was not new; in fact, it was used. The stove was dirty, the floors were dirty. It was filthy inside.

I said to my wife, we can clean this. Let's just get to work now, we can get it done before bed.

The first thing I did was take back the bed sheet, and when I did I noticed there were bugs inside the bed, literally bugs in the bed. I called the public relations woman back and said I can't sleep in this bed, and she said, well, there is nothing I can do for you, it is a Friday. I won't be able to help you until Monday morning.

I explained to her that if I can't have a place to sleep, I am going to have to go back living in my truck again. She said, I'm sorry, there is nothing we can do for you. You are going to have to do what you have to do.

I said, there is absolutely nothing you can do for me? She said, well, I can get you a hotel room in Pensacola, FL, but I can only put you in there for one night.

I said, ma'am, I am in Bay St. Louis, MS. To get to Pensacola, FL, right now, it would be 2 until I get there, and for one night it is just not worth my time. She said, well, then, you are going to have to wait until Monday. We will take care of you on Monday.

Anyway, this went back and forth and back and forth for a long amount of time with FEMA. It wasn't long after that I was visited by two members of FEMA. They showed up at the house on Sunday night and said they wanted to see the camper. The one person who showed up identified himself as the head of the Mississippi camper program. He said to me that FEMA will do whatever it takes to fix the problem. He said if he had to have 10 workers work 2 days straight, he would take care of everything.

The interesting thing with this conversation is that I asked him at one point where he was staying. He was from out of State. He said, I am renting a gutted apartment in Gulfport. He wasn't staying in a FEMA camper, he was staying in an apartment in Gulfport, taking up rental housing that really should have gone to the residents of the Gulf Coast.

After going through this for a number of days and spending 5 more days in my truck in my driveway, I finally had enough with FEMA and I told them to take their property and get off my land. At that point they came back and took their camper, and I went out and purchased my own camper, which I will tell you is formaldehyde free.

The interesting thing about that camper is my wife and I paid $50,000 for that camper. It has a king-sized bed, a fireplace. It has a washer and dryer. It has computer work stations. It is a very large camper with three slide-outs, very comfortable. From everything I have read up to this point, FEMA has paid approximately $65,000 for each one of the campers that they supplied to Gulf Coast residents after the storm.

As I sit in front of you today I just want to say that I am one of the lucky ones. My wife and I are safe now, we are out of our camper. We are no longer exposed to that level of formaldehyde, but there are tens of thousands of people who are still there living in those campers every day.

In conclusion, I just want to say that we lost a great deal through our dealings with FEMA, not the least of which is our faith in Government. I can truly say that a buzz term that has been used around Washington for a long time is a culture of life, and I just think that a culture of life really just ends up being rhetoric when you see things like this. It is not the real world, and in the real world you are on your own.

Thank you.

[The prepared statement of Mr. Stewart follows:]

Prepared Remarks of Paul Stewart
Government Reform and Oversight Committee
U.S. House of Representatives

July 19, 2007

Mr. Waxman and members of the committee, it is a great honor to be here today to discuss the experiences my wife and I endured with FEMA and the temporary camper they provided us in the wake of Hurricane Katrina, but at the same time I find it sad that this hearing has to take place at all.

First, to try and help all of you better understand our lives today I would like everyone to think for a minute about leaving their home this morning. You made sure the stove was off, the bed was made, the trash was out, and front door was locked. Now image that when you go home tonight your house is gone! Not burglarized or damaged by fire, just gone. And try to imagine that your neighbor's house is gone, your mom's house, gone, your local supermarket, Town Hall, all gone.

Now, roll the clock ahead two years and imagine that you are still living in a camper on what was once your driveway and ask yourself if your marriage would survive or what impact the situation would have on your children. Imagine that for the next two years of your life privacy will be unattainable and imagine spending your next two Christmases in a 240 square foot space, with your family and relatives. And now imagine that in this same time span your family's health has been in danger because the temporary camper that FEMA provided as a safe haven is contaminated with formaldehyde.

That is life today for tens of thousands of Gulf Coast residents and that is why I am here today, to tell my story and extend a plea for help and understanding.

On December 2, 2005 our FEMA camper was delivered. We had a friend, who had already returned to the area, meet FEMA and take possession of the camper and he immediately noticed that it had a very strong "new" smell. He told us that the fumes in the camper made his eyes burn so we instructed him to open all the windows and turn the heat on as my wife and I had already heard FEMA officials say that the campers needed to "air out" and had issued instructions on how to do complete the process. Two days later we arrived home and I turned off the heat, but left the windows and exhaust vent open, the camper stayed that way for the next 4 months.

The first night we stayed in the camper my wife woke several times with difficulty breathing and a runny nose. She got up once and turned on the lights to discover that her runny nose was in fact, a bloody nose. This scared the hell out of us; we didn't know what was causing her bloody nose, or

breathing issues and I was beginning to show symptoms of my own, which included, burring eyes, scratchy throat, coughing, and runny nose.

The symptoms continued for weeks and then months and finally we thought about just leaving, but at that point we were stuck because we were still wrestling with insurance issues, the Army Corps of Engineers, FEMA, our lot was still strewn with debris, money was in short supply, and I was trying to hold onto my job. We just couldn't afford to move.

Then one morning I woke up to find our pet cockatiel lethargic, unresponsive, and unable to keep his balance. Our bird is not very old and we usually woke to his singing so I immediately called the veterinarian who told me to get the bird out of the camper and bring him over to his office as soon as I could. I put the bird outside on the driveway, my wife and I got ready to leave, and within an hour of being out of the camper the bird began to look better, not good, but better.

We got to the veterinarian and he examined the bird telling us that we needed to get him out of the camper or it would kill him. He told us that the chemicals in the camper were too strong for the bird and his respiratory system could not take the toxins. The veterinarian told us that birds, much like children, breathe much more rapidly then adults and therefore take in not only more air, but more of the contaminants in the air. I asked the veterinarian what kind of contaminants could be inside a new camper. He told us that there are a lot of different chemicals that off gas from a newly constructed camper, but the birds' problem was probably being caused by formaldehyde. This was the first time it really hit us that our FEMA camper could actually be dangerous and thought if it could kill the bird, what was it doing to us?

From that point on we kept the bird outside whenever possible and saw him steadily improve and looking back, my wife and I believe our pet cockatiel CiCi, was our real life "canary in the coal mine" and credit CiCi with saving our lives.

I then started researching what formaldehyde and the other contaminants inside my camper might be doing to our health and was shocked to discover that formaldehyde is listed as a carcinogen by the EPA. I also discovered something else; I believe that the formaldehyde gas was so high that it was actually setting off the smoke detectors inside the campers. This was a common problem with the FEMA campers and most people just pulled the detectors off the wall or tore the batteries out. I tested my hypothesis and put one smoke detector outside and kept one inside. The smoke detector that I put outside never activated while the one inside continued to trip. I then called a friend of mine who works as a firefighter and he called a company representative that he know in the smoke detector industry and he

confirmed that if formaldehyde gas was in a high enough concentration that it would indeed set the smoke detector off.

I called FEMA and told them about the problems we were having and the first thing FEMA told us to do was "air out" the camper. I explained that I had already been "airing" out the camper for almost 2 months and it had done nothing to reduce the smell or our symptoms. FEMA's response was hollow and degrading, they told us that there was nothing else they could do and that some people are just more "chemically sensitive" then others. Now this kind of statement made me angry. As a former US Army Airborne Infantry Officer, and former Police Officer, I have been Tased, Pepper Sprayed, and through more CS chambers then I care to remember, I AM NOT a chemically sensitive person.

Our symptoms continued and I continued to tell the FEMA inspectors, who came out almost weekly, that the formaldehyde in our camper was making us sick. The FEMA inspectors, who were contractors, noted the problem, but no one from FEMA ever responded.

I started looking for ways to mitigate the problem and the first thing I did was remove every piece of pressed wood I could reach and replace it with pine plank. I hoped this would help reduce the formaldehyde and alleviate our symptoms, it did neither. I then came across a Stennis Space Center study that claimed certain ferns can pull formaldehyde from the air, so I went out and purchase some ferns, but they also had not effect. I then purchased a material that is used in the mortuary business, a powdery substance that is designed to absorb the formaldehyde, but that didn't work either. Finally, I purchased and industrial size air purifier from a company that specializes in formaldehyde removal, Aller Air. The air purifier we purchased has a 15 pound charcoal filter, true HEPA filter, moves 400 cubic feet of air per minute, and is designed to cover 1500 square feet. It had no effect. I should also not that during this time we never closed the windows and never turn the exhaust vent off.

I finally called FEMA in desperation explaining all of the remedies I had tried and asked one more time for help, but they again refused. So I pleaded with them to at least come out and test the camper. Again, they refused to help. Finally, I told FEMA that I would find a way to test my own camper and would let them know when I had some results to prove what we already knew was true, our camper was toxic.

So I started looking for testing equipment but found most of the testing equipment available is cost prohibitive with units costing as much as $3,000.00 dollars and I just did not have that kind of money. Finally I found a company, American Chemical Sensors out of Boca Raton, Florida who sold formaldehyde test kits that are deigned to be worn on the clothing. These test kits are worn in industry to measure workers exposure to dangerous

chemicals. What I discovered is that OSHA requires that workers who are around formaldehyde be tested for exposure because the EPA lists formaldehyde as a carcinogen, but FEMA didn't seem to concerned about putting Katrina victims in formaldehyde laden campers.

When I explained to the people at American Chemical Sensors what was going on and what our symptoms were they were genuinely concerned and actually told me I should leave the camper immediately; that the symptoms my wife and I were having indicated formaldehyde poisoning. Fearing for our health, they agreed to send me a test kit free of charge so we could determine how contaminated our FEMA camper was. I received that test kit, hung it in the camper, and sent it back to American Chemical Sensor. The results were ready within days and my camper came back at .22 ppm, twice the EPA's safe limit. The EPA limits formaldehyde exposure to .1 ppm for an 8 hour work day, but my wife and I were spending days at a time in the camper with almost no break. I work from home and since the storm my wife has not worked, so we were being exposed to 2 times the safe limit for almost 3 times the safe duration.

I called FEMA immediately, told them that our camper tested over 2 times the safe limit for formaldehyde exposure, and asked for a new camper. At the same time I also asked them how they planned to test other FEMA campers along the coast because I knew I could not be the only camper out there with this type of contamination. FEMA responded that I should "be happy to have what I have" and told me that "we do not have any more campers available so you will have to make due with what you have".

I could not believe what I was hearing, FEMA was telling us that we should be happy to have a cancer causing camper and that they were going to doing nothing to address the issue. I told the people at FEMA that if they did not help us, if they did not publicize a testing program, that I was going to do everything in my power to get as much press around this issue as I could and just maybe that might force them to act. FEMA still refused to help.

During this time I also started digging around to see if I could find anything about FEMA and formaldehyde on the Internet and came across some OSHA tests results dated October 11, 2005, 43 days after the storm, http://www.osha.gov/katrina/lisareports/gandv_combined.html. The tests OSHA conducted tested for all kinds of toxic and dangerous chemicals including formaldehyde. One test in particular was conducted at FEMA trailer holding center in Pass Christian, Mississippi and revealed formaldehyde levels in outside ambient air as high as 5 ppm, not .5 ppm, but 5 ppm. This was outside ambient air that was being contaminated by the off gassing of the formaldehyde from inside the campers. I was shocked and scared, if OSHA knew this was an issue, then FEMA must also know, and that means that this entire time I was fighting in futility. FEMA already knew the trailers were

contaminated and decided to deliver them anyway, this was a shocking revelation for me.

I finally decided to call our local television station, WLOX, and ask reporter Al Showers if he would do a story on the issue. He agreed but was also a little concerned because he also lost his house during the storm and was also living in a FEMA trailer and both of us had already heard stories about campers being taken away from people and some living back on their slabs. Al and I feared if we did the story we could be next, but neither of us could sit back and let people get sick without doing something.

The story ran at ten o'clock that evening and at 8am the next day I got a phone call from FEMA informing me that they were on the way with a new camper. Needless to say I almost fell over but asked them to wait one day because I had to empty the old camper. I spent the next half day packing our clothes, dishes, bedding, TV, etc. and loading it back into my car and storage trailer.

During this time I also received a call from The Sierra Club. They were interested in my results and wanted to try and expand testing to other FEMA campers. I agreed to help them and working together we tested 68 campers and 60 of them had hazardous levels of formaldehyde over the EPA's .1ppm...88% of the campers the Sierra Club tested were not fit to be lived in.

FEMA arrived early the next day and workers immediately tried to cut my sewer and water lines, but I stopped them. At this point I had a distrust of FEMA and wanted to see the "new" trailer before they took the old one, it was a good thing I made them wait. The trailer that FEMA brought was another Gulf Stream Cavalier and I could smell the formaldehyde from outside the camper. I opened the door and went inside and was only able to last a minute before I had to get out. Even the workers who delivered it said there is no way they could stay inside. I refused delivery and sent the workers away. Later that day I got a call from FEMA and the woman told me that she wanted to speak with me about my camper and wanted to record the conversation. I refused. Why does FEMA want to tape my conversation?

I was asked questions like, "what are we going to have to do to make you happy" and "so you didn't refuse it because of the type of camper it was" inferring that the camper they delivered was somehow not "nice" enough for us. I told FEMA that all we were trying to do was get a safe place to sleep. FEMA said that they would contact us in a few days and would try to resolve the problem.

FEMA called soon after and said that they will be bringing a new camper that has already been inspected by numerous people at FEMA and has no formaldehyde smell. I was timidly optimistic and the next day the trailer arrived. FEMA representatives showed up early and again wanted to cut my

sewer and water lines but this time there were close to 15 FEMA representatives on site. A woman who stated that she was a Public Relations Specialist with FEMA told us that she personally inspected the trailer that was coming and that it was brand new and loaded with options. We really didn't care about the options and actually liked the layout of the original camper; all we wanted was something safe. The woman convinced us to let the workers take the old camper and with that they cut the sewer and water lines a pulled the camper out of the driveway. I found it interesting that once our FEMA camper was pulled out of our driveway, some of the FEMA representatives started taking pictures of everything. Then I overheard one of the FEMA representatives on the phone and they stated "okay, I make sure that no one goes in it" and with that yelled out to the workers that no one was allowed inside the camper. The FEMA representative also told the driver who was towing the camper that when he got back to the holding center the camper was to be placed in a special place per the person they were talking to on the phone. I have worked in police work for many years and what I was seeing take place looked very much like preserving evidence and maintaining a chain of custody. I felt like a criminal.

Within the hour the replacement camper arrived and we were very excited to see it coming down the street. The workers soon set to work setting up the camper while the Public Relations woman kept my wife and I busy telling us over and over again how pretty the new camper was.

By now it was getting dark and the workers were finishing up, so we finally got to enter the camper. It was immediately evident to us that this was not a new camper, but was actually a used camper. Surface dirt was everywhere, stove was greasy, floors were dirty, bathroom tub was moldy, but we didn't smell any formaldehyde. The Public Relations woman told us that she had to leave at which time I told my wife that if we started now we could probably get it clean in time for bed. So we start cleaning, I took back the bedspread to start making the bed and immediately noticed bugs in the bed. Not long after I noted that the kitchen sink was leaking all over the floor and that the sewer holding tank was clogged. I tried to call FEMA but the Public Relations woman I called told me it was too late in the evening on a Friday to do anything and that we would have to until Monday morning to get the issues resolved. I told her that we couldn't sleep in a bug infested bed. She told me that she would have to call me back and about an hour later called and told me that she could put us in a hotel in Pensacola Florida for one night if we wanted. I informed her that it was already after 10pm and it would be almost 2am by the time we get to Pensacola and that it would be too difficult to go there for one night. I told her that if we could not find a place to stay that my wife and I would have to stay in our truck. She told me that if we stayed in the truck that it would be our decision but wanted to make clear that FEMA was offering to put us in the hotel for the night. So began 5 days of living back in our truck.

Not longer after this, and while still living in our truck, I was visited by two FEMA representatives. They showed up on Sunday night around 8pm and wanted to see the camper. One person identified himself as the head of the Mississippi camper program and said that FEMA will fix the problems. He stated that our camper should never have been delivered in that condition and he would have it cleaned even if he had to rip out the furniture and have a crew of 10 work for 2 straight days to get it done. During our talk I asked this FEMA representative where he was living and he told me that he was living in a gutted apartment in Gulfport, not a FEMA camper, a gutted apartment in Gulfport. I thought to myself, so the head of the Mississippi FEMA Trailer Program is not only taking up scarce rental housing on the Mississippi Gulf Coast but he is also smart enough to know NOT to stay in a FEMA trailer.

For the next few days we tried unsuccessfully to resolve our differences with FEMA. Finally the pressure and delays became too much. My job was on the line, it had been weeks of living in my truck and unable to work, our health was at issue choosing between at formaldehyde contaminated trailer or an unsanitary truck with no restroom facilities, move and allow FEMA force us from our home, or try to find my own camper. I decided to take the insurance money that I should have used to rebuild my home and decided to purchase my own camper and ordered FEMA off my property.

I purchased a 36 foot 5th wheel with 3 slide outs, a fireplace, two a/c units, a king size bed, washer/dryer, television, DVD player, built in surround sound, computer work station, two recliners, and a queen size pull out sofa for $50,000.00. The camper was delivered to my home and setup for free. It came with a one year bumper to bumper warranty, a 10 year warranty on the roof, 20 years on the frame, and an average of 3 years on the appliances. My question to FEMA has always been how they can justify a $55,000.00 to $65,000.00 cost for the Gulf Stream Cavaliers that they purchased in response to the Katrina disaster. Not only was it a financial waste it has ultimately sickened thousands along the Gulf Coast.

As I sit in front of you today I know that my wife and I are some of the lucky ones. Unlike tens of thousands on the Gulf Coast, we were able to remove ourselves from a dangerous and life threatening situation and are today, safe. We often think about where we might be if FEMA had never entered our lives or what it might be like if we had the money back that we were forced to spend to make ourselves safe. We worry a great deal about the future and what health consequences we may face as a result of our time in our FEMA camper. We have lost a great deal through our dealings with FEMA, not the least of which is our faith in government. We now know the sad truth that "a culture of life" is only rhetoric and in the real world you are on your own.

Chairman WAXMAN. Thank you very much, Mr. Stewart.

Mrs. Huckabee.

STATEMENT OF LINDSAY HUCKABEE

Mrs. HUCKABEE. I would like to start by thanking Chairman Waxman and members of the committee for taking the time to address this important issue.

My name is Lindsay Huckabee. I live in Kiln, MS in a FEMA-provided mobile home with my five children and my husband. On August 29, 2005 we lived in an apartment in Pass Christian. We learned days later that our apartment and all of its contents had been destroyed. We contacted FEMA, and they told us that, because of our family size, we did qualify for a single-wide mobile home. We were very excited and felt very blessed.

We were told that if we cleared the site, provided our own septic, our own water, and our own electricity, that they would deliver the camper. We had everything ready by mid-November.

On December 14th our new home was delivered and set up. We realized upon moving in that there was a strange smell to it. It made our eyes water, our throats itch. We had numerous respiratory problems, but we had never had a new trailer before, we just assumed that it was the plastics and all that kind of stuff.

I began having migraine headaches and pre-term labor. My daughter, who had been asthma free for about a year—we had just discussed on August 3rd, her 4 year checkup, that she had probably outgrown it—began having asthma attacks. Three of my children began having severe nosebleeds several times a week. My husband began having problems with his sinuses, as well.

After 3 weeks of pre-term labor, stopped by medication, our youngest son, Michael, was delivered 4 weeks early. All of my other children were born on time.

We brought him home from the hospital. He was healthy. About 3 days after being home, his sinuses became congested. Today he is 18 months old and his sinuses have not cleared up for more than a week or two at a time.

My daughter, Lelah, who was 4 when we received the trailer, had most of the problems. She has had pneumonia several times. She has had more ear infections than I can count. She has been put on steroids, breathing treatments. She has been sent to the hospital with pneumonia and been hospitalized three times to date. She was sent to an ENT, where she underwent allergy testing, and MRI of her sinuses, and they put tubes in her ears so that the excess fluid her sinuses were producing could escape.

The only thing that he had to say whenever I asked about the allergy test was that she was allergy free and there seemed to be some kind of irritant that she was being exposed to. He then asked me if we were living in a FEMA trailer. I told him we were. He said that there were chemicals in those trailers that could be making children sick. He said it was too early to tell, but he had seen an increase in patients repeatedly with the same problems.

We took Lelah to an allergy and asthma specialist. They did another allergy test and found nothing. I never thought that I would be upset to hear there was nothing wrong with my child, but if it was an allergy, at least we had something we could fight. The idea

of our home making us sick was not really something that we were ready to grasp, since we had no other place to go.

The allergy/asthma specialist had also seen an increase in patients with mild to moderate asthma becoming very severe.

After an inhaled steroid twice a day, an oral steroid, and allergy medication once a day, Lelah's asthma is now under control. Lelah missed 42 days of kindergarten this year. I had to deal with the truancy officers at school, even though all but three of these days were excused by doctor's visits, hospitalizations, and surgeries.

The school nurse has called me more times than I can count to go pick her up because of a nosebleed that wouldn't stop and fevers that were caused by ear infections that wouldn't go away. Looking back, she would have been better off staying at school than coming home to the environment that was making her sick.

After months and months of office visits and phone calls, I was frustrated. I came home one afternoon and found my daughter. Her hand was over her nose. She was covered in blood—her hand, her arms, her shirt. The most frightening thing later, when I thought about it, was I didn't rush to her. Not for a second did I think there was anything wrong with my kid other than a nosebleed. It was very sad to me, but I have gotten to the point where it is a common practice to see my child covered in blood and it not scare me.

Our pediatrician had made a link also with the FEMA occupants and the patients having increased problems. It was through him that I was contacted by the Sierra Club to do a formaldehyde test on our trailer. We did the test. It came back at 0.18 parts per million, almost two times the recommended limit. This was after 16 months of living there, after airing out our trailer, after running the A/C nonstop, opening windows and doors whenever we weren't home, so I can only imagine what it was for the 16 months that we were there beforehand.

Three weeks ago my husband was having his teeth cleaned and they found a mass in his soft palette. They referred him to an ENT. He had a CAT scan. The ENT said that he needed to go in and have it removed immediately. The mass ended up being a polymorphic adenoma tumor. While no one can say for sure if it was caused by formaldehyde or not, my husband is an otherwise healthy, 30 year old, non-smoking man.

This is something that the ENT said that could be the beginning of what we will see on a long-term basis for the formaldehyde exposure.

What makes me so angry is that FEMA is providing these trailers to disaster victims. They said that they have inspected these trailers and deem them safe. I do not believe that FEMA set out to harm people of the Gulf Coast. I have to have more faith in our Government than that. But I do think it was handled very poorly whenever they were notified.

We had contacted FEMA over and over again about something making our family sick and several problems, and we were met with much resistance. Whenever we told them about our levels of formaldehyde, they replaced our trailer in June of this year. We had that formaldehyde tested, as well, and it is still over the limit. Whenever we called FEMA, the level is lower than the other one was, and she said, So we are good, right? We are not finished mov-

ing into this trailer, and I don't believe we will. I think that it is very silly to expose my children to this unnecessary risk. And we were told ahead of time that this trailer was completely formaldehyde free, it was used, it was built in 2005 by a different manufacturer.

In closing, I would like to say that I represent probably the median of the problem. There are people who are in severe cases and far worse than mine. It is scary to me that people who don't know about formaldehyde don't know what to look out for, because if you look at the nosebleeds, the colds, the sinus infections separately, you just think that your kids are staying sick.

I asked my pediatrician more times than I can count—my house is clean, I am keeping away from people who are sick. What can I do to keep these kids healthy? It is so frustrating, as a mother, to go back and forth, and it feels like you are failing whenever you can't keep your kids out of the hospital and you can't keep them from getting sick. I think that the other people of the Gulf Coast need to be publicly notified of what symptoms to watch for, because they could be silently suffering and not realize what is making them sick.

[The prepared statement of Mrs. Huckabee follows:]

Prepared Testimony of Lindsay Huckabee
Government Reform and Oversight Committee
U.S. House of Representatives

July 19, 2007

I would like to start by thanking Chairman Waxman and the members of the committee for taking the time to address this issue and for allowing me the honor of coming before you to speak. My name is Lindsay Huckabee. I live in Kiln, Mississippi in single-wide mobile home provided by the Federal Emergency Management Agency (F.E.M.A.) following Hurricane Katrina with my husband and our five children.

On August 29, 2005, I lived in an apartment in Pass Christian, Mississippi. A few days later, we learned that our apartment and all of its contents were destroyed by Hurricane Katrina. The floodwaters had come into our apartment and above the ceiling several feet into the apartment above ours. We contacted F.E.M.A. and were granted immediate assistance. In early October, we received a travel trailer to use as our temporary residence. Because of the many maintenence problems the trailer had, we were unable to stay in it. After six weeks of no response from the maintenence department, we contacted F.E.M.A. We were told that we qualified for a single-wide mobile home because of our family size. If we cleared a site, provided our own septic, water and power to the site, they would deliver a home. We met all of the requirements and were ready for the trailer by mid-November.

On December 14, 2005, our new home was delivered and set up. We were very excited and felt very blessed. We had four children and another due at the end of February. As we were moving into the trailer, we noticed that it had a very strong odor. We figured that is what a "new" trailer smelled like. Our whole family began to have sinus problems, our eyes would burn and water, and our throats were constantly sore. We seemed to catch every cold and virus going around, but we couldn't get rid of the illnesses. Three of our children began having severe nosebleeds, sometimes three or four times a week. I began having migraine headaches and pre-term labor. At the time, my doctor thought maybe my blood pressure was going up at home, causing the headaches.

After three weeks of pre-term labor stopped by medication, my youngest son Michael was delivered four weeks early on January 17, 2006. Each of my previous pregnancies was either full term or past due. Michael was healthy and came home on time. Within a few days of being home, his sinuses were congested. I was so scared. None of my children even had a cold until they were much older than he was at the time. I kept thinking he is so small and too young to be so sick. He never had a fever though, which suggested that his sinuses were just irritated. I was so worried that he would choke on the phlegm he was coughing up that I stayed up most nights watching him sleep.

My daughter Lelah, who was four when we received the trailer, seemed to be affected the most. She began having asthma symptoms. She had been diagnosed with

asthma when she was about one, but had been symptom free for about a year. Just prior to moving into the mobile home, I discussed with her doctor the possibility that she had outgrown the asthma when we went in to see him for her four-year-old checkup. Over the next 18 months, Lelah had more ear infections than I can count, nosebleeds several times a month, sometimes as many as a three a week. She had pneumonia several times. For most of the cases, she was treated at home with steroids and breathing treatments, but she had to be hospitalized twice because the pneumonia was so severe. Lelah was sent to an E.N.T., where she underwent allergy testing, an M.R.I., and surgery to put tubes in her ears so that the excess fluid her sinuses were producing had a place to escape. She was put on different allergy medications, steroids, and nasal sprays to try and ease her symptoms. Nothing worked. I was told by our E.N.T. that we needed to get out of the trailer as soon as we could. He had many repeat patients with the same symptoms all living in F.E.M.A. trailers. He said that there were chemicals that could be making Lelah sick. We took Lelah to an Allergy and Asthma specialist. He did another allergy test and found nothing. I never thought I would be upset to hear that nothing was wrong with my child after a test. If there were an allergy, then at least we would know what to fight. He did say that her asthma was not as under control as I thought it was. Her coughing in the middle of the night and the constant "cold" she kept needed to be closely monitored. He said that she obviously had a constant exposure to some sort of irritant. Then he asked if we were in a F.E.M.A. trailer. He too had seen an increase of patients with inactive or mild asthma having more severe problems upon moving into these trailers. After putting Lelah on inhaled steroids twice a day, a daily allergy medication, and an oral steroid if she starts to get a cold, we have her asthma "under control." Lelah missed 42 days of kindergarten this year. All but three of these were because of doctor visits or asthma systems. The school nurse called me to get her from school several times because of nosebleeds and fevers. Looking back, she would have been better off spending more time at school rather than being sent home. We were taking a sick child and making her spend more time in the place that made her sick.

After months and months of office visits and phone calls, I was frustrated and upset. I came home one afternoon to find my daughter covering her nose; her hands, arms and shirt were covered in blood. The surprising part is that I did not feel the need to rush to her and find out what was wrong. I did not think for a second that it was anything more than a bloody nose. Two years ago, I would have panicked trying to get to her. Later that night, I cried for hours. How had we gotten to the point where I was not surprised to see my child covered in blood? I asked my doctor what I was doing wrong. Why couldn't I get my kids healthy and keep them that way? I had always been one of those moms who wouldn't bother the doctor with a low-grade fever or a cold that didn't last more than a week. Before moving into the F.E.M.A. trailer, I can't remember going to the doctor other than for well-child checks and a few times with Lelah when she was very young for treatment of her asthma. Suddenly I was at the doctor's office or calling him just about every week. The receptionist knew me by my first name, and I swear she probably knew my voice, too. Our Pediatric doctor had told me that there seemed to be a trend among patients in F.E.M.A. trailers and increased office visits with allergy-like symptoms. It was through him that a Sierra Club member contacted me about a

formaldehyde test to see if we were living in levels that could be dangerous. I really did not want this to be the answer, since we had nowhere else to go.

We finally had a Formaldehyde test done on our trailer in April of 2007. It came back as 0.18ppm, well above the 0.10ppm believed to be harmful to humans. There is no way to know how high it was in the 16 months we lived in the trailer. Since F.E.M.A. suggested that "opening windows would out-gas the fumes and lower the level", I have to believe that the level was much higher when we moved in. When we told F.E.M.A. about the test, we met much opposition. F.E.M.A. representatives were rude when I called them. I was forced to call more than 5 different representatives, and my request for a new mobile home was lost twice before anything was done to help solve my problem. Finally, F.E.M.A. agreed to replace our mobile home. We packed up our stuff and put it in storage. We stayed with family for the week it took to switch the trailers out. We were told that the new trailer would be "formaldehyde free". It was a used trailer built in 2005 by a different company. We had a formaldehyde test done on it before we started to move anything into it. An inspector from F.E.M.A. saw the tester hanging and asked what it was. When I told him it was used to test for formaldehyde, he said that people were claiming to have high formaldehyde levels so they could get bigger and better trailers. When I asked if F.E.M.A. had done tests to find this out, he said NO. The test on the new trailer came back at 0.108ppm which is still above the level believed to be harmful, but lower than the last trailer. When we called F.E.M.A. to tell them what the results were, the lady said, "so we are good, right?"

Three weeks ago my husband was having his teeth cleaned when the dentist found a mass in his soft palette. He was referred to an ENT to have it examined. He had a CT scan followed by surgery to remove the mass, which they discovered was a Polymorphic Adenoma tumor. My husband is a healthy, 30-year-old non-smoker. His tumor was a common type, but in a very rare location. When I brought up our recent formaldehyde test, the ENT asked my husband if he breathes through his mouth which he sometimes does. While no one can say for certain that the formaldehyde caused this kind of mouth tumor, the ENT said that he will definitely make note of it for possible future study. It is known, however, that formaldehyde puts people at an increased risk for nasal and lung cancer. Mouth tumors could be another long-term effect of people living with the high concentrations of formaldehyde.

What makes me so angry is that F.E.M.A. is providing trailers to disaster victims that they have "inspected" and deemed safe without truly ensuring that they are. F.E.M.A. does not run air quality tests on the homes they provide; my air quality test was done at the expense of the Sierra Club. I have heard there is a pamphlet that was given to people by F.E.M.A. about formaldehyde, but I never received one, not even with the second trailer. If it had not been for my family's medical problems, I would not have known about the formaldehyde problem. I am scared to think of how many other families are being exposed to high levels of formaldehyde and will have medical problems in the future.

What scares me even more is the knowledge that the level of 0.1ppm, the maximum recommended exposure limit, was not intended to gauge how safe exposure was for children, people with breathing problems, or even healthy adults for longer than the average eight hour workday. No one can tell us what to expect long-term from this exposure. I do not want to believe that F.E.M.A. knew about the formaldehyde when they issued these homes, but I do know that when it was brought to their attention, they spent little effort to fix the problem. Instead, people were made to feel that they were being too picky, or looking to blame someone else for simple colds and normal problems. If you take each individual and their symptoms, they appear to be no big deal. I think this make formaldehyde even more dangerous. When F.E.M.A. took on the role of landlord for the thousands of people, they took on the responsibility to provide a safe, fit home for these people. This temporary housing should have given people time to get on their feet again, and even save some money for a permanent home. Instead we are spending so much on medical bills and prescriptions, we are actually moving backwards.

Thank you very much for taking the time to read my testimony and to deal with this very important issue.

Chairman WAXMAN. Thank you very much, Mrs. Huckabee.
Mr. Harris.

STATEMENT OF JAMES HARRIS, JR.

Mr. HARRIS. I would first like to thank God for truly blessing me to be here today before you at this time in our history. I would like to thank the chairman and members of the Oversight and Government Reform Committee for the opportunity to share my experiences with you at this time.

My name is James D. Harris, Jr. I am 46 years old and I have been blessed with a wonderful wife of 17 years named Aretha. God saw fit to bless us with a son who is 6 years old, and his name is James D. Harris III. Of course, we call him Tre'.

I am self-employed with Agape Trade Graphics in Marketing Group, and I am also a minister of the Gospel. I have been blessed to have been in the ministry for over 20 years, focusing those efforts mainly in the southern region of the United States. My small business was established in 1999 and continued to grow until the disaster known as Hurricane Katrina came on the Gulf Coast.

Since the hurricane, my business has diminished and my ability to prosper from that endeavor has been hampered by overall economic recovery here on the Gulf Coast. I was blessed to start a nonprofit organization named the Guardian Angel Adoption Program, with the Web site address of www.guardianangelprogram.org. It has been a blessing to many families here on the Gulf Coast. The nonprofit endeavor was formed after witnessing the unfortunate oversight of many families and seniors who were tragically left behind or out of the recovery and rejuvenation efforts of some of the other agencies here on the Gulf Coast. I must state for the record there is still a great need of services for people like these in the public at large, especially here on the Gulf Coast.

If someone would have told me 3 years ago that I would be living in a FEMA trailer with my wife and son, I just wouldn't have believed that. But the reality is that I am in a FEMA trailer and have been living here since April 2006 until now. Many people that I come in contact with are in the same position that my family and I are in now.

I must state for the record that I am thankful to have a roof over my head and shelter from the elements. I just want to say that it is a blessing to have somewhere to stay. By nature, I am not one to complain about my circumstances or situations that I find myself in from time to time, when God has allowed me the strength to endure and to maintain as much as possible, especially during the trying times after Hurricane Katrina.

I must say I have never witnessed first-hand in my life the overpowering devastation that one event could have on so many people.

With all that being said, my life has been changed, as so many others have during the aftermath of Hurricane Katrina, and I must say I will never be the same again.

My family and I have experienced many challenges in pursuit of getting the FEMA trailer we now have. Time will not permit me to address some of those challenges, but I will say that I have exer-

cised every bit of knowledge that I have experienced and plain old luck to get in position to be in the facility at this time.

When my family and I entered into the trailer in April 2006, we noticed a pungent and overpowering odor that permeated through the whole FEMA travel trailer. You must understand that the three of us are living in a space less than 50 square feet. There is one bathroom, and only one door for access in or out. We also noticed that our eyes burned and watered as we tried to inhabit the trailer facility.

We were told by the persons who gave us the keys to the trailer initially that if we opened the doors and windows of the trailer and allowed the trailer to air out for a period of a couple hours, that all the odors and the burning sensations of our eyes would pass and would not come back.

Over a period of time and to this day we have found that this remedy did not remove the strong odors that we now know to be formaldehyde. On many occasions my wife and I contacted the FEMA maintenance number to register our concerns and express our displeasure in the frequency and the magnitude of the odors and the visual challenges that being in the trailer presented when these conditions existed. The reply we received from the FEMA maintenance call center was the same, stating, You need to allow the trailer to air out when you smell these odors. There was never any attempt that I know of to physically try to address this concern.

There were other physical conditions that have arisen inside the trailer and outside the trailer, and they have for the most part been addressed, but this particular issue seems to have continued to be addressed to us in the same fashion.

Now, you must also understand that my family and I stayed in one room on the north side of my parents' home after Hurricane Katrina. The southern exposure of my parents' home was compromised and destroyed by the hurricane's fury. My parents, my brother and his wife and two sons, and my family and I existed in the room of my parents' home for 8 months. So when we were finally able to get in a FEMA trailer, we were so thankful and continued to try to make things work.

I never realized until late that we might even have the possibility of being moved into another more adequate and more environmentally safe trailer. Not being aware of that fact, I know that this is one of the main reasons why, after notifying FEMA maintenance in about the formaldehyde and how it was affecting us on numerous occasions, we just decided to make the best of the situation.

I must note at this point that we noticed often that the company that FEMA was contracting the maintenance trailers were in charge of that particular process were changing almost every 2 weeks. This frequent changing of the guards I believe affected the way in which the situation was handled, and eventually never truly was addressed.

I would notice, along with my wife, that if we ever left the home for more than 5 to 6 hours, when we returned the smells and odors would sometimes be overpowering. This means we had to air out our trailer on several occasions, losing time while we were waiting for the air quality to resume to some level of acceptability, and we

figured this was to be our accepted existence in this FEMA trailer. This happened many times during our occupancy of the trailer.

While I felt there was no other avenue available to me, I had to find a way, with God's help, to make the air quality in the trailer the best that I could. I purchased an Oreck XL tabletop professional air purifier in July 2006, for $469.95. I had to borrow the money to purchase this air filter, but I did what I felt I had to do to protect my family to exist day to day. Without this filter, I don't even know if we could have been in the trailer at all.

Let me close in saying this: since we have been in the trailer, we have had to nebulize our son several times, and my wife and I believe this goes directly to the lack of air quality at times in the trailer. My wife has also had bouts with breathing, and I have had several respiratory incidents, the latest of which occurred on Thursday, July 12, 2007. The smell of the formaldehyde was so strong and so overwhelming that my eyes and my family's eyes were discomforted and we just opened up the windows and everything, and it got so bad that this past Tuesday I actually had to go to the emergency room.

I am not going to read the rest of the statement. You have it for the record. But in closing I would like to say to you all I didn't even know the Government was concerned. When I found out about this, I just want to let you know I am thankful to know that somebody is concerned. When you are helpless, it is one thing; but when you are hopeless, it is something else. So I hope that something is done about this problem.

I am free to answer any questions that you might have.

Thank you.

[The prepared statement of Mr. Harris follows:]

Prepared Remarks of
James D. Harris, Jr.
Before the
Committee on Oversight and Government Reform
U.S. House of Representatives

July 19, 2007

I would first like to thank God for truly blessing me to be here today before you at this time in our history. I would like to thank the Chairman and the Members of the Oversight and Government Reform Committee for the opportunity to share my experiences with you at this time. My name is James D. Harris, Jr. I am 46 years old and I have been blessed with a wonderful wife of 17 years named Aretha. God saw fit to bless us with a son of 6 years old and his name is James D. Harris, III, but we call him Tre'. I am self employed with Agapetre' Graphics & Marketing Group and I am also a Minister of the Gospel. I have been blessed to be in the ministry for over 20 years focusing those efforts mainly in the Southern Region of the United States. My small business was established in 1999 and continued to grow until the disaster known as Hurricane Katrina came on the Gulf Coast. Since the Hurricane, my business has diminished and my ability to prosper from that endeavor has been hampered by the overall economic recovery here on the Gulf Coast. I was blessed to start a non-profit organization named The Guardian Angel Adoption Program with a website address of www.GuardianAngelProgram.org and it has been a blessing to many families here on the Gulf Coast. The non-profit endeavor was formed after witnessing the unfortunate oversight of many families and seniors who were tragically being left out of the recovery and rejuvenation efforts of some of the other agencies here on the Gulf Coast. There is still a great need for services like these to meet the needs of the public at large especially here on the Gulf Coast.

If someone would have told me three years ago that I would be living in a FEMA Travel Trailer with my wife and son, I would have believed them to be inaccurate. But the reality is that I am in a FEMA Trailer and have been living here since April 2006 until now. Many people that I have come in contact with are in the same position that I and my family are in now. I must state for the record, that I am thankful to have a roof over my head and shelter from the elements. This sometimes overlooked necessity is truly a basis for sustaining our existence and maintaining some normalcy in day to day living. By nature, I am one not to complain about my circumstances or my situations that I find myself in from time to time. God has allowed me the strength to endure and to maintain as much as possible and especially during these trying times after Hurricane Katrina. I have never witnessed first hand in my life the overpowering devastation that one event could have on so many people. With all that being said, my life has changed as have so many others during the aftermath of Hurricane Katrina... and I will never be the same ever again!

My family and I have experienced many challenges in pursuit of getting the FEMA Trailer we now have. Time will not permit me to address some of those challenges in fact, but I will say that they have exercised every bit of my knowledge, experience and plan old luck to get positioned to be in this facility at this time. When my family and I entered into the trailer in April 2006, we noticed a pungent and overpowering odor that permeated throughout the whole of the FEMA Travel Trailer. You must understand that the three of us are living in a space less than 50 square feet. There is one bathroom and only one door for access in or out. We also noticed that our eyes burned and watered as we tried to inhabit the trailer facility. We were told by the persons who gave us the keys to the trailer initially that if we opened the door and windows of the trailer and allowed the trailer to "air out" for a period of a couple of hours, that all of the odors and the burning sensations of our eyes would pass and would not come back. Over a period of time and to this date, we have found that this remedy did not remove the strong odors that we now know to be formaldehyde.

On many occasions, my wife and I contacted the FEMA Maintenance number to register our concerns and express our displeasure in the frequency and the magnitude of the odors and the visual challenges that being in the trailer presented when these conditions existed. The reply we received from the FEMA Maintenance Call Center was the same, stating, "You need to allow the trailer to "air out" when you smell these odors". There was never any attempt that I know of to physically try to address this concern. There were other physical conditions that have arisen inside the trailer and outside of the trailer, and they have for the most part been addressed, but this particular issue seems to have continued to be addressed to us in the same fashion. Now you must understand that my family and I stayed in one room on the north side of my parents' home after Hurricane Katrina. The southern exposure of my parents' home was compromised and destroyed by the Hurricane's fury. My parents', my brother and his wife and two sons and my family existed in the remnant of my parents' home for 8 months, so when we finally were able to get a FEMA trailer, we were so thankful and continued to try to make things work.

I never realized until late that we may have a possibility of being moved into another more adequate and more environmentally safe trailer. Not being aware of that fact, I know that this is one of the main reasons why after notifying the FEMA Maintenance Call Center about the formaldehyde and how it was affecting us on numerous occasions, we just decided to make the best of the situation. I must note at this point that we noticed often that the companies that FEMA was contracting the maintenance of the trailers to changed almost every other week. This frequent "changing of the guards" I believe directly affected the way in which this situation was handled and was eventually never truly addressed. I would notice along with my wife that if we ever left the home for more than 5 or 6 hours when we returned the smells and odors would sometimes he overpowering. This means we have had to "air out" the trailer on several occasions, loosing time while we were waiting for the air quality to resume to some level of acceptability and we figured this was to be our accepted existence in this FEMA trailer. This has happened many times during our occupancy of the trailer. When I felt that no other avenue was available to me, I had to find a way with God's help to make the air quality in the trailer the best that I could. I purchased an Oreck XL Tabletop Professional Air Purifier in July 2006 for $469.95. I had to borrow the money to purchase the air purifier, but I did what I felt I had to do to protect and help my family to exist day to day. Without this filter, I do not know what our physical condition would be right now.

Since we have been in the trailer, we had to utilize a nebulizer for our son on several occasions and my wife and I believe this goes directly to the lack of air quality at times in the trailer. My wife has also had a few bouts with breathing and I have had several respiratory incidents the latest of which just occurred on Thursday, July 12, 2007. The smell of the formaldehyde was strong and very overwhelming and of course, my eyes and my family's eyes were discomforted and we had to open up the door and windows of the trailer for two and a half hours. My wife sister and her family were here to visit us and the situation was not very hospitable. Thank goodness that we were able to visit in my parents' living room. After that day my chest started to hurt and I suffered acute pain in my lungs and chest areas respectively. This lingered for several days and I finally ended up in the emergency room on Tuesday, July 17, 2007 with those same chest pains and upper respiratory issues. I was discharged that evening with no heart maladies, but I do have a slight respiratory infection that the doctor prescribed medicine for the remedy of the onset. Pain medication, anti-inflammatory medication and finally an anti-biotic was prescribed to me to clear up the infection in my body. I was asked what I had breathed to cause this and I told them about the trailer episode. The staff acted accordingly to this situation. I have come into contact with several other families that have had issues with the formaldehyde presence in their respective FEMA provided shelters. I cannot recall anyone who does maintenance or inspections addressing the formaldehyde issue with us verbally or in writing. Communication has been a big hurdle in reference with this whole life experience and lack of continuity on getting with someone who could address the challenge, assist us in this situation and finally bring fortb a remedy that would allow us to have a safe-transition to our permanent residence after this life-changing crisis.

This has truly been a test of our make-up and our ability to adapt to our environment as it is. This is a position that I do not wish upon anyone… let alone my own family, but this again has been the cards that have been dealt to me…so I have attempted to make lemonade. I know that there are so many others who have dealt with these and other similar situations and to them; I take my hat off respectfully and I pray for all of them on a constant basis. I am not sure why I am in this situation presently, but if my remarks and observations can assist in bettering someone else's life or existence, then my efforts are truly worth it all. Thank you for this opportunity to share with you a part of my existence and experience with this issue of formaldehyde and the challenges that this unfortunate situation brings. God Bless and keep is my prayer.

Chairman WAXMAN. Thank you very much, Mr. Harris.

I want to thank all of you. It is not easy to come and testify before Congress, sharing your experiences which were not happy ones, but it is important that you are here, and this is a very helpful presentation.

I am now going to recognize Members to ask questions, and I am going to start with myself.

You told us just compelling stories of what happened to your families. I guess the question we want to know is, are these isolated incidents, or are they widespread? Dr. Needle, do you have any information about that?

Dr. NEEDLE. Yes, Mr. Chairman. It has been very difficult to get a handle on the numbers, and part of this is because, as the other presenters have testified, the symptoms are not anything, in and of themselves, unusual. They are very common things. Myself, as a pediatrician, this was part of the problem that I ran into is I would try and go back to my medical records or try and pinpoint who might be suffering. They were having colds and sinus infections——

Chairman WAXMAN. So a lot of people would suffer. Kids would come in to see you and they wouldn't associate it with the formaldehyde.

Dr. NEEDLE. Exactly.

Chairman WAXMAN. Is that right, Ms. DeVany?

Ms. DEVANY. Yes, sir. Exactly.

Chairman WAXMAN. And some of you said thousands of people are living in trailers. Is that an accurate statement, Ms. DeVany?

Ms. DEVANY. I would say it is certainly accurate or even more than accurate. It may be more like tens of thousands. The trouble is almost every trailer that FEMA sampled unoccupied, continuously ventilated for 3 weeks, almost all of them had elevation levels 100 times the recommended exposure limits.

Chairman WAXMAN. Those were trailers that were not occupied, with the windows open, the air conditioning going, and then at still very high levels?

Ms. DEVANY. Extremely high levels. And, like I said in my testimony, the Sierra Club's efforts were similar. Almost all of the trailers had elevated levels that not only would not be allowed in the workplace for normal, healthy adults who were able to leave work and not be exposed, but certainly dangerous levels for our more fragile and sensitive segments of the population—children, adults with compromised immune systems, other preexisting skin conditions, respiratory conditions.

And in that same vein, I am very, very concerned, as an industrial hygienist, about the people who have never complained about problems, who are afraid to complain about the problems for fear their trailer will be taken away from them, or don't have the money or speak the language well enough or have any idea who to turn to or where to go for help.

Chairman WAXMAN. That is very much of a problem.

Ms. DEVANY. From these samples, we know a vast majority of these trailers have levels way too high for anyone to live in.

Chairman WAXMAN. That is the story of the vast majority. You know because you have done vast sampling of it, but we know only

of one instance where FEMA sampled a trailer, and that was a case where, according to their documents that were submitted to us—maybe they sampled others—that was a trailer that was occupied by Carlton and Dawn Sistrunk, a husband and wife with a 4-month old daughter. Sistrunk was also 2 months pregnant. We got a signed statement from her that she complained and complained and complained, and in February 2006 they sent somebody out to test it. After they went out there and tested that trailer, they found formaldehyde levels of 1.2 parts per million, and she was told not to re-enter her trailer. It was 75 times higher than the guidelines for formaldehyde exposure set by the National Institute of Occupational Safety and Health.

In that case, after that case the FEMA people out on the field were saying this is a real problem, we have to do something about it. But after it got to the Washington people, the thing that we see consistently is that they wanted to ignore the problem. They just wanted to act as if it didn't exist. So what we had is indifference to the suffering of people who are already suffering because of Hurricane Katrina, and this is from an agency that is supposed to serve the public.

We found in the documents that the Washington FEMA lawyers told their field staff, Do not initiate any testing until we give you the OK. Once you get results, should they indicate some problem, the clock is running on our duty to respond to them.

It looks like they thought their duty was not to respond, not to know, to just be ignorant, to let people suffer. In fact—I thought this was remarkable—according to one internal FEMA e-mail that read, "According to HQ, there are no health concerns associated with the formaldehyde inside our FEMA mobile homes, travel trailers." That is what they were saying, that there were no health concerns.

Well, that just belies what the medical political and the others who suffered directly from the formaldehyde let us know from their own experience.

Dr. NEEDLE. Mr. Chairman, if I may?

Chairman WAXMAN. Yes.

Dr. NEEDLE. I think we have been calling on the Gulf Coast for some time that the reason, for instance, I cannot give you a straight answer as to how many people are affected by this problem is the short answer is we don't know. I think it warrants a study to find out exactly how many people are suffering, how many have come forward to FEMA or to the media or other agencies, and how many are, as Ms. DeVany said, basically suffering in silence. We don't have the answers to that.

Mr. HARRIS. And may I say to that——

Chairman WAXMAN. Yes, Mr. Harris.

Mr. HARRIS. Mr. Chairman and other Members, when you don't know what to do, you tend to try to make the best of the situation. When they talk about people suffering in silence, I think that people don't know what to do so they make the best of the situation because, even when they come to do the inspections—and they did an inspection with us about a week ago—we complained again. They said, well, we are not the ones that handle that. You need to call the FEMA call center and let them handle it. But when you

call them, they tell you that you need to get with the inspectors. So we don't even have a direct line of who to actually call to find out how to handle the situation.

I would say to you we need to know what to do and who to call so that we can try to make a change.

Chairman WAXMAN. Absolutely. This is Government bureaucracy at its worst. It is the Government failing the people who have already suffered from the hurricane and are now suffering from the health danger.

I want to move on to the other Members, but I am sure you will get a chance to answer some of these points or make some more if you want.

I would like to recognize Mr. Issa first, but can I ask unanimous consent to put a statement in the record by the Manufactured Housing Institute, which talks about their standards for building, and a statement by Lee Shull, who is a principal toxicologist and risk assessor. Without objection, that will be put in the record.

[The prepared statements of the Manufactured Housing Institute and Lee Shull follow:]

July 18, 2007

The Honorable Henry Waxman
Chairman
Oversight & Government Reform Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable Thomas Davis
Ranking Member
Oversight & Government Reform Committee
U.S. House of Representatives
B-350A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman and Ranking Member Davis:

The Manufactured Housing Institute (MHI), the national trade association representing all segments of the manufactured and modular housing industries, including manufactured and modular home builders, suppliers, retailers, community developers, owners and managers, insurers, and financial services provides, would like to commend the committee for holding this hearing addressing formaldehyde levels in Federal Emergency Management Agency (FEMA) "trailers" provided to victims of the 2005 Gulf Coast hurricanes. MHI will also take this opportunity to draw the distinction between manufactured housing built according to the federal Manufactured Home Construction and Safety Standards at 24 CFR 3280 (commonly called the HUD Code) and travel trailers built according to the ANSI A119.2 Standard for Travel Trailers. The terms "manufactured housing or home" should not be confused, or used synonymously, with "travel trailers." Both are factory-built housing but both housing types are designed and constructed to separate and distinct standards. Additionally, formaldehyde emission standards for HUD Code homes will be discussed.

Manufactured homes conform to the federal HUD Code, developed as a result of passage of the National Manufactured Home Construction and Safety Standards Act of 1974 as amended by the Manufactured Housing Improvement Act of 2000. The HUD Code is the only federally mandated building code in use today and is promulgated by the Department of Housing and Urban Development (HUD). Under the HUD Code, a manufactured home is defined as:

> *Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to Sec. 3282.13 and complies with the standards set forth in part 3280. Nothing in this subsection should be interpreted to mean that a manufactured home necessarily meets the requirements of HUD's Minimum Property Standards (HUD Handbook 4900.1) or that it is automatically eligible for financing under 12 U.S.C. 1709(b).*

On the other hand, travel trailers conform to the American National Standards Institute (ANSI) A119.2 Standard. This standard is developed through a private sector, nationally recognized standards writing organization. This is the only design and construction standard available for travel trailers that can be enforced by local building code jurisdictions. Under the ANSI A119.2 Standard, travel trailers are defined as:

2101 Wilson Blvd. Suite 610 Arlington, VA 22201-3062 Tel: 703.558.0400 Fax: 703 558.0401
http://www.manufacturedhousing.org email: info@mfghome.org

A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such a size or weight as not to requires special movement permits when towed by a motorized vehicle, and of gross trailer area less than 320 square feet.

There is another type of travel trailer known as a "fifth wheel" travel trailer. It is similar to a typical travel trailer but permits larger area dimensions. A fifth wheel travel trailer is defined as:

A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size and weight as not to require special movement permits, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above and forward of the tow vehicles rear axle.

The definitions state that manufactured homes are intended to be a dwelling unit with all necessary utilities contained, while travel trailers and fifth wheel travel trailers are only permitted for temporary living quarters.

In the case of manufactured homes, there are specific requirements that relate to formaldehyde emission limits for various building materials used to construct floors, walls and roofs. Particleboard is the primary building material for floor substrates. Medium density fiberboard (MDF), oriented strand board (OSB) and plywood are common building materials for exterior substrates for walls and roofs. A majority of the manufactured home producers use gypsum drywall for interior wall and roof surfaces.

The HUD Code established formaldehyde emission standards for specific board products installed in manufactured homes by HUD rulemaking in the Federal Register on August 8, 1984. The board materials covered where:

1. plywood at 0.20 ppm [HUD Code 3280.308(a)(1)]
2. particleboard at 0.30 ppm [HUD Code 3280.308(a)(2)]

These formaldehyde emission limits are for product certification under a laboratory environment. These limits are not indicative of the free formaldehyde that may be present in the manufactured home once completed. Laboratories test and certify (label) plywood and particleboard under ASTM Standard E1333 using the large air chamber test.

In addition, the HUD Code requires that manufactured home producers post a formaldehyde health notice in each new home produced and provide this same information in the consumer's manual [HUD Code 3280.309]. No other building code or standard in the USA requires a formaldehyde health notice to be posted in the home once completed even though travel trailers and site-built homes use the same building materials as manufactured homes. The health notice states:

Some of the building materials used in this home emit formaldehyde. Eye, nose, and throat irritation, headache, nausea, and a variety of asthma-like symptoms, including shortness of breath, have been reported as a result of formaldehyde exposure. Elderly persons and young children, as well as anyone with a history of asthma, allergies, or lung problems, may be at greater risk. Research is continuing on the possible long-term effects of exposure to formaldehyde.

Reduced ventilation resulting from energy efficiency standards may allow formaldehyde and other contaminants to accumulate in the indoor air. Additional ventilation to dilute the indoor air may be obtained from a passive or mechanical ventilation system offered by the manufacturer. Consult your dealer for information about the ventilation options offered with this home.

High indoor temperatures and humidity raise formaldehyde levels. When a home is to be located in areas subject to extreme summer temperatures, an air-conditioning system can be used to control indoor temperature levels. Check the comfort cooling certificate to determine if this home has been equipped or designed for the installation of an air-conditioning system.

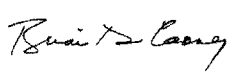
If you have any questions regarding the health effects of formaldehyde, consult your doctor or local health department.

States or local jurisdictions cannot impose higher design or construction requirements than that contained in the HUD Code. This is the basis of preemption under the Manufactured Housing Improvement Act of 2000 (MHIA). MHIA section 604(d) was strengthened to ensure that States cannot impose more restrictive requirements to the production of HUD Code homes. Federal preemption under the MHIA is broadly and liberally construed to ensure that disparate State or local requirements of standards do not affect the uniformity and comprehensiveness of the standards promulgated under the Federal superintendence of the manufactured housing industry as established by the Act. Under MHIA section 605, States have the right to only establish standards for the stabilizing and support systems (installation criteria for home set-up on land) for manufactured homes sited within that State; and for foundations on which the manufactured home sited within that State are installed. States do not have the right to impose minimum limitations for building materials, systems, or combinations thereof, which exceed the federal HUD Code.

Attempting to regulate formaldehyde emissions for HUD Code homes, in exceeding the minimum federally-mandated HUD Code requirements that presently exist, should only be accomplished through the MHCC and further HUD federal rulemaking.

Should the committee have additional questions, please contact Colin McLaurin at colin@mfghome.org or 703-558-0659.

Sincerely,



Brian Cooney
Vice President, Government Relations

Statement to be entered into the record

House Oversight and Government Reform Committee,
Thursday, July 19, 2007,
Formaldehyde Levels in FEMA Trailers

By Lee Shull, PhD, Principal Toxicologist and Risk Assessor,
Environmental Resources Management

FACTS ABOUT FORMALDEHYDE

Lee Shull PhD[1]

- Formaldehyde (CH_2O) is one of the most abundant organic compounds in the universe and is found naturally in all living systems from bacteria to plants to animals, including humans. Fruits and other foods contain naturally occurring formaldehyde; and formaldehyde is naturally emitted into the air by vegetation, forest fires, and animal wastes.

- All people are exposed to formaldehyde in the air every day. For example, outdoor air in suburban areas in the U.S. typically contains formaldehyde in ranges from 0.002-0.006 ppm.[2] According to the Consumer Products Safety Commission, multiple sources of formaldehyde in indoor air can exist; the major ones are urea-formaldehyde foam insulations, permanent-press fabrics, draperies and coated paper products, cosmetics, paints, coatings, and some wet-strength paper products, pressed wood products, and combustion sources (*e.g.*, natural gas cooking, smoking).

- Formaldehyde is produced in the human body (approximately 50 grams/day) and consequently may be present in blood at concentrations of approximately 1.0 to 2.0 parts per million (ppm) at any point in time. Because formaldehyde naturally occurs in the human body, our systems have mechanisms (called enzymes) that degrade and detoxify formaldehyde to prevent its buildup in the body. These enzymes (aldehyde dehydrogenases, or ADHs) are present in almost all cells and effectively maintain levels of formaldehyde in the body below toxic levels. The fact that the body is naturally equipped to metabolize formaldehyde strongly suggests formaldehyde does not adversely affect internal organs.

- Formaldehyde is easily absorbed into the body and is rapidly changed enzymatically to less toxic chemical forms that are quickly and completely excreted. Because of this rapid metabolism and complete excretion, formaldehyde does not accumulate in the body.

- Because formaldehyde is naturally occurring in biological systems and because it is also an important industrial chemical used in the manufacture of numerous products beneficial to people, it is one of the most-studied chemicals in the world. Thousands of research studies have been conducted. With this extensive body of scientific evidence, scientists have greater confidence in understanding the nature and magnitude of the potential health threat to people who may be exposed to formaldehyde.

- It has been determined that, at concentrations ranging from 0.4 to 3.0 ppm, formaldehyde can irritate the eyes, nose, and throat.[3] Although some people are more sensitive to these irritations than others, there is no evidence that children are more sensitive than adults.[4]

- It is well-established that ADHs detoxify formaldehyde at air concentrations $\leq$2.0 ppm. It is only at air concentrations that overwhelm these detoxification enzymes (greater than 2.0 ppm), that concentrations of free formaldehyde will become elevated in the body and potentially become harmful.[5]

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[1] Dr. Shull is a principal toxicologist and risk assessor with Environmental Resources Management (ERM), Sacramento, CA, and former tenured toxicology professor at the University of California at Davis.

[2] Agency for Toxic Substances and Disease Registry (ATSDR), 1999. *Toxicological Profile for Formaldehyde.* U.S. Department of Health and Human Services.

[3] Id.

[4] Id.

[5] The 2 ppm "threshold" should not be considered an absolute; individual variation is genetically determined.

- Indoor formaldehyde emissions have been studied by the U.S. Department of Housing and Urban Development (HUD). In 1984, HUD established formaldehyde emission levels for certain materials used in the construction of manufactured homes. Although this rule only applies to manufactured homes, HUD concluded that "an indoor ambient formaldehyde level of 0.4 ppm provides reasonable protection to manufactured home occupants."[6] HUD further noted that it "has concluded that there is insufficient medical and scientific evidence to substantiate more than minimal health benefits when formaldehyde levels are reduced below 0.4 ppm."[7]

- Two mechanisms by which formaldehyde is carcinogenic at high levels of exposure (>2 ppm in air) are now fairly well understood; the "DPX mechanism" (DNA-protein cross links) and the "CRCP mechanism" (cytolethality/regenerative cellular proliferation). The results of a recent sophisticated modeling of both these mechanisms taking into consideration the anatomical and physiological differences between rodent versus human nasal airways and the metabolic detoxification of formaldehyde at air concentrations <2 ppm caused the involved scientists to conclude "...that (1) cancer risks associated with inhaled formaldehyde are *de minimis* (10^{-6} or less) at relevant human exposure levels, and (2) protection from the non-cancer effects of formaldehyde (irritation) should be sufficient to protect from its potential carcinogenic effects."[8]

- To my knowledge, all reported ambient air tests for formaldehyde concentrations in occupied FEMA trailers indicated results of less than 2.0 ppm. In fact, the vast majority of such reported tests were significantly below this level. As illustrated by the aforementioned studies, there is no evidence to suggest that, at these levels, formaldehyde causes cancer or any other serious health effects, with the exception of short term eye, nose and throat irritation.

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[6] 49 Fed. Reg. 31998.

[7] 49 Fed. Reg. 21999.

[8] Conolly, R.B et al., 2004. *Human Respiratory Tract Cancer Risks of Inhaled Formaldehyde: Dose-Response Predictions Derived From Biologically-Motivated Computational Modeling of a Combined Rodent and Human Dataset.* Toxicological Sciences, 82:279-296.

Chairman WAXMAN. Without objection, I would like to ask unanimous consent that the affidavit that we have from Carlton and Dawn Sistrunk be made part of the record, as well. Without objection, that will be the order.

[The prepared statement of Carlton and Dawn Sistrunk follows:]

Statement of Dawn Sistrunk

After Hurricane Katrina destroyed our home, my family moved into a FEMA trailer in February of 2006. The trailer was located in Baxterville, Mississippi. I lived there with my husband and newborn daughter. I later found out that I was also pregnant at the time.

As soon as we moved into the trailer, there was a chemical smell. My daughter's nose was constantly running and her eyes were always watering. My husband and I also experienced those symptoms as well as headaches and irritated throats. None of us had these problems before moving into the trailer. If we entered the trailer when it was warm, the smell was overwhelming and our eyes burned. It wasn't as bad once the air conditioning was on for a while.

I was worried about my daughter so I brought her to the doctor. When I told him that we were in a FEMA trailer, he said that we might want to get it tested because there might be too much formaldehyde in the air.

A couple weeks after moving into the trailer, I called FEMA to complain. I wanted to make sure that my daughter would be okay. FEMA said that they would have to call someone and that they would be in touch. After several days, I didn't hear back from them so I called back but couldn't get anyone on the phone. So I drove 15 miles to the FEMA trailer yard in Purvis to find someone to talk to. A security guard at the yard gave me the name of someone to call. I left a few messages but never got through to the person. About 2 weeks after my original call, someone from FEMA finally called me back. They said they would send someone to test the trailer.

Two or three days later, a scientist came to test the trailer. He left tubes throughout the trailer and came back several hours later to pick them up. He said that, according to the color of the tubes, there was formaldehyde in the air. Either later that night or the next day, the scientist called to say not to go back into the trailer because it was very dangerous for my husband, my daughter, my unborn baby, and I. He said that there were more parts per million of formaldehyde than there should be. He also said that he would report this to FEMA and that they should replace our trailer in a few days.

Three or four days later, we received another trailer. It had been used by another family and did not smell.

Dawn Sistrunk

7/18/07
Date

Chairman WAXMAN. Five minutes of your time you are yielding to Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman, and thank you for holding this hearing today. I don't often get an opportunity to say not only is this a bipartisan or even a nonpartisan issue, but it is one that we are only just beginning to touch.

Mr. Chairman, I am going to beg your indulgence and say that at this point I have no doubt that, either through public hearings or through staff research, we are clearly going to have to do a followup on the effects of formaldehyde, since there seems to be a dichotomy between what our own Government says the effects are and what we are hearing here today.

I would also ask that at least on the merits on paper that we do a followup on the industry that produces these products. I think they are not being heard from here today, and they may very well be unfairly tarnished for what happened in this case.

Having said that, it is very clear that we need to direct FEMA to find out why these trailers, in an industry in which people routinely purchase both travel trailers and single-and double-wide relocatable homes and have no such problems that I am aware of—and it is millions of homes in America—why these particular trailers or a large sub-section of these trailers enjoyed this elevated level. I think that we have to direct FEMA to hold some accountability as to the specific manufacturers who delivered these products, which again goes to the question of virtually universal testing to find out where the shortcuts may have been taken.

Last, but not least, I have taken the liberty—and my questions will be directed in this way—of reading ahead the FEMA Administrator's opening statement. It may surprise all of you, if you haven't had a chance to read it. I will give you something that may surprise you, and I am hoping that the Administrator will rethink his opening statement. It includes such things as, "Only 58 trailer units have been replaced because of formaldehyde concerns, 18 in Louisiana, 30 in Mississippi, 8 in Texas, 2 in Alabama. Five additional formaldehyde complaints in Mississippi and Texas have resulted in occupants being moved to rental housing resources." I guess the number goes up ever so slightly.

This relatively cavalier statement about the problem being that small because of the only people who have been resolved might, in fact, show us that FEMA has a large problem, is reducing it, and their opening statement talks in terms of cosmetics, show polishes, and other things which use formaldehyde as though these are self-induced elevated levels.

Without going into the entire statement, and with that warning to the next panel, are any of you surprised that only 58 plus 5 are, in fact, of concern today to FEMA? Mrs. Huckabee. Anyone.

Mrs. HUCKABEE. I would like to say that I am not overly surprised that many have been replaced, considering the fact that it took about 14 months of constant complaining saying something is making us sick for them to get around to it. I am kind of disappointed. And pardon me if it was not intended that way, but it sounds like they are using that number to minimize the problem, rather than say this is what has been solved. That I find highly disappointing.

Mr. ISSA. When you are looking at the people, the three of you that dealt directly with FEMA representatives, they offered you alternate trailers. They eventually did give you an alternate trailer.

Mr. STEWART. Yes, sir.

Mr. ISSA. But apparently they were willing to expend a considerable amount of money. Are you of the belief that this was a resource limitation, because we on this side allocated a considerable amount of money. Do you believe that it was resource or authority limited, if you can use those two, for those who were directly affected.

Mr. STEWART. It was authoritative. In fact, it is very difficult to go through a statement like this with the time limitations, because you don't get across what really happened to you. What happened to us was a very long process, and it would take us most of the day to discuss it. But, from the statements they made to me, they were degrading. It was like we were asking for something else, like they were giving us something.

I told people over and over again, we are just like every other taxpaying citizen in the United States that just happened to lose everything we own in the span of a couple of hours.

You know, we are not just alone. At the beginning of the statement I was actually going to read it, and I didn't for time's sake, but one of the things I was going to ask everybody up here to understand, and even the people who are behind us who are going to testify next, imagine when you left your house this morning, you made sure the stove was off, you locked up your house and made sure everything was in its place, and when you go home tonight your house is gone and everything that is in it is gone, and your neighbor's house is gone, and your neighborhood is gone, and your town hall is gone, stores, everything.

We didn't ask for this, but the way FEMA treated us was as if we were charity cases; that when you called them with a problem, it wasn't a problem to them. To them you were asking for something better. That is the context they took when you asked for help.

Mr. ISSA. Mr. Stewart, even though you were an infantry officer and I was an armor officer, I just want to quickly ask you, You know how the culture of a chain of command works.

Mr. STEWART. Yes, sir.

Mr. ISSA. Can you give us a strong assurance, based on the numerous people you worked through, that, in fact, we are dealing in, in fact, a culture of the chain of command, or did other factors play a part?

Mr. STEWART. It was definitely a culture of chain of command. They would do things like, "I have to call someone. I will call you back." It was definitely they were working their way up the chain of command to find out what the answer was they were supposed to give.

You know, at some point in time—and it is the one thing they taught all of us in officer training—when in doubt, make a decision. You have to allow first-level managers to make decisions about problems that are happening right now on the ground that could affect the health and welfare of people, and they didn't give those people that authority. It would take days sometimes to get an answer from somebody because they were calling probably all

the way back to Washington to get an answer before they could tell us what they were going to do. That is not the way to treat people who are having life-threatening problems.

Chairman WAXMAN. The gentleman's time has expired.

Mr. ISSA. Thank you, Mr. Chairman.

Chairman WAXMAN. Mr. Cummings.

Before you begin, Mr. Cummings, let me point out, because the question was what the industry had to say, the Recreational Vehicle Industry Association submitted for the record a statement, a toxicology report, and in that report the industry said that the very high levels of formaldehyde were not harmful. I just wanted to note that. Their toxicology report is part of the record.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

First of all I want to thank all of our witnesses for being here. Mr. Stewart, Mrs. Huckabee, and Mr. Harris, let me say that I think it was you, Mr. Stewart, that said "I have lost my faith in Government." Then you said something that really kind of struck me. You said in the real world you are on your own. But that is not the way the United States is supposed to be. When our people get in trouble, just like you just said, the Nation is supposed to come to their rescue, and you should not be treated like you are not a citizen of this country, and for that I think we all have to straighten that out.

To Mrs. Huckabee, you said, "I do not believe that FEMA set out to do harm." And one of the other things that you said was, "What can I do to stop my children from being sick?" Well, the fact is that FEMA should have asked the same question: how can they make sure that you and your family are safe?

And then to you, Reverend Harris, you talked about helplessness and hopelessness. That goes back to the line of questioning that just took place, Mr. Issa's questions.

I think part of the problem here—and we have to keep this in mind—there are a lot of people who are helpless. They feel helpless and they feel hopeless, and they have already come through one storm, and they are just trying to figure out how do they survive from day to day, so rather than complain they go through the process.

Then, going back to something you said, Ms. DeVany, we have a situation where they have children. I am telling you I was here shaking my head, the thought that someone would put children in that situation. I don't care who you want to blame for it, whether you say it is the top, the bottom, the fact is that this should not happen in the United States of America. It should not. We can send people to the moon, damn it, we ought to be able to protect our people and make sure our people are safe.

Now, the committee has been over it. Again, we have been hearing this stuff about ventilation. I just want to ask a few real quick questions.

After receiving the results of this testing, FEMA has repeatedly argued that ventilating is a viable option for addressing high formaldehyde levels. For example, in an official statement released to the public on March 1, 2007, FEMA stated, "Our investigation of formaldehyde and travel trailers indicates that ventilating units can significantly reduce levels of formaldehyde emissions." How-

ever, FEMA failed to mention how it achieved these results. It tested these trailers with all the windows open, the static vents open, and the ventilation fan on for 3 straight weeks. The testers never closed the trailers off in any way.

Mr. Stewart, would it have been reasonable for you to leave your windows open 24 hours a day?

Mr. STEWART. I did.

Mr. CUMMINGS. And what happened?

Mr. STEWART. It came back at 0.22 parts per million, over twice the safe level. And I can add that during that time it was the middle of the winter. We had an air purifier in operation when we did all our test, all of the windows open, and the exhaust fan on, and it was almost 4 months after we got our camper, so we had been airing the camper out for 4 months and left it open while we did the test and it still came back over twice the safe limit.

Mr. CUMMINGS. Mrs. Huckabee, does testing the trailers under the conditions provide you with any comfort? In other words, the testing that I just said?

Mrs. HUCKABEE. No.

Mr. CUMMINGS. And, Mr. Harris, when you leave your trailer to go to work, to take your family somewhere, do you have to lock it up and close the windows?

Mr. HARRIS. You have to lock up your place, because it is where your valuables are. I might add this to that: when they tell you to air out the trailer, I don't really know what air out means now. What does air out really mean, because when you come back, believe me, it is terrible.

Mr. CUMMINGS. So, in other words, if you leave the windows open and come back, what happens? Do you still have a problem?

Mr. HARRIS. You still have a problem. If you go in there, your eyes are going to burn, your eyes are going to water, and you are going to start coughing. You will know. We didn't know what it was at first. I know I didn't. I had no idea it was formaldehyde.

Mr. CUMMINGS. Ms. DeVany, you wanted to say something?

Ms. DEVANY. I do. I would like the members of this committee to understand that, even though they keep hearing formaldehyde levels will go away, they will get better and better, in fact, Ball State University did a study of formaldehyde and formaldehyde-emitting particle board and fiber board and plywood, and those studies showed that after 4 to 5 years the levels were still only down to half as much; 4 to 5 years. We have to do something before this.

Mr. CUMMINGS. I see my time is up. Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you very much, Mr. Cummings.

Mr. Davis, I am going to recognize Mr. Souder next, but do you want——

Mr. DAVIS OF VIRGINIA. The question is, whatever the level is, FEMA needs to be customer friendly. It seems like they were just more interested in covering their legal liability, keeping it out of the newspapers, and that is the wrong direction for Government. I think all of us on both sides of this, hearing your stories, that is not the way that we want Government to happen.

Chairman WAXMAN. Mr. Souder.

Mr. SOUDER. I thank the chairman. I want to make clear from the outset that my District makes trailers. Between 58 percent and 67 percent of all RVs and trailers are made in my District. Tens of thousands of people's jobs are dependent on facts, not just talking. You all have had a terrible experience. FEMA did not appear to be responsive. To the degree it was formaldehyde, it should be addressed and there should have been a response to it. But it is important not just to have a hanging without even any scientific facts on the table here. I'm sorry. There were 120,000 trailers that went to your area. They did not all come and were not all manufactured for this. FEMA went to dealers, FEMA went to all sorts of different types of things. In my travels down to New Orleans in that region you can see different types of trailers at different places, different types of brands at different places. You can't hang an industry based on the lack of one case where they checked it.

We have some individuals' testimony. We have some other individuals. We have 177 formaldehyde complaints out of 120,000, 177. A sweeping statement saying people are afraid to complain doesn't cut it here. There needs to be actual research and checking and measurement.

Furthermore, all sorts of numbers are being thrown out as far as what is acceptable. It is 0.4 by HUD, it is 0.1 by EPA. By the way, we don't even have an expert on this panel. Dr. Needle is a pediatrician. He hasn't done research papers on this, he hasn't studied this issue. He has the cases that are in front of him. He is doing the best that he can deal with as a doctor. Another person is a consultant here. They aren't an expert in the field. We have nobody here who actually knows anything much about formaldehyde or the industry. What we have are terrible personal stories that should have been treated. The Government should have responded.

Now, there are some fundamental questions here. Was there a difference in the normal process? Are these all made by the same type of company? Is there some kind of structural thing? How does it interact in your region? Why haven't we had these problems in your region before with these type of things? Clearly, campers are not intended to be lived in. Why did FEMA let you live in a trailer that are basically for people to go camping in for short periods of time and who are outdoors heavily in that period? They are not meant to be lived-in units, and yet some of them are still down there being lived in in a way that these things were never built to do.

Furthermore, we have 10,000 of these things sitting in Arkansas. In Arkansas, we had better make sure that if any of those are resold that are rebuilt, that they have a great, big made-for-FEMA, because the standard for the ones who were making it was a different standard even than normal HUD standards were to get them done, because you were in a panic down there.

We had every trailer that is made in Indiana that is shipped out basically is pre-sold, so when they went and bought these off dealers' lots they had to back-fill that. The standards that they would have there would be different than the standards that would be sold generally. Generally not formaldehyde. That is a 0.4.

Furthermore, the workers in the plant have a 0.75, and these are checked and monitored on a regular basis. So one of the other ques-

tions is, was there something that happened in the speed of these that went out, combined with the climate, that somehow changed even what normally would be in that market? There is no evidence at all that the individuals who made these things were impacted any differently. There is no evidence that coming out of the plants they were any different. To the degree we do find that there are a number of these at 75 times, if that is the case, other than just the one example, if that is the case how did that happen? Because other inspections were occurring as it went on. What is the interaction? What is the time.

But clearly the current FEMA trailers that are in Arkansas should not go on market until this is further researched.

Second, we need to know whether this is universal. We also need to know whether people who are getting sick, as Dr. Needle did say, the symptoms for formaldehyde are similar to many other symptoms that come through in this particular climate, including water contamination, including stress, combined with the extra pollution that is in the city. To just uniformly, without research, make the assertions that I have been hearing today about an industry is irresponsibility.

We need to respond and help individuals when they are sick. The insensitivity out of the Government to responding, whatever it was, you should have been moved out of that housing. That is not the question. But to slander and make assertions in this committee without facts is really unfortunate.

I yield back.

Chairman WAXMAN. Did you have any of those questions you wanted responded to, Mr. Souder?

Mr. STEWART. I could respond to a number of the statements that he made.

Sir, first let me say for the record that I live in a camper. I bought my own camper. I am not here today to degrade the camper industry. I live in one. OK? It is the way the campers were made and manufactured.

Mr. SOUDER. There is no evidence of that, sir.

Mr. STEWART. OK. The——

Mr. SOUDER. There is no evidence. That is what we need to look at because what you are saying may, in fact, be true, that, particularly with certain types of reactions in individuals there was not enough sensitivity or warning said to do that, but you cannot say on the record, based even on one case, that it is the way they were made. You say I think it is the way they were made in my case.

Mr. STEWART. OK. Anybody who has been in a FEMA camper, anybody who has been in numerous FEMA campers—and I have been in a number of FEMA campers, not just one, but many—the walls are literally falling down in many of these campers. These campers were not manufactured like a regular camper. The industry threw these together and delivered them for a reason. So as they sit today the FEMA campers were put together in a shoddy fashion. They are not nearly as sturdy as a regular camper, and whether the materials in them are substandard or not, I know that the one I took apart, because I took a lot of the material out of mine, the material was not up to grade. There were a lot of things with that.

And, just to answer your question on the industry workers, if you watched the report by Dan Rather who interviewed the industry workers who put those campers together, many of them are, indeed, sick.

Chairman WAXMAN. The gentleman's time has expired.

Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman. I want to thank you for calling this hearing.

You know, every time I am involved in a discussion or a hearing relative to FEMA, there are new revelations which seem to take this Agency to a new level of low.

It is hard for me to imagine that any agency, that any business, any unit of Government could operate with such a high level of incompetence, such a low level of sensitivity, and obviously a level of not being prepared.

Ms. DeVany, could I ask if you would turn to exhibit Q in your briefing materials? There is an internal FEMA e-mail from July 26, 2006. It references what FEMA staff apparently call the sniff test. As you can see, the subject line on this e-mail is "Formaldehyde Issues." It is a one-sentence e-mail that reads, "Can you send someone to check this out, to simply do a sniff test and determine the needs for a different unit?"

There are other FEMA documents that refer to the sniff test. This is apparently the process by which FEMA determines if someone can exchange a trailer based upon high formaldehyde levels. A FEMA employee or contractor visits the trailer and sees if he can sniff the smell of formaldehyde. If so, FEMA may swap out the trailer.

Ms. DeVany, my question is, can you tell us if this approach makes sense? Can a person, from you experiences, from your training, from your level of expertise, can a person reliably determine if a trailer is safe by simply sniffing for formaldehyde?

Ms. DEVANY. Yes, I can address that question. First of all, I would like you to understand that you can't even smell formaldehyde until the concentration is already, on average, 0.83 percent, so that means 50 percent of people even at 0.83 percent still can't smell it. Only about half the population can, because that is the average. So the formaldehyde level typically is close to one part per million before we even are aware of definitively, Oh, that is formaldehyde. So we can't depend on our noses, because once we can smell formaldehyde we have been way over-exposed. People in the workplace know this, too.

Second of all, the reference to a sniff test most likely is in reference to a direct driven instrument, a photo-ionization reading instrument that you turn on outside, calibrate it in fresh air, and then take it inside and it reads almost instantaneously a formaldehyde level. That is one possibility. Those are called sniffers. That is a possibility of an instrument they might be referring to if, in good faith, they were using instrumentation.

They also could have used what is called a detector tube, where they pull a known quantity of air through a chemically treated tube that changes colors, and they know from the concentration of change in color on the tube and the volume of air what the concentration of formaldehyde would be in the air. Those are called di-

rect reading detector tubes, and they take just 5 minutes to use. They might have done that, too, if we want to interpret this in good faith and think they actually used instrumentation and did not depend on their noses. I would not like to think anybody really did depend on their nose.

Mr. DAVIS OF ILLINOIS. Well, in developing protocols or methods of operation, would one be accurate to assume that FEMA had access to this type of information, if there were people working for FEMA and they knew how to get the information that could tell them how to respond to certain situations?

Ms. DEVANY. This is certainly not common knowledge for a lay person to know about. FEMA would have to have specialists—industrial hygienists, environmental health engineers like myself—who understand this kind of instrumentation and how to do proper sampling for various airborne contaminants. Whether FEMA does or not, I have no knowledge.

Mr. DAVIS OF ILLINOIS. But they would have had access to resources that could have allowed them to have this kind of expertise available?

Ms. DEVANY. Well, especially if they were working in association with the EPA experts who did the air sampling later.

Mr. DAVIS OF ILLINOIS. Thank you very much.

I see that my time is expired. Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Davis.

Mr. Platts.

Mr. PLATTS. Thank you, Mr. Chairman. I don't have a question, but one is just a word of thanks to you, Mr. Chairman and ranking member and staff, for holding this very important oversight hearing, and to the witnesses to thank them for their testimony, and especially to the three witnesses whose families have been impacted. I appreciate my colleagues' opinion that we need to base our statements and efforts and actions on fact, but your testimonies are fact. The experiences that you have had in these trailers is a factual experience, and each of you presented your experiences very well, and that is going to be very helpful to this committee as we go forward and try to get to the bottom of this issue that should have been gotten to the bottom of a long time ago.

The unexcusable response of FEMA in how it responded to your and other inquiries asking for assistance and your own individual efforts to get to the bottom of it, you shouldn't have had to have done that. So we appreciate your efforts and, as a parent, Mrs. Huckabee, sometimes as a parent you just know what the cause of a problem is, even if you can't prove it, but you know.

Each of you should be commended for being willing to come forward and, through your personal efforts, not just to have a result for yourselves but for the greater good and looking out for others.

I am not sure with all of you, but I know, Mr. Stewart, you referenced your past service in uniform, both with law enforcement, as well as in the military, and we are grateful for that service, and yet again serving your fellow citizens here today, as well as with your fellow witnesses.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Platts.

Mr. Cooper.

Mr. COOPER. Thank you, Mr. Chairman. Thank the witnesses.

I am sorry that our skeptical colleague is no longer able to be with us, Mr. Souder, because I thought he raised some interesting questions.

We certainly want to get all the evidence, but I haven't seen this level of Government incompetence outside of the Nation of China. You know, when I first heard about this contaminated living conditions, consumer products, things like that, uncaring government, that is what first sprang to my mind, and they executed an official in China for not having done their job.

You know, no one is asking for that here, but how about a simple application of the Golden Rule? My wife is from the Gulf Coast. She survived Hurricane Camille. President Nixon's administration supplied a trailer. They lived in it for a year. It was a great experience. Everything worked.

All we are asking for is for Government to work just as well 40 years later. So perhaps our Republican colleagues will want to join us in having Government work as well as it did in the Nixon administration. That is not too high a goal. [Laughter.]

But let's apply the Golden Rule. If you put exhibit B up on the monitor, the one home that FEMA apparently did test with living occupants, the Sistrunks, on April 6, 2006, these were the levels in their manufactured housing unit over an 8-hour period. Right side of the master bed, 1.2 parts per million.

We will disregard the inside-the-cabinet reading because, granted, that is probably going to be too high. Nobody lives inside a cabinet. But this other reading I found particularly touching. "Bunk bed in small bedroom, 1.2 parts per million." Who sleeps in bunk beds in small bedrooms? Kids. Our precious children.

You know, I would feel a lot better about the skeptics if they could identify for me one high Federal FEMA official or one high industry executive who put their kid in a small bunk bed under these conditions. Then I would feel like the Golden Rule had been applied and we were doing unto others as they were doing unto us. But I haven't been able to identify that FEMA official. Maybe he or she is about to testify in a later panel. I haven't been able to identify that industry executive that is adhering to that simple, common sense, back-home standard.

That is what really worries me about this. The people of the Gulf Coast are fine people. They have been through incredible hardship. For them to face not only Hurricanes Katrina and Rita but Hurricane FEMA—which may stand for Failed Every Major Assignment—I am not talking about the rank and file folks, because they seem to have showed amazing common sense. When the field people report problems and their lawyers higher up say, "Don't test at this time because then you have to deal with the results"—and this is from an e-mail that was sent by a gentleman on June 15, 2006—"Do not initiate any testing until we give the OK." The reasoning for that was, "Once you get the results, and should they indicate some problem, the clock is running on our duty to respond to them."

Well, the clock is running any time there is a small child in a bunk bed in any one of these units breathing this terrible stuff.

Mr. Chairman, I am proud of you for holding this hearing. This is long overdue. We have to clean up FEMA. We have to help the people in the Gulf Coast and all the areas of danger in our country. And I am tired of some of our colleagues making excuses for Government and these industry folks until they show us that the Golden Rule has been applied.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Cooper.

Ms. FOXX. Mr. Chairman, thank you. In 10 seconds of my time as a Republican——

Chairman WAXMAN. Let me just say nobody is apologizing here. I think we have been very clear, Government didn't respond here and is responsible. When you say Republicans, I hope you are not talking about the ranking member and others who have been very critical of FEMA here.

If we really want to go back to low standards, we go back to the Carter administration. There is a lot of blame to go by, but we try to keep this hearing on the up and up, and I appreciate the gentleman's comment.

Ms. FOXX. Mr. Chairman, thank you.

I also am not apologizing for anyone in the Federal Government, particularly not in FEMA. I am sorry that my colleague from Indiana left, because I will tell you all something that you don't know, you have no way of knowing, but the night before we had the vote to appropriate $52 billion for hurricane relief for Katrina we raised a lot of the issues—he did, I did, and a couple of other Members—about the use of trailers, because we saw in the plan the number of trailers that were going to be purchased. We questioned how quickly those trailers would be available, where they would be used, how would the community absorb them. A lot of questions came up about this, and we were not given very satisfactory answers, so you will not find me to be an apologist for the administration or FEMA in this area.

I voted against the Katrina funding of $52 billion at one time because I said there was no accountability, there was no plan, we were doing this too quickly, and I think that is a major problem that we have in our Government.

I do, though, appreciate my colleagues also mentioning that we need to have a balanced hearing.

I am very sympathetic with all of you all for having problems. I think, Mr. Stewart, very few of us have experienced what you have described—coming home and having everything gone. That has to be so devastating. But what we need to do is we need to use your feedback to us as a way to fix the system. We are not doing enough of that in this committee. That troubles me.

My constituents come to me and tell me about problems and I go out there and try to solve those problems. I look for how to make systemic change. That is why I got on this committee, because I want to see systemic change. I don't care whether it is a Democratic administration or Republican administration. Government employees are there to serve you. That is my attitude. That is the attitude of my staff. And it should be the attitude of every person who works for any level of government.

I want to mention that a couple of weeks ago we had a bill here, H.R. 404, and I raised the issue about that bill sounded great but it accomplishes nothing. Representative Cuellar came to me and said, let's try to make this better, and we have been working on that bill to set standards for customer approval, customer appreciation.

What is lacking in that bill is what Representative Cooper talked about—establishing responsibility and accountability and consequences. It is unconscionable to me that you would call a FEMA employee and not get the kind of response you would get. If you are telling them you have problems, they should solve that problem. That is their goal. You are not a problem to them; you are the reason they are there.

But it just points out so many parts of our Government are dysfunctional. We have too large a Federal Government. We cannot do these things at the Federal level. FEMA should be a coordinating agency, in my opinion, and most of the work should be done at the State and local levels. We are taking the power away from the people who can do the work and putting it in the hands of people who simply are not on the ground and don't know how to do it.

As far as the quality of the trailers or the campers is concerned, I think we definitely should look into that and make sure we don't ever have these kinds of substandard things done, if they were. But I do agree with Congressman Souder—we need to know all the facts. We need to know the proportion and we need to find out why, if there was a really bad unit made, what caused that to happen and why that won't happen again, and getting to the systems is what we need to be doing so that the people are served better.

I hope this committee, Mr. Chairman, will start taking a broader view, instead of just the sensational things. Again, what you experienced is very personal and very tragic, but it is meant to sensationalize. That doesn't accomplish a lot except to raise our awareness, and it only accomplishes something if we followup on it in a systematic way. That is what I would like to see happen.

I thank you for at least giving constituents this opportunity, because I listen to my constituents and then I work on what they talk to me about.

Thank you.

Chairman WAXMAN. Thank you.

I just want to point out to the gentlelady that I knew from my own experience what a good job FEMA could do. When we had an earthquake in California, FEMA was right there. They helped. People were grateful. We recognize that. We don't approve the FEMA operation, but we have to identify problems, not just accept the fact that they can't be resolved.

Mr. HARRIS. Mr. Chairman.

Chairman WAXMAN. Yes, Mr. Harris?

Mr. HARRIS. May I reply to Ms. Foxx?

Chairman WAXMAN. That is up to her.

Mr. HARRIS. I would share this with the chairman, as well. I must say this, when you are in a dilemma and you are needing answers, when you are dealing with FEMA—I am not talking about conjecture or a parable or a story, I am telling you what happened. These are not imaginary things, and when you deal with FEMA

after you lost everything you have, they do not respond, or they have not responded in a way that you would think would be equitable when you are in a situation.

I can identify with Mr. Stewart and Mrs. Huckabee. When you talk to them, there is no sense that there is something that is going to be answered or handled.

So as far as sensationalizing, I don't know about that. As far as it being Republican or Democrat, when I call FEMA I don't tell them what party I am. I am just trying to get some help. And what I think in my lowly position is that they have not been able to remedy us. I don't want to speak for them, but when I call, I feel just as confused after I called as what I did, because I don't know what to do.

Ms. FOXX. Mr. Chairman, could I make one quick comment?

Chairman WAXMAN. Yes, one quick one.

Ms. FOXX. What my position is, you should be able to write down the name of that person that you are not getting an answer from and have some place you can go to and get a response and get feedback, and they know that if they don't treat you right there will be consequences. That is the problem with our system now, there are no consequences for bad performance on the part of Federal employees. There are many wonderful Federal employees who work hard to do their job, but when you are not being treated right, you should have some mechanism for alerting people to that.

Chairman WAXMAN. The gentlelady's time has expired.

I want to recognize my colleague from California, but one of the consequences, if they have to come here before the Congress you may call it sensationalizing, but we are going to make people answer through oversight for the lack of due diligence and responsible actions.

Ms. Watson.

Ms. WATSON. Thank you, Mr. Chairman, for your ability over the years to bring truth and speak truth to power.

Sensationalizing? Let me sensationalize it even more. I was a member of the California State Senate. I moved into a new office. They came in and gave me new carpeting. They put it down with glue. They painted my walls and they brought in naugahyde furniture.

I became violently ill. I went to doctors in Sacramento, in Los Angeles, wherever I could. I spent thousands of dollars of my own money, not government money, my own money to find why my eyes were tearing and red, my nose was running, my face was swollen, a terrible odor was coming up, my stomach cramped. This happened over a period of months, and I had all kinds of skin tests.

I find out I was allergic to something called formaldehyde. Are you aware that glue that sticks carpet and tile has formaldehyde in it? So the construction of probably your trailer had formaldehyde in the glue that held component parts together.

It wasn't until a doctor sent a team in to test the air. They wrote me a six-page letter, single spaced. I had to take it to the Rules Committee. The Rules Committee said I could have my office redone because it takes 2½ years for formaldehyde to gas out; 2½ years. And as long as that substance is there in the building component parts, you are breathing it in. It will definitely affect your

entire system, because it goes up into your T-zone, it affects your brain, it affects your concentration, it starts to destroy the meninges of the brain. That is that thin skin. It could eventually kill you.

So if I haven't sensationalized it enough, I will bring the letter and submit it to the Chair as evidence.

I have not seen a department so incompetent as Federal Emergency Management Agency has been in the last 6 years. I watched, like the world did, the response to Katrina. It was shameful.

So I want to apologize to you.

And for my colleagues who are saying we don't have a statistical base, we only need one. We don't need thousands. And when I read an e-mail like I am going to share with you right now—and this is something that went to FEMA and this is the response from one employee. "I received guidance from our IA policy group at HQ." I imagine that is headquarters. "According to HQ, there are no health concerns associated with the formaldehyde inside our FEMA MH/TT." Those are trailers. "We were given instructions to turn on the heater for an hour, then turn off the air and open all the windows and turn on the air for 48 hours." This will eliminate the smell. It will not eliminate the cause that is sickening the people who live there, because the formaldehyde is in the materials that hold the unit together. "If you have any questions or concerns, feel free to contact me."

Now, that is denying that these trailers are emitting a substance that really takes 2½ years to gas out. This is a scientific fact. So you coming, speaking truth to power—and we are the power—I want to commend you for that. You cannot deny what is true. FEMA has failed us.

I argued long and loud not to put FEMA under Homeland Security. You have too many levels of bureaucracy. So Brownie, you have done a good job. Just to let you know that it is cronyism and incompetence that has put us in this situation. I apologize to all of you for the failure of our Government.

I yield back my time, Mr. Chairman.

Chairman WAXMAN. Thank you, Ms. Watson.

Mr. Jordan.

Mr. JORDAN. I thank the chairman. I see we have another panel, and I am fine at this time. I would be happy to yield to Representative Jindal.

Mr. JINDAL. I thank my colleague for yielding. I also want to thank the chairman and ranking member for holding this hearing.

First of all, I want to echo my colleagues' comments, especially to our two residents that had to live in these trailers. You deserved to be treated better. Nobody can excuse what you had to endure.

I have often said it is almost like there were three disasters; there were the storms; in Louisiana there was a breaking of the levees; and then, third, there has been the bureaucratic response.

I wish I could tell my colleagues I believe these to be isolated cases. We know personally these aren't isolated cases. We have gotten dozens of calls in our offices. We share the same frustration as the witnesses we are hearing from today when we called to seek better treatment, whether it was replacement trailers, alternative housing arrangements. We literally had a constituent who had one

lung, was living in a trailer, decided to move back in their moldy apartment thinking that was safer for them than the formaldehyde in their trailer.

There is absolutely no excuse for how these witnesses and the others that can't be here have been treated. Let's be clear about that. No excuse.

I have a couple of questions, but I want the witnesses, especially the two gentlemen that have had to live and endure through this, to know there is no excuse for the way you have been treated. You said it exactly right, sir. You are an American citizen. You are a taxpayer. It wasn't your fault these storms took away everything you own. There was no excuse for you to have to be a victim of your own Government's incompetence.

Mr. Stewart, again, please take your time. I have just really two questions, one for you and then one for Dr. Needle, as well. Mr. Stewart, you indicated that you made several calls to FEMA to complain about the conditions in your trailer. You report that the results from the American Chemical Center's kit showed elevated levels of formaldehyde. You complained that FEMA still would do nothing to address this issue, refused to help.

Later we are going to hear testimony today from FEMA. We are going to hear testimony from FEMA that they immediately responded upon receiving complaints. I know for a fact that is not true. I know we didn't have success in getting responses for many of our constituents, even after they brought medical documentation, even after they were able to prove they or their children were suffering due to these elevated levels of formaldehyde, and we did get a response. We did get a response. So often the response was something as ridiculous as, well, open the windows, run the A/C, as if that was going to solve the problems in these trailers, especially when you saw formaldehyde levels higher than what would be acceptable for workers if this was OSHA, higher than what was acceptable for FEMA's own inspectors. How in the world could they expect you and your family, you and your wife, how can they expect other families, how can they expect children to simply just open the windows and not worry about it?

It is a leading question, but I still want to give you a chance to respond according to the best of your recollection. I want you to have a chance, because we are going to hear later today from FEMA that they responded quickly to every complaint. We know that is not true.

I want, to the best of your recollection, after you complained to FEMA how long did it take for you to get a response? Did you ever actually even get an adequate response? We have heard from your testimony what happened, but I certainly don't think it was proper you had to use your own reinsurance money instead of rebuilding your home to instead have to provide yourself with temporary safe housing. But after you complained, how long did it take? And did you ever get an adequate response?

Mr. STEWART. First of all, it is not really a leading question, but no, I did not ever receive an adequate response. If I had, I wouldn't have had to buy my own camper. I think that can speak for itself.

I can also say that if you want proof positive that FEMA failed to react, why is it that a citizen has to tell FEMA, Listen, first of

all there is an OSHA study out there that says these campers are contaminated, No. 1? No. 2, why does a citizen have to go out and seek out assistance from a chemical sensor company in the United States to send me a free sensor so that I can test my own camper?

I tested my camper because FEMA would not, and I took it upon myself to do the research and the work that FEMA should have done in the first place, so for FEMA to ever try and say they reacted quickly, you know, when I complained, I don't know how anybody can possibly say that, because there is nobody in this room that would go to the extent that I went to without having to be forced to do so. If FEMA had said, we are on the way out with someone to test your camper, I would have been more than glad to let them in and test it and we would have been on our way.

Even after that, I gave FEMA chance after chance. I actually told FEMA before I ever went through this process, I am going to test my camper and I am going to tell you what the results are, which I did. I called them and said, Here are the results. They still refused to act. At that point I even told them, Listen, this camper is toxic. One, I want a new camper; and, two, I want to know how you are going to go about testing other campers in the community because I can't be the only one. There are tens of thousands of my friends living out there in these campers, and I want to make sure they are safe. And if you don't do that, I am going to do everything I can to publicize this issue, because the people have to know what is going on, so either you fix it or I am going to do what I can to fix it.

I tried as hard as I could to get FEMA to react, and they failed to. They just knowingly failed to respond.

Mr. JINDAL. Mr. Stewart, if your time allows, I hope you will wait and listen to the testimony of the second panel, because when we hear, as a congressional committee, when FEMA comes and tells us they did respond quickly to every case, if your time allows I would like you to be here present to hear that.

I would like to thank both the witnesses. You represent so many other people that can't be here today from the Gulf Coast that should not have had to endure this.

There is a woman in Baton Rouge who has now died. They haven't yet proven that her cancer was related to formaldehyde, but many families have complained they had asthma, they had respiratory problems, they had prolonged exposure to a carcinogen, and instead of getting prompt attention to their complaints they were met with stonewalls, they were met with frustration. They were denied any help, and many times they were told their health claims simply weren't real, even though they saw it was happening to them and to their children.

Mr. Chairman, I think I have exhausted my time. I have a second question. I will save it if we have another round of questions.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Jindal.

Mr. Yarmuth.

Mr. YARMUTH. Thank you, Mr. Chairman.

I also would like to join in this joint apology or collective apology to the three of you. This is unconscionable, and this is one of the reasons that I think I and many others of the freshman class ran

for office—to try to deal with the type of inefficiencies and abuses of the Government that we have seen.

I would also like to respond to something that Mr. Souder said. I understand his sensitivity, but I read this whole hearing a little bit differently. I am willing to stipulate that the industry has a pretty good record of providing safe products, and I think it is simply the fact that this appears to be such an aberration that it would call into question why FEMA didn't look at, even if it were only 58 cases—we know it is more than that—and say, wait a minute, there is something very wrong here, because these manufactured homes should not be this way.

I think it is specifically because this is so unusual that FEMA should have had red flags all over the place and taken action.

But I want to get to the issue with you as to maybe how widespread these incidents were. I know when the committee announced that it was holding hearings, we heard from a number of organizations that have been dealing with this issue. One of them is called Alabama Arise. A man named Zach Carter, who was an organizer there, submitted some written testimony to the committee because he couldn't appear.

I would like to ask unanimous consent to make that part of the record, Mr. Chairman.

Chairman WAXMAN. Without objection.

[The prepared statement of Mr. Carter follows:]

STATEMENT BEFORE THE U.S. HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

Chairman Henry A. Waxman, 110th Congress
Hearing Probing Toxic FEMA Trailers

Thursday, July 19, 2007, 10:00 am
Zack Carter, Organizer
Alabama Arise
207 Montgomery Street Suite 900
Montgomery, Alabama 36104-3535

Mr. Chairman and Members of the Committee on House Oversight, thank you for inviting me to present written testimony to this hearing probing toxic FEMA trailers.

I am a community organizer for the nonprofit organization Alabama Arise, which is a coalition of 153 civic and faith-based member groups from Alabama. Our mission is to advocate for public policies that will benefit low and moderate income people in the state of Alabama. As an example of our work, last year we helped lead a successful legislative reform effort that resulted in a state law that, for the first time in the state's history, provides Alabama renters with rights to specific habitability standards. I have been employed by Alabama Arise since October 2003.

In July of last year, while performing volunteer work with my 16 year old son in south Mobile County, I became introduced to various federal, state, and local policies that have precluded many Katrina Survivors (many who prefer now to be called Victims) from receiving government assistance as they languish in tiny FEMA campers. I have met, and video interviewed, dozens of Katrina victims in south Mobile County, and I can say that almost each one has complained to me about health problems that they developed since moving into their FEMA camper – from nosebleeds and bronchitis, to high blood pressure.

There are about 400 families, some 2,000 people including children, elderly, and the disabled Katrina Victims still stuck in FEMA campers with no prospect of federal relief – specifically the current unreleased CDBG funds will serve less than 10% of some 1200 family applicants. For official data reflecting these figures please see copied below, the July 2, 2007 lobby letter to Senator Shelby, co-signed by myself and other members of non profit groups, Mobile County Commissioner Mike Dean, and his Grant Program Administrator Kathy McHugh.

David Underhill, of Mobile Bay Sierra Club has informed me that almost all of the dozen FEMA campers his organization tested in Mobile County showed excessive formaldehyde fumes. One community leader that I have worked closely with, Paul Nelson, told *The Nation* magazine in February of this year, that he believes that the excessive formaldehyde fumes in his mother's FEMA camper contributed to her sudden death. Mr. Nelson informed me today that FEMA is now trying to sell the camper to him, obtain his signature and agreement that would exempt FEMA from any responsibility, and then remove the camper from his property – the only means of shelter for his disabled brother.

An example of some of these videos can be found at the "dailymotion.com" website listed below. You'll see first, for example, Tommy and Faye Lee who have moved into a shed to give their 11 year old Kaylee and 17 year old son Josh, more room in the FEMA camper. This website listed is also listed in our last paragraph of our June 6/22 protest letter to Alabama Department of Economic and Community Affairs regarding their neglect of Alabama's Katrina Victims, found at www.alarise.org along with attachments that further document Alabama Arise's efforts this past year to obtain fair hurricane relief in our state.

(http://www.dailymotion.com/us/search/Kat%20Interview/video/x1k4pc_southbaycommunities.)

Many of these people suffering in FEMA campers are children and teenagers, and as a former high school and college history instructor, this situation has prompted me to recall Justice Thurgood Marshall's argument that won the hearts and minds of the Supreme Court in Brown v Board, 1954 -- the famous psychological study that showed that African

American children preferred white dolls over black dolls, thus illustrating the fact that segregation was undermining the self esteem of African American children. What is FEMA's formaldeyde-laced campers, and the lack of federal relief doing to the self esteem of the thousands of Josh and Kaylee's in Alabama?

I would also like to include as part of my testimony today, the testimony that I provided March 10 of this year to the Lawyers' Committee on Civil Rights Under Law's National Commission on Environmental Justice on the Gulf Coast which further documents the points raised above, and is copied below.

Mr. Chairman, this concludes my prepared statement and I would be pleased to answer any questions the Committee may have.

July 2, 2007

Honorable Senator Richard Shelby
110 Hart Senate Office Building
Washington, D.C. 20510-0103

Dear Senator Shelby,

At the Mobile County Commission this past Monday, June 25, the unmet needs of Mobile County Katrina Survivors were illustrated by figures derived from on-site inspections contracted by the Mobile County grant administrator for 726 of the current 1,200 CDBG applications.

It became clear that Alabama's $16 million share of the second round of CDBG funds cannot even fulfill the unmet needs of Mobile County, much less the other Alabama counties impacted by Katrina. Therefore we ask that you, as the Ranking Member of the Senate Banking, Housing and Urban Affairs Committee, support the proposed Gulf Coast Recovery Act of 2007, S. 1668, and work with your colleagues to include funding for Alabama in this bill.

From the 726 applications, we know that:

- A conservative average cost to repair a home was approximately $40,000. Moreover, considering the costs for elevation and a septic system for a significant number of houses, we conclude that the County's current CDBG allocation of approximately $10 million would repair only 15 - 20 % of these homes.
- Even more compelling is the fact that 81 of the 726 inspected Mobile County CDBG applicants had their homes completely destroyed or so severely damaged by Katrina that rebuilding is more cost effective than repair. If each of these applicants received the maximum grant of $85,000, the total cost would be $6.89 million, leaving only $3.12 million for families who need repairs. Moreover, $85,000 falls far short of the total cost to rebuild a modest two bedroom home given the expenses associated with current housing codes, elevation, a septic system, and insurance.[1]

[1] See attached "Estimate and Itemization", compiled by community leaders and advocates last March. It is based on damage estimates provided by Mobile County Public Works and cited in the Woods study, and totaled estimated repair costs for Mobile County at $370,180,000.

The Mobile County Commission, acting through their grant program administrator, has currently suspended inspections for the remaining 474 applications citing the limited amount of CDBG funds available for housing assistance.

In addition to the current 1,200 CDBG applicants, there are likely hundreds of others who did not make the deadline for the CDBG applications that were distributed in January 2007. Currently about 400 families still exist in FEMA campers in Mobile County, providing shelter for as many as six people -- including children, elders, and the disabled. Many, especially since Katrina hit, also have to now exist at low levels of income. They continue to work hard and, as they have for generations, to provide the backbone of Alabama's vital seafood industry: They need a helping hand, and Alabama cannot afford to watch them pass from Katrina Survivors to Katrina Victims.

Sincerely,

Teresa Bettis, Director, Center for Fair Housing Inc. (Mobile)

Zack Carter, Organizer, Alabama Arise

Zack Carter

Commissioner Mike Dean, Mobile County Commission District 3

Mike Dean

Jim Fuller, President, South Bay Communities Alliance

Jim D Fuller

Kathy McHugh, Roth McHugh & Associates, LLC / CDBG DRF Grant Program Administrator under Contract with Mobile County Commission

Kathy McHugh

Paul Nelson, Board Member, South Bay Communities Alliance

Paul Nelson

Further Details Regarding On-Site Housing Inspections of 726 Applications

- Of the 1,200 Mobile County households who are Katrina Survivors and who have CDBG applications on file with the Mobile County CDBG grant program administrator, 726 of these applications have received on-site housing inspections from qualified inspectors who have provided preliminary cost estimates to make necessary repairs for storm damage and code compliance.

- The Mobile County grant program administrator has determined from the inspection reports that a conservative average repair cost, (excluding elevation and septic systems) for these 726 applications is about $40,000 per home, for a base total of about $29.04 million. Conservative estimates for septic and elevation costs indicate: the average septic system costs about $14,000; average elevation cost is about $30,000. An undetermined percentage (possibly 33%) of homes needs elevation and septic systems: Thus, the total cost to rehabilitate 726 homes could range up to **$39.6 million.**
- At the same average of $40,000 per home, the cost to repair the other 474 would begin at $18.96 million, and assuming 33% need elevation and septic systems, this repair bill could range up to **$24.83 million.**
- If the same ratio of houses are totaled among the 474 not yet inspected as found among those already inspected (about 11%), then there could be another 52 homes that need the cap of $85,000, for a total of **$4.42 million.** (The Mobile County Commission has currently suspended further inspections due to concerns related to limited funding for housing assistance, i.e., $10 million.)

REPORTS FROM OVER 2000 ALABAMA KATRINA SURVIVORS: CHILDREN, WOMEN, AND MEN STILL EXISTING IN FEMA TRAILERS & CAMPERS; OR IN SINGLE FAMILY HOMES BURDENED WITH 2 & 3 FAMILIES. (Compiled by Zack Carter)

My name is Zack Carter, I am an organizer for Alabama Arise, a statewide coalition that advocates for state policies that benefit people who must survive on low incomes in our state. I want to thank the National Commission on Environmental Justice on the Gulf Coast for this opportunity to testify today, March 10, 2007, in my home town of Mobile, Alabama,

As the people of south Mobile County struggle to rebuild, they are also forced to struggle for Environmental Justice – from exposing the serious health hazards of excessive formaldehyde fumes in the FEMA trailers & campers (in a partnership with The Sierra Club), to their stand against a waste treatment plant proposed to be built in their predominantly minority community, in a "High Velocity Flood Zone", and with $24 million of federal Community Development Block Grants (CDBG) – representing nearly 1/3 of the total $94 million in CDBG allocated for Alabama since Katrina. less than $27 Million of these federal funds have been allocated for housing, and none of these have yet been released!

South Mobile County residents are forced to overcome many bureaucratic obstacles as they struggle to rebuild. One of these, linked to the environmentally unsound proposed waste treatment plant, is an arbitrary policy imposed by Mobile County Board of Health, which prohibits Katrina survivors from connecting rebuilt homes to their current septic tanks – even if this septic tank is currently working fine for their FEMA trailer. Please see the letter from Mobile Bay Sierra Club below regarding Nancy McCall.

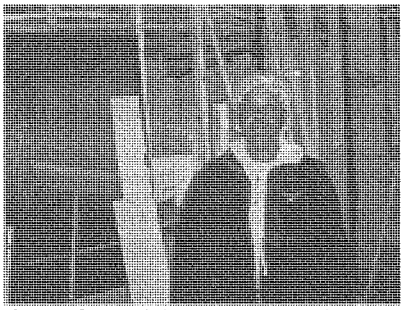
Date: Mon, 25 Dec 2006 22:06.54 -0800 (PST)
Subject: Hurricane Katrina Action Plan For Supplemental Disaster Recovery Funds

To: CDBG@adeca.state.al.us

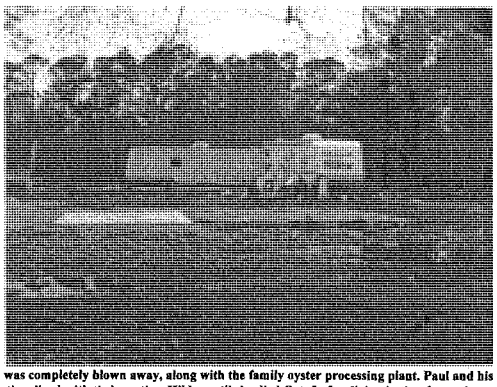
Last summer the Sierra Club helped organize a crew to rebuild **[Nancy McCall's]]** house in Coden ruined but not destroyed by

ıatrina. Besides helping the owner get out of a FEMA trailer and
ıack into a home, our intention was to show that a modest structure
ı a modest neighborhood could be durably restored at an affordable
:ost with environmentally friendly materials and methods.
/olunteers sweated at the site during several extended weekends
ınd accomplished much. But we could not complete the interior
valls until the plumbing we had installed was officially inspected and
ıpproved. We could not obtain that certification until we had a
:onnection to either an acceptable septic tank or a sewer system,
ınd neither was available. So the project is now dormant.
This situation symbolizes the many other damaged residences in
he area that also remain uninhabitable. If the funds available to you
vere used to rectify such circumstances, then people who are still
Katrina refugees more than a year after the storm could return to
heir homes.
David Underhill, chair

Mobile Bay Sierra Club



New Years Day 2007: Coden resident Nancy McCall, inside her house, which was built by her father, and where she was raised. Rebuilding cannot be complete until the sewer system issue is resolved. Like hundreds of others, she worries about eviction from her FEMA trailer.



'aul Nelson's family home was completely blown away, along with the family oyster processing plant. Paul and his brother face eviction from heir FEMA camper, where they lived with their mother Hilda, until she died Oct. 5 after living in the above pictured FEMA camper for over : year still hoping to see the family home rebuilt. After his mother's death, Paul Nelson received the Sierra Club's test results -- formaldehyde evels in the camper were 50% higher than EPA recommendations.

Paul Nelson of Coden, Al. has been a citizen lobbyist for over 30 years on issues ranging from fair hurricane relief and environmental justice to fair governmental policies for shrimpers and oyster catchers. His mother, Hilda Nelson also of Coden, Al. died suddenly on Oct. 5. **On Feb. 14, 2007, the highly respected journal, The Nation documented the fact that tragically, like tens of thousands of Hurricane Katrina and Rita survivors across the Gulf Coast, Mrs. Nelson also had to contend with toxic levels of formaldehyde vapor emanating from the partiele board in her FEMA camper.**

The following is an excerpt from The Nation's Feb. 14 exposé on high levels of formaldehyde in FEMA trailers, and the interview with Paul Nelson:

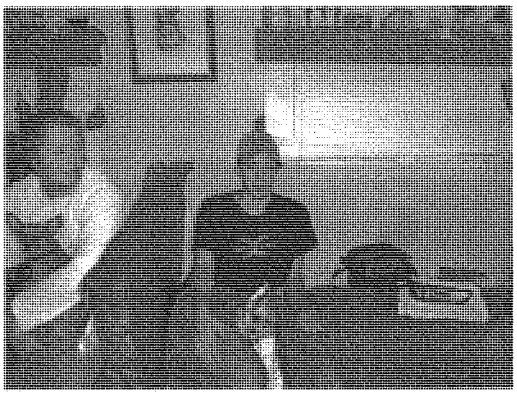
> **Formaldehyde is a very powerful irritant," says Mary DeVany, an industrial hygienist in Vancouver, Washington. "When you inhale the vapors...the breathing passages close off." The International Agency for Research on Cancer has classified formaldehyde as a human carcinogen....Air sampling by the Occupational Safety and Health Administration at holding stations where groups of trailers were kept before they were set up revealed high formaldehyde levels even in outdoor air.**
>
> **Hilda Nelson, 75, of Coden, Alabama....When she moved into a FEMA trailer at the site of her former house, she was in good health, says her son, Paul. Three weeks later, he says, "she was having trouble breathing." Not long after, she was diagnosed with pneumonia...Paul Nelson ordered a kit to test his mother's trailer for formaldehyde. The results showed the level of the chemical inside her trailer was 50 percent over the EPA's recommended limit." [Mr. Nelson received his mother's test results after her death, which was related to respiratory failure.]**

For many years Paul Nelson has provided a strong voice for all of the unincorporated towns (over 4,000 people) that span the 12 miles of Mobile County's Gulf Coast: Coden, Sans Souci, Mon Luis, Delta Port, Alabama Port, and Heron Bay. Once again, Paul is speaking out for his community, even though it is through a painful interview about the unjust circumstances surrounding his mother's death.

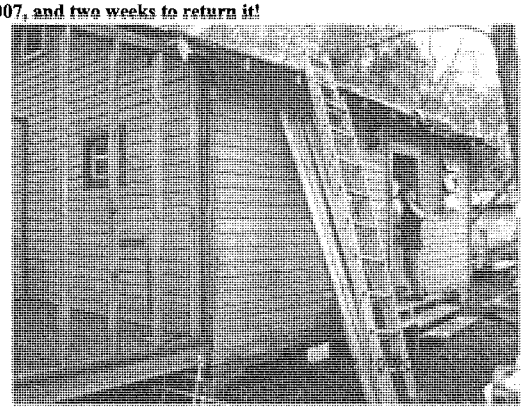
In an effort to understand the many challenges of long term recovery the Bay Area Food Bank would like for you to take this opportunity to tell us about your most difficult challenge while recovering from Hurricane Katrina. We understand that recovery challenges can come in many unexpected forms ranging from loss of home, trouble getting contractors to do work, permit issues for repairs, even finding child care or adjusting to new work or living situations. We encourage you to take time to tell us about your most significant long term challenge during your road to recovery from Hurricane Katrina. Telling us of your experience will help us to do a better job of recovery assistance for others in the future. Also, the food you are receiving is part of a local grant from the United Way and if you would like to make a statement on how this food will help you in your recovery effort it would be appreciated.

We lost everything due to Hurricane Katrina all of our clothes, furniture, pictures that cannot be replaced. Now a year after the Hurricane we are still living in a fema trailer. It has been an extremly rough road for us. We have 4 teenagers and 2 adults living in the camper that Fema has provided for us it gets extremly stressful with all of us in here. We have been blessed to have Mrs McCall & Mrs Clark in our lives they have made sure that we were not forgotten about for Thanksgiving & God Bless them. Without the food that has been provided I dont know what we would do during these trying times. There has been many times that I just wanted to throw my hands up and give up but I know that is not what God would want me to do.

Tammy L Collier
1-23-07



Tammy Collier with Tyler, one of her four teenage children who have been living with their mother and father in this FEMA camper for 19 months. Like many in south Mobile County, they did not know about the county's arbitrary and capricious deadlines: one week to pick up a CDBG application on Jan. 25 2007, and two weeks to return it!



Tammy Collier and Pat Lilley are working to rebuild their house -- FEMA will not assist.

Ms. Tammy Collier's heart-wrenching statement is representative of over 500 area households, or about 2500 Katrina survivors in south Alabama. They have lived, or more precisely barely survived, for 1 1/2 years in flimsy unhealthy FEMA trailers because federal CDBG funds have not yet been released!

Applications for CDBG funds were finally released on Jan. 25, yet Mobile County's grant administrator, Roth McHugh of Montgomery, imposed a one week deadline for picking up the applications, and a two week deadline to return them. These arbitrary and capricious deadlines were imposed with no consultation

or warning to the local community leaders and state advocates who had been meeting with the grant administrator, FEMA, Federal, State and County representatives since last September. **Pleas for extensions on the deadlines and for assistance in filling out the complicated application forms have been basically ignored (the return deadline was extended to one month, but not the pickup deadline.) In addition, the forms have not been translated,** ***despite the fact that Vietnamese and Spanish is the first language of a significant number of Katrina survivors in south Alabama.***

On Feb. 26 a letter was mailed protesting these deadlines, addressed to Mobile County Commissioner and copied to various state and federal representatives and stated: "We are particularly concerned that the current procedures place lower income families and members of classes protected under the federal Fair Housing Act – those people who are priority recipients of CDBG funds – at a particular disadvantage."

Over 250 individuals and organizations signed this letter. National advocacy groups who signed this letter are:
Lawyers Committee for Civil Rights Under Law, National Coalition for the Homeless
National Housing Trust,
National Fair Housing Alliance,
National Low Income Housing Coalition.
State organizations that signed were:
Alabama Appleseed,
Alabama Arise
Carlisa, Inc. (Brewton)
Center for Fair Housing, Inc. (Mobile)
Collaborative Solutions, Inc. (Birmingham)
Daughters of Charity (Mobile)
Federation of Child Care Centers of Alabama (FOCAL)
Fairhope Friends Meeting (Quakers) (Fairhope
Greater Birmingham Ministries (Birmingham)
New Life Holiness Church (East Brewton)
North Alabama Conference of United Methodist Church Restorative Justice Team
The Quest for Social Justice (Mobile)
Saint James Baptist Church (Brewton)
Saint John Missionary Baptist Church (Evergreen)
Sisters of Mercy (Mobile)

Last December three advocacy groups Alabama Appleseed, National Fair Housing Alliance, and National Low Income Housing Coalition wrote detailed critiques and recommendations regarding Roth McHugh's "Policy Statement" for disbursing the $8.5 Million Katrina CDBG funds for Mobile County including: lack of a specific housing needs assessment/survey of unincorporated areas of Mobile County; a "first come first serve" policy that could leave the most needy out in the cold; no language to assure those most in need -- e.g., the elderly, parents with young children, disabled -- will be served before an early applicant is allowed to exceed the cap; unfair or unclear requirements for those with heir property who lack clear title, etc.
(copies are available.)
Grass roots groups and advocates participating with local and state officials in the Coden Task Force proposed amendments to correct the serious flaws two months ago. The grant administrator recently rejected these amendments. We hope this letter will prompt the county to resume communication with the people most affected.

As many people in south Mobile County fight off despair, there are those ready to step in if they lose the battle. Evelyn "Elbow" Nelson's statement in a Jan. 22nd Alabama Arise (a statewide coalition that advocates for Alabama's numerous low income population) press release explains:

NEWS ADVISORY 1/22/07

News conference today – 2:00 pm, Mobile City Hall Atrium
Contact: Zack Carter, Alabama Arise (334) 832-9060
Jim Fuller, South Bay Community Alliance (251) 824-9700

FEMA Evictions Delayed, Concerns Remain

Displaced residents, advocacy groups question fairness of Katrina relief and highlight related environmental issues

BAYOU LA BATRE, AL – Nearly 2,000 Hurricane Katrina survivors in south Mobile County won 6 more months of borrowed time on Friday when President Bush pushed back a February 28 end date for FEMA trailer and rental assistance. Community activists had petitioned for a one-year postponement of the eviction deadline. A year and a half after the storm, an estimated 700 area households remain in FEMA trailers and tiny campers because federal Community Development Block Grants designated for home rebuilding have not yet been released.

Displaced Coden residents and representatives of social justice and environmental advocacy groups will hold a news conference on the fairness of Katrina relief policies at 2:00 today at Mobile City Hall.

Also at issue will be the new Bayou La Batre waste treatment plant, slated for construction in neighboring Coden, in a minority community within a federally designated flood zone. County and state officials have informed Coden homeowners that, in order to move back in after rebuilding, they must agree to hook up to the planned facility. An environmentally sound alternative proposal by the Mobile Area Water and Sewer System remains under consideration by state and local authorities.

The utility project is just one piece of a larger coastal development picture that worries many locals, including Evelyn "Elbow" Nelson. "After the storm, my husband and I and nine other family members had to live on a shrimp boat for about a month," Nelson says. "The first day we got back, we noticed there were flyers from developer Tim James's company all over people's houses, trailers, and even pilings of blown-away houses. The flyers asked if people wanted to sell. What the flyers should have said was 'How can we help?'"

When Nelson called the number on the flyer and spoke to James, he offered to buy her family's several acres for $20,000. "That property's been in our family for over 100 years," Nelson says. "I told him we were not for sale."

# # #

Alabama Arise is a nonprofit statewide citizens' organization comprising 150 congregations and community groups dedicated to improving the lives of low-income Alabamians.

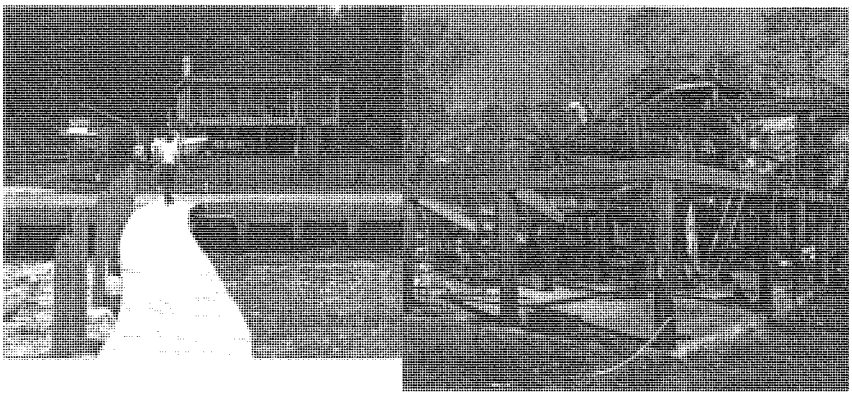
Ms. Nelson worries constantly for her mother and father whose home was destroyed by Katrina. "No one died down here during the storm, but six elders in my neighborhood have died since – mostly of broken

hearts waiting for their modest family homes to be rebuilt." A FEMA sponsored survey *estimated* (community leaders request for a detailed assessment has not been provided) that 550 homes were "totally destroyed" in Mobile County, and another 850 had "major damage." (Volume I:A Post-Katrina Housing & Needs Analysis *For* The Mobile, Alabama MSA *Date* June 2006.)

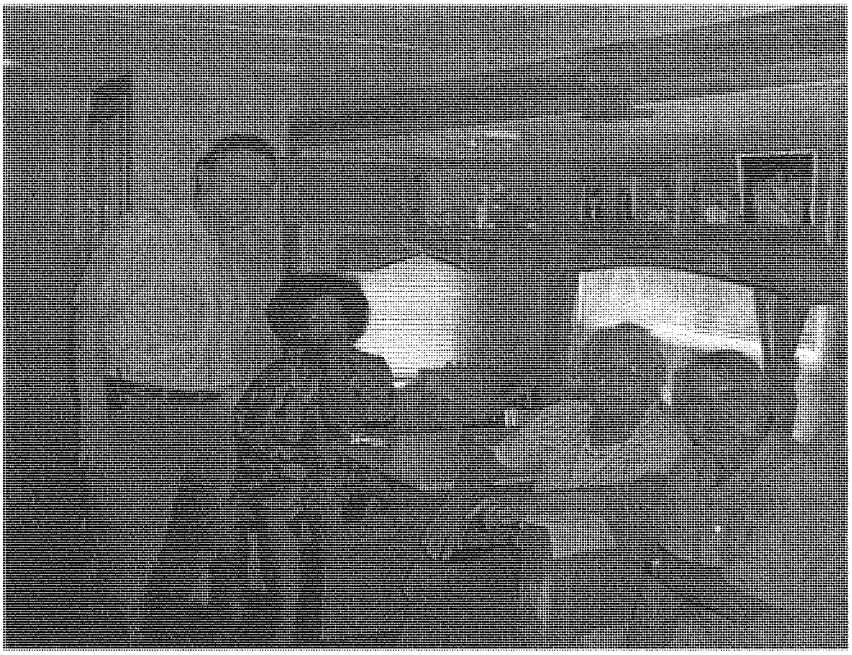
Ms. Collier and Ms. Nelson come from the area hit hardest by the Katrina in south Alabama, and the area most politically under-represented – unincorporated south Mobile County. According to a recent U.S. Coast Guard impact study (regarding a pre-Katrina LNG project), by Dr. John Salter: **"Incomes in this area are considered to be low to modest without a significant middle class. Many residents...are dependent upon the marine environment...The colonial population consisted of a mixture of French, African, and Native Americans. Social and racial lines tended to be and remain somewhat blurred as a consequence of this background."** And since the 1970's, Salter writes that the multicultural character has expanded to include a **"...Creasian" culture resulting from the blending of the longstanding Creole and Cajun and recent Asian ethnicities." (Social Impact Assessment For the Proposed Main Pass Energy Hub Environmental Impact Statement, January 2005)**

In the same document, Dr. Salter also noted: "Data collection and research indicate that the Potentially Affected Communities should be evaluated for Environmental Justice concerns."

These are the people of the unincorporated multiracial hamlets that span some 9 miles of Mobile County's Gulf Coast: Portersville Bay, San Souci, Coden, Mon Luis Island, Heron Bay, and Alabama Port. For over two hundred years this unique community has harvested Alabama's significant seafood industry and they have been the stewards of Alabama's oyster reefs and shrimp nurseries.



Jim Fuller and Judy Buff's home before Katrina and after Katrina, with no assistance to rebuild. Jim is now President of South Bay Communities Alliance, and Judy is Corporate Secretary. The year-old grass-roots organization is striving to bring Katrina relief to the unincorporated towns of Mobile County's Gulf Coast.



Mrs. Hilda Nelson in her FEMA camper with supporters September 5, 2006, one month before her death.

Mr. YARMUTH. He stated in his written testimony, "I have met and video interviewed dozens of Katrina victims in South Mobile County, and I can say that almost each one has complained to me about health problems that they have developed since moving into their FEMA camper, from nosebleeds and bronchitis to high blood pressure."

David Underhill of Mobile-based Sierra Club has informed us that almost all of the dozen FEMA campers that organization tested had had problems with formaldehyde. We have had testimony from many, many people. So I am interested in knowing, particularly with the three of you—and I am not familiar with the setting in which you lived, but I assume you lived in an area where there were many people in similar circumstances living in FEMA-supplied campers. Did you have conversations with these people to share their experiences? Would you elaborate on those for us?

Mr. STEWART. Sir, immediately after my test results came out and were publicized, I was contacted by the Sierra Club and took part in assisting them in testing campers in Bay Village, which is a FEMA trailer park in Bay St. Louis. I will tell you two things that were shocking. No. 1 was the number of trailers that tested with excessively high formaldehyde. Of all the campers that were tested, 88 percent had formaldehyde levels that were deemed unhealthy.

The second and almost the scary thing is that when you walked in and asked these people, this is who we are. This is who I am. I tested my camper. My camper was high. Can we hang a test kit in your camper to make sure that what you are living in is safe? Almost unanimously the first response was, as long as it is OK with FEMA, because I don't want to lose this house, because if I lose it I am going to be living back on my slab.

The fear of FEMA was so strong that people would rather live in an unhealthy environment than to be back on the street, because they feared FEMA would come in and snatch that house right out from underneath of them.

When the first media event happened and I had publicized what happened to me, the reporter who did the report, he was living in a FEMA camper, too. We actually joked back and forth, because we had already heard of FEMA coming in heavy handed and taking campers away from people, and we actually contemplated what happens if this thing goes out. You may lose your house, too, because he was living in a FEMA camper.

There is a deep-rooted fear of people living in these things that someone is going to come in and snatch up their house.

Mr. YARMUTH. Well, I just have a few seconds left, so I would like Mrs. Huckabee and Mr. Harris to comment also about their experiences, if you had conversations with others.

Mrs. HUCKABEE. I, too, at school meetings and at play dates and things like that. Conversation would come up about somebody not being there because their child was sick again and again and again. It was the same type stuff—asthma symptoms. I cannot count the number of people I know that have had children born since the storm and they all have asthma. It used to be something where every once in a while you would hear of somebody, but I think almost literally every friend that I have that has had a child

born since the storm, they have turned asthmatic, and they are all in the FEMA trailers.

Mr. HARRIS. I would like to just quickly echo and say yes. As a minister, what we try to do is help people during the times that they are feeling very vulnerable and the times that they are feeling inadequate, and I want to tell you that there are trailer parks and other areas where people are suffering. I must say again to you, please hear me, it is not an imagined thing what Mr. Stewart is saying. There is a fear. There is an element that they make you feel like you ought to be glad you have this. Congressman, I can't over-emphasize that. So when we are saying this to you, please hear me.

Mr. YARMUTH. Thank you. We hear you very loud.

Mr. HARRIS. Bless you.

Mr. YARMUTH. Thank you.

Chairman WAXMAN. Thank you, Mr. Yarmuth.

Mr. Towns.

Mr. TOWNS. Thank you very much, Mr. Chairman.

Let me begin by first thanking all the witnesses. I really appreciate your taking time to come and to share with us. Let me say right from the outset, you know, I have enough proof. The fact that you are here and you have indicated in terms of your views and you talk about the children and your sick children and the problems that you have encountered, that is enough proof for me.

Of course, I come from New York and I know about 9/11. I remember even with EPA, when they indicated the fact that there is no problem, and then now all of the sudden people are having respiratory problems, and now people are saying I think maybe something did occur. Well, I think that your coming and sharing with us is something that we need to get on top of right away because I must say here we go again.

To think about the fact that the lawyers basically said no testing until you contact us, I mean, that to me sort of smells like a cover-up, and I think that we cannot afford to have a cover-up.

One of my colleagues on the committee here went on to say no proof, but people afraid to complain, that is normal. I mean, if you are dealing with a big Government agency and they are saying that we are going to give you this, even though it is not right, you still don't want to complain about it. A lot of people fall into that category, and a lot of people will suffer before they will actually complain.

But the point of the matter is that I am concerned because you said that FEMA was treating them like a charity case. Well, that to me is very troubling, because when you have a family member that is suffering, you are suffering, and a lot of your friends are suffering, and you are trying to do something about it.

I think Reverend Harris mentioned we are helpless but we are not hopeless, but at a point some people begin to become hopeless, and they just feel that nothing can be done, nobody cares about the situation, and I think that your coming here and sharing with us, indicating the fact how people's eyes are burning and how they are tearing, and for us to hear in an open way that FEMA's priorities seem to have been upside-down, they were more concerned about protecting themselves, protecting their image, rather than protect-

ing the people. That is the thing that I think is coming across very loud and clear to me.

I do have one question I probably want to ask you, Dr. Needle. Will you please turn to exhibit K, this e-mail exchange between FEMA and the Gulf Stream Coach discussing the trailer's occupant. If you turn to the bottom of page 7 you will see an e-mail that says, employees after interviewing a trailer occupant, it reads, "He has been experiencing numerous respiratory problems. Upon advice from his doctor—" that is the occupant talking, occupant of the trailer—"is requesting the manufacturer's safety data sheets in regards to types of solvents, glues, or adhesives used in manufacturing the trailer. The applicant states that the trailer stinks like formaldehyde."

Now, if you turn to page 3, in the middle of the page a FEMA lawyer responds and says, "The program should not be dealing with applicants on the formaldehyde issue without first coordinating with the lawyers of FEMA and the Department of Justice."

And FEMA's field employee responds in the middle of the page. He says, "OK. If I interpret this correctly, we are at all stop on providing material safety data sheets to requesters."

Doesn't that seem to be a cover-up?

Dr. NEEDLE. I don't know if I can speak directly to that, but——

Mr. TOWNS. Let me put it this way, Doctor. In the case of a doctor has advised his patient to try to learn what chemicals might be causing his respiratory problem, do you think that is a reasonable request? You can answer that one.

Dr. NEEDLE. Absolutely. I agree that it would be. Yes.

Mr. TOWNS. Yet FEMA's lawyers see it as their job to prevent information from being conveyed to the trailer occupants. Does that seem to be right to you?

Dr. NEEDLE. I think, as the documentation is coming out, both from what we know and from also what the committee has discovered and is relating to us, I think it is becoming clear that FEMA has known about this problem for much longer than at least any of us suspected. I mean, I can tell you, for instance, that we on the ground in Mississippi and Louisiana were raising attention to this issue well over a year ago, and at that point FEMA's spokesperson said—I am paraphrasing—basically everything was under control and that there were no health concerns. And what we are finding today is that even at that very time there were individuals within the Agency that felt otherwise.

Mr. TOWNS. You know, it sounds like a cover-up to me.

Anyway, my time has expired, Mr. Chairman. Thank you so much.

I do thank all of you for coming, and I really, really appreciate your sharing information with us, because I think that the message is clear and that we want to do whatever we can to try and fix it. Thank you so much.

Chairman WAXMAN. Thank you, Mr. Towns.

Mr. Sarbanes.

Mr. SARBANES. Thank you, Mr. Chairman.

Thank you all for your testimony. I want to rebut the notion that Government is inherently incompetent and can't do the job, which is a direction you can head in when you hear the kind of testimony

that is here. In my view, Government is there. It is an instrument to be used for good or bad, and it depends on leadership. For this kind of thing to happen, you either have to have uncaring leadership or incompetent leadership. There are only two choices, because if you have leadership that is caring, then the only way something like this happens is if it is incompetent. If you have leadership that is competent, then the only way this could be allowed to happen is if the leadership is uncaring. So we are probably at the beginning of a process, Mr. Chairman, that is going to continue to bring forth more information and evidence. We can get to that issue, and we are going to have testimony later.

Who is dis-served by this? I want to say I hope you don't feel that we are over-indulging in the statements that are coming forward here, but I think it reflects the level of anger on the part of members of this committee. But who is dis-served? Obviously, you are dis-served, first and foremost, the people that should have been helped. But, in addition, I know that there are FEMA employees, rank and file people in the field, some of whose expressions of caring have been documented here today, who are going to watch this hearing and they are going to say, that is not us. We care, and we do the job in a competent way. But the leadership that is coming from above has either tied our hands or neglected us, and then it spills over and affects you. So they are being dis-served.

The third constituency that is being dis-served is everybody in this country, because we keep grasping for examples that we can do things right when we face these challenges, and we keep seeing instances where we are screwing it up. Again, that comes back to leadership.

I want to ask you, Mrs. Huckabee, to answer this question for me. Tell me about those moments in the middle of the night, because I am sure they happen, when you thought to yourself, am I going crazy? Because what I hear is common sense. There are no experts. You are the experts. You are there. You are trying to protect your family. You see what has happened. You walk in. You see your daughter covered in blood. Yet, every time you try to penetrate the system and get them to respond you are the one who has to come away wondering whether there is something wrong with you, whether your assessment is somehow flawed when you see all around you all the evidence that something is going on. So tell me about those moments when you were sitting there saying, Am I going crazy? Because I bet that happened.

Mrs. HUCKABEE. There are so many of them. I mean, my daughter woke up in the middle of the night coughing, crying, wheezing. My son with the sinus infections over and over again. I mean, you begin to think, if FEMA is saying there is nothing wrong with these trailers and there has to be something. I even had one FEMA representative on the maintenance line saying, are you sure that you are not exaggerating your children's symptoms? They said that they had people trying to claim they had formaldehyde to get bigger and better trailers and things like that.

I mean, I assure you I even went back to the pediatrician's office and said, look, can you give me the list of dates that I was here, because it seemed like we were there so often. I wanted to make sure in my own mind because I thought surely my kids have not

really been there once a week for the past 18 months. And I even called the receptionist and said, can you give me the list of dates that I have been there and called and everything.

I mean, it is just terrifying because you know that there are people who look at you and go, Now why can't you just keep your kids healthy? They have these seemingly apart simple, little things that should be able to be fixed, and it is all five kids over and over and over again. Of course, outside of the situation I would look to the mother, too, and be, like, what is she doing wrong, because kids don't just stay sick like that.

Mr. SARBANES. It is incredible that you would be asked if you were exaggerating the situation, because when you are captive like that, the human response is to try to under-state it to yourself, because you don't want to be left thinking that you are not doing the right thing for your children. You mentioned that when you said you were hoping for a diagnosis of an allergy so that you would at least not have to face the prospect that you were putting your children in harm's way for some other reason.

This is the position that you are being put in, and I would just say to all of the witnesses: don't let anyone else be the experts. Don't let anyone else tell you that you are crazy or that you don't understand what is happening in your own home with your own family. We are here to respond to what you have brought forth.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Sarbanes.

Mr. Murphy, you are next, but before I recognize you I want to call on Mr. Davis.

Mr. DAVIS OF VIRGINIA. Thank you.

Let me just pick up for 1 second what Mr. Sarbanes observed. I mean, I think in this case, when you take a look at what everybody is going to say today—and I rarely defend lawyers, but the lawyers, from their perspective, were doing their job in protecting the Agency. The people in the field were saying we have a problem and sending it up the chain of command, and it just kind of all got garbled. Everybody is doing their job and nothing happens.

We can all sit here and agree that the end result was not the result that we want. We weren't taking care of the people. They forgot the mission, that the duty ultimately isn't to the Agency, it is not to the bureaucracy, it is to the people they serve. But very rarely do you get rewarded for stepping outside that model and stepping over the rules and the regulations or getting outside your assigned place to do that. That starts at the top.

We can legislate all we want, but at the end of the day it goes with the leadership, and the mission in this case, with the crisis there after the hurricane, was to serve the people. People were doing their jobs. It didn't work, and it can't happen. That is why your stories here today are so important as we go through.

I don't want to point fingers at anybody, except we had a system that just didn't work.

Thank you.

Chairman WAXMAN. Thank you, Mr. Davis.

I just want to comment. The lawyers weren't doing their job. The lawyers' job should have been to get in there and clean it up. That is how you avoid liability. I can't imagine how many lawsuits

FEMA is now going to face because they tried to cover up their failure, their shameful failure to do their job.

Mr. Murphy, it is your turn. I know the witnesses are anxious to jump in, as well, but I am going to call you next.

Mr. DAVIS OF VIRGINIA. Rarely do I defend lawyers and Henry goes after them, so this is kind of the opposite. [Laughter.]

Mr. MURPHY. Thank you. Thank you, Mr. Chairman.

I got to spend a few days in New Orleans a few months ago and got to actually spend a little time in one of the trailers with a resident who is there who is desperately searching for housing. She was renting before she took a trailer. That property is no longer available, and she has a story, like thousands of others who are doing everything within their power to get back to normal living, whether rebuilding their house, repurchasing a new house, re-renting again. This problem continues, and may continue for a very long time, because it is going to take a long time to rebuild not only the housing stock of the people who owned houses, but also the thousands of people who rented there who have seen the prices go through the roof to make some of that rental housing affordable, even if it is still there.

I wanted to touch upon some of the testing that actually was done. We have talked a lot about the testing that was not done and the fact that FEMA knew. FEMA staff on the ground tried several times to get that testing done. The reports became so prolific that the Sierra Club stepped in to do testing, which resulted in the end in results coming back showing that there were dangerous levels above those recommended by scientific experts.

Ms. DeVany, I wanted to point that question to you, because I know you were involved in coming up with the protocols that the Sierra Club used, and would ask you just to talk a little bit about the advice that you gave them and how you believe those tests went.

Ms. DEVANY. I did advise the Sierra Club on methods for testing, and, just in general, when we design protocols for doing air sampling, we want to catch actual real values. I think this goes back to what the chairman said, what Mr. Davis said, that not only was FEMA trying to cover up, but they engaged other Federal agencies in their cover-up. They had the EPA design sampling protocols that were, as an industrial hygienist, bizarre. Why would we take empty trailers, open them and ventilate them 24 hours a day 3 weeks straight and then decide that is how we are going to figure out the formaldehyde levels?

Then, in addition to having the EPA design, like I said, bizarre protocols, they got two scientists from the ATSDR—the Agency for Toxic Substances Registry—and, instead of using their own standard of 0.03 parts per million, these scientists changed their level that is so high and causes such physiological damage that it actually, at that level, the 0.3 parts per million, causes the bronchi to constrict enough that it restricts the airway enough to cause wheezing, asthma, and an emergency situation.

That level is the one they chose. Instead of using the safe exposure level, the ATSDR chose a level of concern. And then they analyzed EPA's results using that skewed baseline.

Mr. MURPHY. Ms. DeVany—and I see Dr. Needle shaking his head, as well—do you have any opinion as to why they chose that level, despite a number of sources of literature suggesting a much more reasonable standard?

Ms. DEVANY. All I can say, in my professional opinion, is that they did this in order to minimize the actual extent of the problems in these trailers. I have no other conclusion I can draw as a scientist analyzing this. And I have done this all my life. I can't believe it was done. I think it was complete violation of our professional code of ethics.

Mr. MURPHY. Do you have faith in the results of the Sierra Club trials, given your input into how those were conducted?

Ms. DEVANY. There were some problems there, too. I mean, in an ideal situation I would have recorded what the ambient temperatures were, the range during that time, what the humidity levels were, if anyone smoked inside the trailer or not. But, by and large, they were realistic samples of what people were being exposed to. They didn't artificially try to elevate them by putting the samples inside cabinets and closing the door. They were pretty realistic, I believe.

Mr. MURPHY. Mr. Stewart, you had some experience in the Sierra Club trials, as well. What was your experience with those trials?

Mr. STEWART. In my circumstance, in particular, if the test showed anything it was that the test was actually on the low end, because my test was done, as she just stated, not under perfect conditions. My windows were open, the exhaust fan was on, and there was an air purifier, an industrial one, working at the time I did the test. So even at the 0.22, that was a low ball figure from that standpoint.

And then I did walk around and put these in other campers, and I can say that I don't think there were any in the middle of the summer in Mississippi that didn't have the air conditioning on and trying to keep the place cool. So from a humidity standpoint and a temperature standpoint, I think they were relatively common throughout the campers.

I did just want to say one thing, if I could.

Mr. MURPHY. My time is up.

Mr. STEWART. Mr. Sarbanes, I just wanted to say one thing. I think that an organization can be uncaring and incompetent at the same time. I don't think they are mutually exclusive. When you call FEMA and, one, they don't do anything and, two, they treat you like you are a criminal, I think that is a level of incompetence and uncaring together at the same time.

Chairman WAXMAN. Thank you, Mr. Murphy. Your time has expired.

I want to recognize now our colleague, Mr. Melancon, who is not a member of this committee, but I want to point out that he wasn't a member of the Select Committee looking at Hurricane Katrina and all the damage that was done, yet he spent more time at that Select Committee, put more hours, and tried to do what is right for his constituents, and I want to commend him for that and ask him now to proceed with his question period.

Mr. MELANCON. Thank you, Mr. Chairman, and also Ranking Member Davis, who was chairing at that time the Select Commit-

tee on Katrina. My only regret is that Chairman Davis' leaders put a sunset on the committee at a time when we should have been opening up more investigation. But that is in the past. Now we are having to start anew.

The people that are here today, Mr. Chairman and other Members, first they were devastated by the storm. I would guess all of them got screwed by their insurance companies—excuse the rash word. Then the Government failed to show up, or at least failed to show up in a friendly manner to say I am here to try and help you, not here to give you anything, I am here to try to give you a helping hand. That is what is consistently not happening.

The gentlelady a while ago talked about the $52 billion and concern for the delivery. Well, that was in September 2005. At the end of February 2007, $52 billion still had not been spent and delivered to the sites along the Gulf Coast. That $52 billion that was spent didn't get to the people that are sitting at this table. That $52 billion didn't get to the local governments to put their water systems back up or whatever. You got entire communities in an area that encompasses about the same size as Great Britain that were affected by two storms, two of the most horrendous storms this world has seen, not to speak of that this country has seen.

We talk about the chain of command and the problem you have. I visited with Mr. Paulison about a year ago, I guess it was, Mr. Stanley and I, and I was very excited because I felt like I got somebody that understands and can maybe get this Department straight. I am hoping that the tail didn't start wagging the dog, but we will see where we go there.

One of the things that I have seen or feel that I see is departments of Government being run by their attorneys who put the fear of a lawsuit in front of the Secretaries and the administrators instead of saying, let's figure out how we can get things done, and done right for the good of the people, and spend the money wisely.

It is really, really frustrating.

Mr. Stewart, a while ago you made a comment, and it hit straight home. One of the things that we argue about here in the Congress is housing for the people that were displaced. Everybody wants to get back home. They want to move their families back home. Yet, what did we do as a Government? Every available property that was for rent—and I can attest to this in New Orleans—was occupied by Government contractors or FEMA workers, while the people who wanted to get home, FEMA was trying to put them in trailers and mobile home parks everywhere but where they came from, and it should have been just the opposite. Let those workers commute in to the disaster area to work every day and put the people back where they needed to be.

They are still trying to get trailers. We have not only the formaldehyde calls, but we had the problem with getting trailers. I think up in Hope, AR, there are still about 8,000 trailers sitting up there. When somebody said, why do you have all these trailers, well, we decided we would save those for the next disaster.

Well, there was a tornado through Arkansas 150 miles away, and the Member of Congress from that District basically had to raise unmitigated hell to get eight trailers over there to help put people

back on the ground in the community so they could start working. There is no logic to it at all.

The chain of command does not exist. I put people in a room from FEMA or ask them to get into a room with local government and contractors and whatever, and they will find a reason. Usually it is, we can't meet with the contractor. Well, why the hell not? Some silly rule? Some attorney?

You go to the people. I found when we find somebody in FEMA that tips over the line and says, Let me try and do this, because it will help move you along, they usually are gone within a couple of weeks. There is turnover, and, of course, the excuse is they get weary working down in that disaster area, and so they need to rotate them out. Well, the people are weary, and what they need is some people to stay around there and understand the situation and be as frustrated as them because their Government isn't doing anything for them. Then maybe they would be hollering, but they are afraid they are going to get fired. That is what their problem is.

Mr. Chairman, I commend you for opening these hearings back up. I commend all the chairmen of all the committees and the leadership of this House for opening up what is one of the biggest messes that I have witnessed in my entire life.

We still have a chance to get it right. I will tell the story real quick before my time is up. I hear a lot of people running around about those people, you know, they are always looking for something. I have a good friend that is a physician. He is about 63, going on 64 years old. He is very comfortable. He has done quite well in his life. He lost his office, everything in it. His practice is over. Lost the hospital. Thank God his daughter, who had a preemie, demanded the hospital take the baby and evacuate it with her; otherwise, that baby would have been one of the casualties.

He lost his house, everything in it. He was gone for the usual 3 days, came back after the storm. Everything. He raised his children, his family in that house. His daughter has gone through a divorce, some of which you can pin mostly on the trauma, the insurance issues, those kind of things. They went to tear down their house, demolish it. All the kids, it was like a funeral.

As they tore the house down they got a call that his father-in-law passed away from a heart attack that morning.

Now, this is a physician who should recognize that he needs anger management, and he is in depression, or signs of depression, and he doesn't see it but his friends all see it. We are dealing with people that have been jerked around for 2½ years, and it is time we stopped it. If that is the case, Mr. Chairman, it is by the power of the gavel. I commend you for it, and I hope that you and more Members will follow through in these areas so we can get to the bottom of this whole mess.

Thank you. I am sorry for running over time.

Chairman WAXMAN. Thank you very much, Mr. Melancon. I appreciate what you had to say. You are constantly pushing for us to do more.

I want to thank this panel. You have been terrific. You have given us your testimony and you have given it with emotion and power, and it is a compelling testimony that each and every one of you has given to us. Thank you so much.

Next we will hear from the head of the Federal Emergency Management Agency, but I want to take a 5-minute break, and then we will reconvene and go right into Mr. Paulison's testimony.

We stand in recess for 5 minutes.

[Recess.]

Chairman WAXMAN. Our committee will now hear from R. David Paulison. Mr. Paulison has served as Acting Director of the Federal Emergency Management Agency since 2005. He was confirmed by the Senate as Director in May 2006.

Mr. Paulison, we want to welcome you to our committee today and recognize you for your testimony, after which we will have some questions.

STATEMENT OF R. DAVID PAULISON, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. PAULISON. Thank you, Mr. Chair. I appreciate it very much.

Let me say before I even start that I have heard very, very clearly. The reason I sat in this meeting while the other witnesses were testifying, I wanted to hear what they had to say and wanted to hear it personally, and I have heard very clearly some of their issues. If what they are saying is accurate, particularly with the customer service area, I have obviously a lot of work to do in that area and will work on that. But also, for these three particular residents, we will followup to make sure that we take care of their issues and find out if there are more.

As the Administrator of FEMA, I want to assure you and the citizens of our Nation that we are aware. We are aware of the concerns regarding the presence of formaldehyde in FEMA travel trailers and are taking responsible steps to address that as we speak.

Chairman WAXMAN. I neglected to swear you in. The part you just said you cannot be held for perjury for having said it. [Laughter.]

But I would like to ask you to be sworn.

[Witness sworn.]

Chairman WAXMAN. Thank you.

Mr. PAULISON. This part I can be held, right?

As my written testimony, as you read, explains in greater detail, we have been proactive in reviewing the situation. We have recommended a wide range of actions that reduce health risk and have been working with the experts to better understand the health environment and investigate additional short and long-term solutions. I wish to make it very clear that the health and safety of residents has been and continues to be our primary concern.

Following most disasters, those displaced from housing by disaster are able to obtain or are provided with short-term, temporary housing just outside the impacted area, then after a short period they can return to their homes. With the immensity and size of Hurricanes Katrina and Rita, this simply was not possible. Facing an area of devastation roughly the size of Great Britain, FEMA provided over 120,000 mobile homes and travel trailers to individuals and families throughout the Gulf Coast area. This was the largest emergency housing mission in the history of this Nation.

Six months after their initial deployment, FEMA received the first complaint of formaldehyde-related odors that we are aware of.

After a prompt review, FEMA replaced that unit in just a few weeks on March 19th. Since that time FEMA has documented just over 200 complaints of strange odors, including what we think is formaldehyde, and of those 200—and not to minimize the issue, but just for record—we have replaced 58 of those formaldehyde concerns, and five more have been placed into rental housing sources once they became available.

One thing I want to clearly point out, though, whether the number of calls is 2 or 200, I am concerned with the potential health implication of formaldehyde in our travel trailers and want to better understand and address this very complicated issue.

FEMA is working with the Center of Disease Control and Prevention, with EPA, working with HHS, working with HUD, working with Public Health Service, and also the Department of Homeland Security's Office of Health Affairs, and with industry partners to help investigate the situation. We know that formaldehyde is present in many household products, construction materials, and produced by tobacco smoke and gas cooking.

Although ventilation and other actions reduce the levels, anecdotal experience that we have seen recently, especially from the physicians that you have heard from today and others caring for residents of trailers, has raised questions about the overall indoor quality and/or air quality of travel trailers and the practicality of ventilation advice, especially given the Gulf Coast region in the summer time.

As we have gained experience and more knowledge, we have expanded our efforts to research the levels of formaldehyde in the units and their impact on health of all of our residents.

Despite 30 years of research and reports on numerous Federal agencies, there is now no existing consensus on safe formaldehyde levels in residential dwellings, so again we are looking to the experts for advice.

This June the Department of Homeland Security officials, including FEMA, again met with CDC, the National Center for Environmental Health, the Agency for Toxic Substance and Disease Registry, the National Institute of Occupational Safety and Health, and the National Institute of Standards and Technology. Together, we are beginning both short and long-term investigations. In fact, FEMA and CDC are scheduled to begin phase one of a study in the Gulf Coast within the next few weeks. In the meantime, FEMA continues to take action through updated trailer purchase specifications, improving training to FEMA and medical staff who respond to complaints, and continued education and communication with the residents. We have also increased our efforts to move residents out of temporary housing into longer-term housing solutions.

FEMA and the entire Department of Homeland Security are committed to ensuring that victims of disasters are safe and have a healthy place to live during the recovery period. The health and safety of the residents is my primary concern. This is the concern of everyone involved in researching and addressing formaldehyde based issues. We will continue to evaluate, communicate, and mitigate the potential risk of formaldehyde or any other safety issue in our temporary housing units. Together with our Federal and private partners, we will work to develop sound best practices for re-

ducing formaldehyde exposure in FEMA-provided and temporary housing.

Mr. Chair, I do want to thank you for this hearing. I look forward to discussing FEMA's recovery efforts with the committee. And, as I talked to you earlier, I hope at the end of the day when this is done this Government, perhaps with the help of this committee, can come up with some sound standards that we can apply to not only travel trailers and mobile homes, but all housing units across this country.

Again, thank you very much. I am ready to answer any questions you might have.

[The prepared statement of Mr. Paulison follows:]

Statement of

R. David Paulison

Administrator

Federal Emergency Management Agency

Department of Homeland Security

Before the

Committee on Oversight and Government Reform

U.S. House of Representatives

Washington, DC

July 19, 2007

Good morning, Chairman Waxman, Representative Davis, and members of the Committee. My name is R. David Paulison, and I am the Administrator of the Federal Emergency Management Agency (FEMA), within the Department of Homeland Security (DHS). It is my pleasure to be here with you today to assure this committee that FEMA is taking responsible steps to address the concerns regarding the presence of formaldehyde in temporary housing units provided to disaster assistance applicants.

Historically FEMA has used manufactured housing (mobile homes) and travel trailers as a means of providing temporary housing to individuals who are displaced from their primary residences following a Presidentially declared disaster, but only when other forms of housing are not readily available. In the majority of disasters, housing needs are addressed through existing resources and FEMA's use of mobile homes or travel trailers is typically limited. This changed dramatically following hurricanes Katrina and Rita, as housing resources along the Gulf Coast were decimated. There were few alternatives to FEMA mobile homes and travel trailers. To address the need, FEMA provided over 120,000 mobile homes and travel trailers to individuals and families throughout the Gulf.

This was the largest emergency housing mission in our nation's history. Given decades of successful history of using mobile homes and smaller travel trailers to provide temporary housing, we had no reason to anticipate problems with the habitability of travel trailer units. Nevertheless, FEMA responded to the first reported concerns of formaldehyde fumes by a Gulf Coast travel trailer occupant in March 2006, and replaced the unit on March 19, 2006. FEMA continued to monitor the number of formaldehyde reports, and once they began to increase, the agency took this as an indication that this might be more than an isolated concern. FEMA began consulting with the Environmental Protection Agency (EPA), the Department of Health and Human Services (HHS) (including its Agency for Toxic Substances and Disease Registry (ATSDR)), and the mobile home industry to gather information about the presence and effects of formaldehyde, in May 2006.

FEMA implemented a system to address the complaints, case-by-case, as they were reported. FEMA utilized media outlets to inform the residents in Mississippi and Louisiana that they could contact the maintenance call center to address questions regarding formaldehyde in their travel trailers. These calls received prompt follow-up actions, which included sending a housing representative to visit with the occupants of the units to discuss ventilation, and other ways that formaldehyde levels could potentially be decreased. For households that reported continuing problems with formaldehyde, FEMA responded by either replacing the unit with an older unit that had reduced levels of formaldehyde or by helping residents locate another form of housing. Of the 120,000 mobile homes and travel trailers that FEMA provided to individuals and families throughout the Gulf, only a small number of travel trailer formaldehyde complaints have come in to FEMA. We acknowledge that this number is difficult to determine because FEMA does not have an Agency-wide database for collecting and sorting maintenance complaints including formaldehyde, which is exactly why we have continued to move towards comprehensive assessment and mitigation strategies. Of note, however, despite the press coverage that has been associated with this issue, including our widely known willingness to replace travel trailers, out of more than 66,800 travel trailers and mobile homes currently used as temporary housing in the Gulf, only 58 travel trailer units have been replaced because of formaldehyde concerns - 18 in Louisiana, 30 in Mississippi, 8 in Texas and 2 in Alabama. Five additional formaldehyde complaints in Mississippi and Texas have resulted in occupants being moved to rental housing resources.

As concerns continued to be received into the summer, FEMA also began widespread distribution of information to travel trailer occupants across the Gulf Coast identifying potential sources of formaldehyde and explaining how those persons sensitive to formaldehyde could take specific actions to remediate formaldehyde levels. Flyers capturing this information were hand delivered to all travel trailer occupants beginning in July of 2006.

The flyers contained relevant information about formaldehyde, which is one of the 25 most abundantly produced chemicals in the world. Formaldehyde is found in many

household products including new permanent press fabrics, new carpets, latex paint, fingernail polish, antiseptics, medicines, cosmetics, dish-washing liquids, fabric softeners, shoe-care agents, carpet cleaners, glues, adhesives, lacquers, and plastics. It is also produced by cigarettes and other tobacco products and gas cookers. Factors that affect the concentration of formaldehyde in indoor air include the type and quality of source materials, the age of the source materials, ventilation, temperature and humidity. Therefore the information provided to residents on remediation efforts urged occupants to increase ventilation, keep indoor temperatures cool, keep the humidity low, and not to smoke inside the unit.

Discussions with EPA, CDC, and HHS continued throughout the summer to gain a better understanding of the scope and magnitude of potential problems related to the presence of formaldehyde in temporary housing units, and to begin planning for testing. In September 2006, the results of these discussions were manifested as FEMA modified an Interagency Agreement with the EPA to begin testing for formaldehyde in travel trailers. The study involved collecting air samples from new, unused travel trailers during the months of September and October at a staging area in Baton Rouge, LA. Only travel trailers that had never been occupied were tested in order to eliminate any effects from human activities that might cause formaldehyde levels to rise. Samples were collected from two different groups of travel trailers, each using a different method of ventilation. One group was ventilated by opening windows and vents, while for the second group, ventilation was provided using the air conditioning system with open static vents in the bathroom. Samples were taken at different times of the day. Ambient outdoor samples were taken concurrently with the collection of the samples in the travel trailers.

In November 2006, EPA provided the data gathered during the sampling phase to FEMA for further analysis. FEMA forwarded the data to the Department of Health and Human Services Agency for Toxic Substances and Disease Registry (ATSDR) in Atlanta, GA which is associated with the Centers for Disease Control (CDC) for evaluation. This analysis demonstrated that travel trailers in storage conditions with adequate ventilation

could reduce levels below the level of concern for sensitive individuals. These studies were repeated in March and showed the same results.

As noted previously formaldehyde is a substance that is ubiquitous in today's environment, and is even, in small levels, a normal by-product of biological processes in the human body. At higher levels, especially indoors, formaldehyde can be irritating to the respiratory system, and it is reasonably anticipated to be a human carcinogen. The subject is complicated by the fact that, despite over 30 years of research, no Federal agency has ever been able to determine a safe or unsafe level in residential indoor air. Even in "occupational" settings, estimates of "safe" levels are widely divergent. This remains a complex issue.

Over last winter and spring, physicians in the Gulf Coast region noted an association between families living in travel trailers and frequent and recurrent upper respiratory infections. This finding was remarkable because physicians noticed these were patients that they followed both before and after Katrina, and they did not see similar patterns in the same families before Katrina. In fact, they observed that families having difficulties with respiratory issues while living in travel trailers, cleared of their symptoms once they moved out.

Based on these observations, a private organization undertook its own testing (no documentation of the exact procedures used is available).

In February 2007, the same month as the results of the above private study were published in a magazine article, the results of the testing performed by the EPA, with subsequent analysis by ATSDR, were released. The findings confirmed that adequate ventilation could reduce the formaldehyde to levels below the level of concern for sensitive individuals based on the best available published studies and standards (again, these were not studies or standards regarding residential air quality as that data does not exist). Information and guidance based on the results was provided to the residents of the travel trailers.

However, with the continued anecdotal complaints and a recognition regarding the practicality of the ventilation advice, especially in the Gulf Coast region in the summer, FEMA asked the DHS Office of Health Affairs (OHA) and the Chief Medical Officer to assist in working with CDC to determine the best scientifically valid approach to address this issue. More specifically, FEMA sought to get to the root of the problem as rapidly as possible, with the primary goal being the health and safety of those who are still in travel trailers as temporary housing.

As part of this additional evaluation, an OHA Associate Chief Medical Officer spoke to the physician who had been most quoted in the press. This physician noted a pattern of respiratory illness which could be consistent with formaldehyde exposure, but, importantly and correctly, he also noted that there was no clinical basis for definitively associating increased upper respiratory symptoms specifically with elevated formaldehyde levels. It is very possible that the observed illness pattern is due to multiple factors including other exposures, other environmental conditions in the area, or just simply the very close living conditions in a travel trailer.

In specific consideration of the formaldehyde component of the problem, OHA requested a thorough evaluation of the formaldehyde literature by the DHS Bio-defense Knowledge Center at Lawrence Livermore Laboratories. The review confirmed that formaldehyde has clearly been shown be a respiratory irritant and that there are probable, but unproven, long-term health effects with high-level prolonged exposures. It also confirmed that no study data are readily available on residential exposures.

In June 2007, DHS officials from FEMA and OHA met with CDC in Atlanta with representatives of the National Center for Environmental Health, ATSDR, and the National Institute for Occupational Safety and Health (NIOSH). Subsequent conferences have included representatives from the National Institute for Standards and Technology (NIST). The goals of these discussions have been to develop a strategy to rapidly

determine actual indoor air quality conditions in occupied units, to determine a scientifically valid target for air quality improvement, and to assess engineering solutions that can achieve those levels. Based on these discussions and in collaboration with the DHS Chief Medical Officer, I have formally requested the services of the CDC to address specific issues that have arisen from these discussions, including:

- Determining the levels of certain air contaminants in occupied housing units, not limited to formaldehyde, but including volatile organic compounds, molds, and airborne bacteria;
- Assessing the formaldehyde standard publishing by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) for validity as an interim air quality guideline or recommend an alternate interim guidance;
- Identifying practical mechanical or engineering solutions to reach target air quality for health/safety in the travel trailers; and
- Determining if there is a relationship between indoor air quality in the housing units and adverse health affects in the children who live in the units.

A copy of my letter to the CDC requesting this assistance is attached for the record.

FEMA fully agrees with Members of Congress and the public that there should be a thorough investigation of the relationship between indoor air quality in the travel trailers and any corresponding health effects. CDC initially estimated that an investigation of that type would take at least a year. Neither DHS nor the residents can wait that long for those results before taking action.

Consequently, the investigation will take a two-phased approach, with an initial rapid study as outlined above, and a more in-depth study to give us a better understanding of the complete issue. This work will be initiated using multiple Federal partners working together to provide decision makers and the trailer residents with a plan, as soon as possible.

Regardless of formaldehyde issues, travel trailers are not a long term housing solution and we continue to aggressively pursue moving disaster victims into better, more permanent forms of housing as they become available.

Until this can be achieved, FEMA continues to move forward with various other initiatives to diminish any future potential effects of formaldehyde. As a result of what we have learned to date, FEMA has:

- Updated travel trailer purchase specifications to include the same requirements for low emission materials as HUD regulated mobile homes;
- Established procedures for ventilating units currently in inventory;
- Strengthened training for FEMA housing staff including staging area staff, field staff and contractors to be aware of the formaldehyde issue, effective ventilation methods and proper response to formaldehyde complaints; and
- Updated and standardized communications to occupants regarding the presence of and methods for reducing formaldehyde in travel trailers.

We also continue to take seriously any occupant complaint regarding formaldehyde and would assure the residents of the travel trailers that we are very interested in hearing about any problems they are having with the units.

While it is true that the relationship between formaldehyde, indoor air quality, and illness has been vexing health and environmental professionals for over 30 years, FEMA and the entire Department of Homeland Security are committed to ensuring that victims of disasters have a safe and healthy place to live during the recovery period.

We will continue to evaluate, communicate and mitigate the potential of formaldehyde in our temporary housing units, and together with our federal and private partners we will work to develop sound best practices for reducing formaldehyde exposure in FEMA provided temporary housing.

Thank you. I look forward to discussing FEMA's recovery efforts with the committee.

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

July 13, 2007

Dr. Julie Louise Gerberding, M.D., M.P.H.
Director
Centers for Disease Control and Prevention
1600 Clifton Rd.
Atlanta, GA 30333

Dear Dr. Gerberding:

I am writing with regard to the continuing efforts of the Federal Emergency Management Agency (FEMA) to address questions and concerns about formaldehyde fumes in temporary housing units provided to disaster assistance applicants. I would like to request the assistance of the Centers for Disease Control and Prevention (CDC) in answering several questions that are critical to FEMA's commitment to provide safe and healthy temporary housing accommodations for disaster victims after major disasters, including Hurricanes Katrina and Rita.

FEMA has been actively addressing this issue for some time. In early 2006, FEMA adopted measures to address concerns about formaldehyde fumes in temporary housing units, mainly travel trailers, by providing information to occupants on how to ventilate and control humidity in their units to remediate the presence of any formaldehyde fumes or odors. For households that reported continuing problems with formaldehyde fumes, FEMA responded by either replacing the unit or by helping them locate another form of housing. Significantly reducing the level of formaldehyde fumes in temporary housing units through adequate ventilation was authoritatively confirmed to be an effective mitigation technique through testing performed by the Environmental Protection Agency (EPA), and subsequent analysis of the test results by the U.S. Department of Health and Human Services (HHS) Agency for Toxic Substances and Disease Registry (ATSDR). These studies validated that proper ventilation is effective in reducing levels of formaldehyde fumes and odors in temporary housing units.

However, recent anecdotal reports from the Gulf Coast suggest that a trend of upper respiratory problems in children living in temporary housing units may be the result of sustained formaldehyde exposure or other indoor air quality issues. These claims have prompted renewed outreach and research by FEMA and the Department of Homeland Security (DHS) Office of Health Affairs. Accordingly, DHS and FEMA have been in consultation with Dr. Mike McGeehin and his colleagues at the National Center for Environmental Health (NCEH). In conjunction with NCEH and other federal health organizations we have been working to determine an appropriate methodology for conducting additional research on travel trailer indoor air quality and any potential associated health effects.

In order to address these new questions and concerns, FEMA would like to request the services and expertise of the Centers for Disease Control and Prevention in addressing the following issues:

1. ***Determine the levels of certain air contaminants (including formaldehyde, volatile organic compounds, molds, and airborne bacteria) for a representative sample of temporary housing units, under actual use conditions, in order to assist FEMA in making short-term risk management decisions concerning habitation of these trailers.***

The goal is to determine actual air quality conditions in the field. All parties recognize that there are a number of potentially aggravating issues involved, such as smoking, cooking, and the presence of other items stored in trailers that may contain formaldehyde or other volatile organic compounds. However, it is important to derive a statistically valid sample that will indicate the levels of certain components known to affect indoor air quality, to include formaldehyde, but to also examine other substances that may contribute to occupant health concerns, such as molds, mildews, and airborne bacteria. Specifically, what are the air quality conditions in travel trailers when used for prolonged periods of time under real-life conditions?

2. ***Provide an assessment of the validity of using the formaldehyde standard published by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers as in interim target level for reduction of observed formaldehyde levels in travel trailers. If this is not deemed to be an appropriate interim level while waiting for the results of the long term study (point 4, below), then provide guidance on indoor air levels for formaldehyde for various time-of-resident periods that protect against long-term health effects, and that are non-irritating to most people, in order to help guide FEMA in risk management decisions concerning continued habitation of these trailers.***

The goal is to provide a valid estimate for indoor levels for formaldehyde that will result in no detectable long term health effects, as well as to provide a best estimate for formaldehyde levels that result in no-irritant effects for most people living in travel trailers.

3. ***Identify any practical mechanisms or engineering solutions for these trailers to reach target levels that would ensure the safety and health of residents.***

The objective here is to identify practical means of reducing indoor air levels of formaldehyde to appropriate levels, once those levels are established. Specifically, is there any type of filter, air exchanger, or other engineering approach that is currently available that can effectively reduce indoor air levels of formaldehyde, and help provide a safe and healthy indoor air quality environment for occupants overall?

4. ***Determine whether there is an association between poor indoor air quality in the travel trailers and adverse health effects in children who live in these trailers.***

This is a critically important question, but is one that will take a longer period of time to answer. It will require a thorough indoor environmental assessment collected over time, coupled with interviews and observations of the residents of the corresponding trailers, in order to determine, in a statistically valid manner, any associations between conditions and health effects. While a longer-term issue, it is important to begin to address the question of whether there are any potential long-term health effects associated with travel trailer air quality for children living in those units.

The expertise and experience of the CDC would be invaluable to FEMA as we continue our efforts to help the residents of the Gulf Coast recover from the catastrophe they have experienced. I look forward to your positive response and to continuing to work with you to address this important issue. Feel free to contact me, or Carlos J. Castillo, Assistant Administrator for Disaster Assistance at (202) 646-3642. In the meantime, the staff of our respective agencies will remain in contact and continue to work to find solutions.

Sincerely,

R. David Paulison
Administrator

Chairman WAXMAN. Thank you very much, Mr. Paulison.

Without objection, Mr. Davis and I will start off the questioning at 10 minutes each.

Also without objection I wanted to put a couple of documents in the record before I start questioning here.

There is a statement by Paul Nelson, board member, South Bay Communities Association. I would like his testimony to be inserted in the record, as well as testimony by Becky Gillette, vice chair of Mississippi Chapter of the Sierra Club. Without objection, those two documents will be made part of the record.

[The prepared statements of Mr. Nelson and Ms. Gillette follow:]

STATEMENT BEFORE THE U.S. HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

Chairman Henry A. Waxman, 110th Congress
Hearing Probing Toxic FEMA Trailers

Thursday, July 19, 2007, 10:00 am

Paul Nelson
Board Member South Bay Communities Association
P.O. Box 112
Coden, AL 36523

Mr. Chairman and Members of the Committee on House Oversight, thank you for inviting me to present written testimony to this hearing probing toxic FEMA trailers. I have been a lifetime resident of Coden, Alabama on Mobile County's Gulf Coast for over fifty years. Like my father and grandfather before me, I have been active in my community since early adulthood. For example, my father, brother, and I helped organize the oyster-catchers union in south Mobile County; and we have always been staunch defenders of the marine environment. See anthropologist E. Paul Durrenberger's book, It's All Politics: South Alabama's Seafood Industry, (University of Illinois Press, 1992.)

In regard to my experience with formaldehyde in FEMA campers and trailers, I know personally of about 25 families with serious health issues that arose after living in these *temporary* mobile homes for almost two years. I stress temporary because that is what they were built for – not permanent homes. Sad to say, my mother became one of the victims after living in a FEMA trailer for a little over 2 years. She died of respiratory failure last October. Before she passed away, I ordered a formaldehyde kit to be placed in

her trailer. When I got the test results back, the level of formaldehyde was twice the recommended limit. It was too late for her, but maybe this statement may help save some elderly and children's lives by letting the seriousness of this chemical it be known. And now, almost two years after Katrina, FEMA wants to sell these trailers to the people living in them -- who have not received any assistance to rebuild, including myself -- *on condition that they hold FEMA harmless of any action and with no attempt to remediate for the formaldehyde that they know is present.* They are actually selling these people their coffin.

Mr. Chairman, this concludes my prepared statement and I would be pleased to answer any questions the Committee may have.

Testimony by Becky Gillette
Vice Chair, Mississippi Chapter Sierra Club
Committee on Oversight and Government Reform
U.S. House of Representatives
July 19, 2007

My name is Becky Gillette. I am a volunteer with Sierra Club from the Mississippi Gulf Coast. I am vice chair of the Mississippi Chapter Sierra Club, and oversaw formaldehyde testing of FEMA trailers for the Sierra Club Katrina Task Force.

After we first learned of potential problems with formaldehyde in FEMA trailers, we began testing FEMA trailers largely at random but also by soliciting members who lived in FEMA trailers to participate in the testing program. When we started the testing, we had no idea that such a large percentage of trailers tested would indicate toxic levels of formaldehyde.

Testing was done with vapor monitors from Advanced Chemical Sensors, Inc., Boca Raton, FL. The testing is simple. A badge that absorbs formaldehyde was placed at different locations in the campers at about the height where an adult breathes. After between 24 to 48 hours, the badge was taken down, the time of exposure noted, and the tests sent off for evaluation by Advanced Chemical Sensors.

According to the Consumer Product Safety Commission, when present in the air at levels above 0.1 ppm, formaldehyde can cause watery eyes, burning sensations in the eyes, nose and throat, nausea, coughing, chest tightness, wheezing, skin rashes, and allergic reactions. I can tell you that nearly all of the people in the campers we tested that came in over the limit reported experiencing one or more of these problems. Some got so ill they had to be hospitalized with respiratory problems.

A number of the people we tested reported nosebleeds on a regular basis when they had never had problems with nose bleeds before. Imagine how scary it is to wake up with blood on your pillow or to find blood on the pillow of your child. This has happened again and again. When pollution is bad enough to cause nosebleeds, that raises extremely serious concerns for both short- and long-term health impacts.

In the first round of 52 tests results we had as of August 5, 2006, 45 were over the 0.1 ppm limit. After eight months had passed, questions were raised about whether this was still a problem. We knew from the frequent complaints we were getting from people in the campers that they were continuing to experience frequent headaches, nasal congestion, burning eyes, rashes and respiratory infections. So we did additional testing in April, May and June of 2007 that showed 16 tests out of 17 tests were over the 0.1 ppm limit. The latest tests – which were done during the cool spring weather when there is less formaldehyde outgassing expected due to humidity – showed 94 percent of the tests over the limit. Overall, with both the 2006 and 2007 tests considered, 61 out of 69 tests, 88 percent, were over the limit.

Tests were even over the limit for a travel trailer FEMA had claimed was "product sensitive" with low formaldehyde levels. A test was also slightly over the limit for a camper where an expensive air purifier was in use. Also of concern is the fact that one replacement trailer also tested at 0.18, nearly two times over the limit. It was used to replace a trailer that was 0.39 ppm-nearly four times over the limit. Also, although we thought that mobile homes had to meet formaldehyde limits, the one mobile home tested was nearly two times over the limit. A replacement trailer recently provided to the family also tested over the limit.

The fact is that we have now tested 17 different brands of travel trailers and each one had at least one test over the limit. This indicates that this problem isn't just with trailers manufactured for FEMA but a problem widespread within the recreational vehicle industry. We have tested one recreational vehicle for a local resident who purchased the trailer over a year ago. It tested four times over the limit, and the couple who purchased it is unable to use the camper because of burning eyes and other problems.
(For more information, see the website www.toxictrailers.com.)

It is apparent from the tests that formaldehyde outgassing in FEMA trailers is still a major problem that could affect the health of tens of thousands of people. It also calls into question the safety of FEMA trailers that are being sold to occupants and to other buyers at auctions. And it makes you question the wisdom of 2,000 of these trailers being provided to Native Americans in North Dakota. Is this the latest incarnation of smallpox-infected blankets being given as "gifts" to the Native Americans?

The most recent figures I have are that there are currently 21,000 FEMA trailers in use in the three southernmost counties of Mississippi alone. There are even more FEMA trailers still housing families in Louisiana. Measures need to be taken immediately to protect their health. Instead of just recommending ventilation, FEMA must take action to remedy the problem. The agency has previously told people to just ventilate the campers for a few hours. Obviously, when trailers that are 20 months old are still showing high formaldehyde levels, some three times over the limit, opening the windows is an insufficient remedy.

Some commercial companies provide formaldehyde removal services. Either formaldehyde removal or effective air filters need to be provided immediately to stop people being poisoned by the formaldehyde.

After delaying for more than six months, FEMA finally released a report on EPA testing of formaldehyde levels in FEMA trailers. The tests done for FEMA are shocking, revealing average levels of formaldehyde in FEMA trailers are three times over the threshold for health impacts of 0.1 parts per million. EPA's testing actually showed even higher average concentrations of formaldehyde than found in the Sierra Club testing. Yet FEMA delayed for months releasing these results and then falsely stated that ventilation would solve the problem.

EPA testing showed that formaldehyde levels in unventilated trailers were 12 times the EPA limit. The ventilation recommended by FEMA only reduced formaldehyde levels to an average of .3 ppm, still three times the limit. FEMA's advice to ventilate obviously doesn't reduce formaldehyde to safe levels. And it is ridiculous to tell people in the hot, humid South to keep the windows open. Also, humidity increases levels of formaldehyde outgassing, so venting could make the problem worse.

This is a great concern given that people along the Gulf Coast have been exposed to formaldehyde for nearly two years now with no end in sight. Because very little affordable housing has been rebuilt, many families have no option but to continue living in a FEMA trailer. Especially vulnerable are children, mothers and the elderly. One elderly woman whose trailer we tested in Alabama, Hilda Nelson, died of respiratory problems even though she had never had those problems before living in a FEMA trailer. Many of her elderly neighbors have been hospitalized for similar problems. Our testing showed excess formaldehyde in the trailer of Hilda Nelson and many of her neighbors.

We also tested the trailer of Desiree Collins and Earl Shorty of Baton Rouge, La. When Earl called me to request a test, his wife Desiree was coughing so badly in the background that it was apparent she was finding it hard to get a breath. Earl said his wife was recovering from treatments for ovarian cancer before Hurricane Katrina. The couple had been living in the trailer for about eight or nine months. They had noticed a "gluey type" smell when they moved into the camper, but didn't know that could be a problem. About five months after they moved in, Desiree started having trouble breathing. When she came into the trailer she would cough constantly and get short of breath. They went to two doctors and ran different tests, but doctors couldn't identify the problem. Only recently when CBS Evening News did an investigative story about the problems with formaldehyde in FEMA trailers did Earl and Desiree connect her problems with their FEMA trailers.

I sent Earl a test kit, and his test came back over the limit at 0.12 ppm. Levels were likely much higher when they first received the trailers. Sadly, Desiree passed away July 2. While the cause of death was listed as lung cancer, Desiree was not a smoker. But she had lived for many months in a trailer with toxic levels of formaldehyde. She had an impaired immune system due to her earlier cancer treatments. The last thing she needed was to be placed into a toxic tin can 24-7.

When Earl first called me, I said, "Get out of the FEMA trailer if at all possible." But they had no where else to go. Other housing just isn't available. Earl has two sisters, and they are also living in FEMA trailers. The two sisters are also experiencing health problems that are consistent with formaldehyde outgassing.

Earl, having seen his wife suffer and then die from the respiratory problems, worries about continuing to live in this trailer where he saw his wife suffer, struggling to breathe before going into the hospital and passing away. What will be the long term health impacts on Earl? When will the government do something about this horrible problem?

Literally tens of thousands of people are still at risk. As time goes by, the long term risks of cancer from the formaldehyde exposure increase.

In the bigger picture, it is far past time that the U.S. phased out the use of formaldehyde-based glues. It is shameful that this known harmful gas is still allowed to be used in building materials. Safer alternatives exist, such as soybean-based glues. While these may be slightly more expensive now, families in the FEMA trailers exposed to the formaldehyde have spent many thousands of dollars on medical costs. Even China has better regulations to protect its population, and exports formaldehyde-laden materials to the U.S. that wouldn't be allowed to be used in China. See "the Los Angeles Times article, "U.S. Rules Allow the Sale of Products Others Ban, Chemical-laden goods outlawed in Europe and Japan are permitted in the American market", by Marla Cone, October 8, 2006.

We know people who have moved out of their FEMA trailers to live in their cars, tents and storage sheds because the formaldehyde odors were so bad. In fact, it is now common knowledge that many FEMA trailers have formaldehyde problems. As evidence of that I point to an article in the New York Times published July 12 headlined "Patchwork City: Road to New Life After Katrina Is Closed to Many," says: "Despite their longing, some evacuees are afraid to return; they must choose between formaldehyde-laced trailers and a city they view as contaminated, poorly protected from floods and more violent than ever before."

A recent article in the Biloxi Sun Herald also reports the formaldehyde problem as a fact: The article "16 living in FEMA trailers may be in cottages in 8 days" (http://www.sunherald.com/201/story/94721.html), by Michael A. Bell said: "BILOXI -- County leaders on Monday approved an alternative housing project that will move some residents of FEMA campers into more spacious and safe cottages. In as little as eight days, 16 residents of travel trailers could find themselves in the cottages, touted by MEMA officials as being more comfortable and free of formaldehyde, a chemical found in travel units and linked to a number of health problems." FEMA could end up causing more deaths by refusing to take action to remedy the formaldehyde problem than were caused by Hurricane Katrina directly. Action has been delayed for far too long. Steps need to be taken immediately to protect the health of people living in the FEMA trailers.

Disaster victims deserve better than this kind of assistance. They deserve safe, healthy emergency housing.

Chairman WAXMAN. Mr. Paulison, if I understand your testimony, you seem to be saying that there is nothing you can do because there is no official standard for formaldehyde? Is that what you are telling us?

Mr. PAULISON. No, sir, I would not say that at all. I think there are a lot of things that we can do. But I can say that there are no standards to go by, and I hope that we can set those standards for this long-term test that we are going to do.

What I am saying that we have taken the best evidence that we can, the best advice we have so far about airing out trailers, trying to reduce the levels of formaldehyde.

We know now and we did not know earlier that is not going to be sufficient during the summer time, particularly, in the Gulf Coast area when the heat is there. You can't open the windows and run the air conditioner at the same time. It is simply not going to work.

Chairman WAXMAN. Mr. Paulison, for over a year and a half displaced residents of the Gulf Coast have been telling FEMA that formaldehyde in their trailers has been making them sick. One hundred and twenty thousand families have stayed in these trailers. There are approximately 76,000 trailers in use in Alabama, Louisiana, Mississippi, and Texas, and, despite all this time and the obvious importance of this issue, the documents that you provided to our committee indicate that FEMA has only tested one occupied trailer, and that is a trailer in Baxterville, MS. It belonged to a pregnant woman, Dawn Sistrunk, and her husband, Carlton Sistrunk, who had a 4-month old child. The trailer was tested only because of their unusual persistence.

I want to show you a chart. It will be on the screen. The left-hand bar of the chart is in green, and that is the guideline set by the National Institute for Occupational Safety and Health [NIOSH], for 8 hours of exposure in a workplace setting. That is 0.16 parts per million. If an employee, according to NIOSH, is subject to levels of formaldehyde greater than that, NIOSH recommends the employee use a respirator.

The next bar is a yellow one, and that is NIOSH's ceiling for 15 minutes of exposure. They recommend that workers only be exposed to formaldehyde at levels as high as 0.1 parts per million for no more than 15 minutes.

EPA has identified 0.1 parts per million as the level at which acute health effects can occur.

The next two bars are standards set by the Occupational Safety and Health Administration, and if workers are exposed to formaldehyde levels above 0.5 parts per million, exposure monitoring and medical surveillance is required. The same standards also provide that worker exposure be limited to 0.75 parts per million over an 8-hour period.

These are the old standards. These were set when President Bush's father was President.

The next bar is an orange bar. It is EPA's acute exposure guideline level, which is designed to guide emergency responders in understanding the risks from a one-time exposure such as might occur after a chemical spill. The EPA guidelines for formaldehyde

states that a one-time exposure to formaldehyde at levels of 0.9 parts per million should not lead to irreversible harm.

And then we come to the last bar on the chart, and this bar represents the 1.2 parts per million level of formaldehyde that was monitored in the bedroom of the Sistrunk's trailer on April 5, 2006. This level is 75 times higher than the level that NIOSH recommends that workers not be exposed to.

I have a statement I put in the record from the Sistrunks that they reported all kinds of problems, including headaches, watering eyes, irritated throats. Their doctor told them the problem was due to formaldehyde.

Now, do you think that the formaldehyde level that they were exposed to was safe?

Mr. PAULISON. Mr. Chairman, I am not an expert in formaldehyde and I am not going to attempt to even address that. I can tell you that we recognize that we have an issue. We know that very clearly the answer to this is to get people out of these mobile homes and out of these travel trailers as quickly as possible. We are——

Chairman WAXMAN. Well let me tell you what FEMA said in response to this level of formaldehyde. FEMA and industry experts—this is your Agency said this, "FEMA and industry experts have evaluated the small number of cases where odors of formaldehyde have been reported, and we are confident that there is no ongoing risk."

Mr. Paulison, how can you justify that statement that was put out by your agency? You tested only one occupied trailer. You found levels 75 times higher than safe. And then FEMA comes out and tells the public, "We are confident there is no ongoing risk." FEMA's statement that there is no ongoing risk was false. A level of 1.2 parts per million is not safe, and this is 75 times higher than what NIOSH would say.

There is only one reasonable way to respond to testing results like this, and that is to take the issue seriously, immediately conduct systematic testing of all these trailers to find out how widespread the problem was. That is exactly what your field staff recommended. They said the problem needs to be fixed today and that FEMA needs a proactive approach. They said there is an immediate need for testing. But you didn't do testing from FEMA. Why?

Mr. PAULISON. We did do testing. We tested new trailers that were locked up to see what the level was when we received the trailers, and did, once we ventilated those, did ventilation work to reduce the amount of formaldehyde. The answer was yes. However, like I said in my statement, we are recognizing that in the summer time that is not going to be reasonable to do that.

So we are taking this very seriously. We are doing the testing. We are starting in just a couple of weeks to do some short-term testing. We want to take what the Sierra Club did—which, by the way, was a wake-up call for us to receive that report that we have something more than just an individual, isolated case. We recognize that we may have something much larger than isolated cases.

Chairman WAXMAN. Mr. Paulison——

Mr. PAULISON. So we are going to expand what the Sierra Club did, doing much more scientific——

Chairman WAXMAN. Mr. Paulison, I am going to interrupt you. You got a wake-up call? You must be a very hard sleeper, because that wake-up call was over a year ago, and FEMA did no further testing. After you received these results, your attorneys put out a statement through e-mails that implied that FEMA is going to own this issue if you do testing. That shows a complete indifference to the welfare of the families living in these FEMA trailers, because no testing was done and your lawyers said if you do testing you may start owning the problem. What do you make of that?

Mr. PAULISON. The attorneys are hired for a particular reason, and they are there to protect from litigation; however, the Department did not stop dealing with the formaldehyde issue, regardless of what our attorneys said. We were going——

Chairman WAXMAN. Did you test any other occupied trailers?

Mr. PAULISON. We did not test occupied trailers.

Chairman WAXMAN. So you tested——

Mr. PAULISON. We went along with the advice that we received from EPA——

Chairman WAXMAN. And your lawyers?

Mr. PAULISON. No, sir. And CDC, if I can finish my sentence, please, and CDC that if we ventilated the trailers that would reduce the formaldehyde issue.

My concern is——

Chairman WAXMAN. Did you test to see whether it did reduce the formaldehyde levels?

Mr. PAULISON. It did in our testing on the empty trailers.

Chairman WAXMAN. On the empty trailers where the fan was going, where the windows were open, where the air conditioning was running 24 hours a day? What about where people were living?

Mr. PAULISON. Mr. Chair, we were not formaldehyde experts. We were taking this as it went along, as this thing developed and got larger and larger. We recognize now that we have an issue. We are dealing with it in the best manner we can. Again, the alternative——

Chairman WAXMAN. EPA told you the following: "The 14 day exposure maximum may be 0.03 parts per million, and the 1-year level may top out at 0.008 parts per million. The levels we find after testing may well be more than 100 times higher than the base levels." If you are relying on EPA, they were telling you this was a problem, as well.

Mr. PAULISON. I am telling you, in hindsight we could have moved faster. I am telling you now we recognize we have a problem. We recognize we have an issue. We are not even sure if it is formaldehyde that is causing the problem. That is why I have asked CDC to test for not only formaldehyde, I want them to test for airborne bacteria, I want them to test for mold, I want to test for mildew. I want to look at the different trailer manufacturers.

If your attorney would sit down let me finish, we want to test for everything out there. I want to test the different trailer sites. I want to test the different manufacturers. I want to find out very clearly what the issue is and where the problem is and what we can do about it.

Again, the answer is to get people out of the travel trailers. We have never had this type of——

Chairman WAXMAN. Mr. Paulison, the staff a year and a half ago said you should be testing the occupied trailers. The testing didn't take place. Your lawyer sent an e-mail saying if you test them you may take ownership of it. You said you didn't follow the advice of your lawyers. You said you followed what EPA had to say. EPA's statement is that the levels that they were seeing were too high for human health.

Now, there may be other problems, but you don't think, even at this date, that the formaldehyde levels were too high and might have endangered public health? Is that your testimony?

Mr. PAULISON. No, sir. What I am trying to tell you is we simply did not have a grasp of the situation at the time. As it went on, we are getting a better grasp of the situation. We are advising people what to do. We are telling them numerous issues. I am telling you where we are moving forward with this organization. You can criticize me for what we did or didn't do, but I am telling you we understand there is an issue, I do care about the residents of these trailers. I will——

Chairman WAXMAN. You think my criticism is unfair?

Mr. PAULISON. Pardon?

Chairman WAXMAN. Do you think my criticism is unfair?

Mr. PAULISON. I think it is because we are looking at things in hindsight and not how they were at the time. We are now recognizing, as we have all along, that we do have an issue, and we are going to deal with it. We have——

Chairman WAXMAN. Mr. Paulison——

Mr. PAULISON. We are moving——

Chairman WAXMAN. Yes, I know you are telling me what you are going to do, but your own staff said what you should have done a year and a half ago. That is not hindsight. You didn't have the foresight to listen to your own staff, but you did have the wrong judgment to listen to the bad advice of your lawyers.

My time has expired and I am going to recognize Mr. Davis for his time to question you.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman.

Mr. Paulison, your testimony indicates there are approximately 200 known complaints about formaldehyde, but data you provided shows you have over 60,000 trailers still in use?

Mr. PAULISON. Yes, sir.

Mr. DAVIS OF VIRGINIA. How many units did you actually deploy for Katrina and Rita?

Mr. PAULISON. We had a little over 120,000 between Katrina and Rita.

Mr. DAVIS OF VIRGINIA. What is your trade-out policy? In other words, if someone were to complain, don't you still have trailers sitting there in Arkansas somewhere?

Mr. PAULISON. Yes, sir. We do have a large trailer base in Arkansas. If we have a formaldehyde complaint and we go out to the trailer and talk to the people expressing those symptoms, we offer to exchange that trailer out, and we will do that. In some cases we have changed trailers out twice. We try to bring in a used trailer

that has been off-gassed for a long period of time. We clean it up and bring it in and change that out.

In some cases, where it still has not worked, we have put people in apartments.

One of the issues is about 80 percent of that 60,000 that are in travel trailers are actually backed up in people's driveways while they are rebuilding their homes. Those people do not want to move. The other 20 percent are people in the group sites. We are focusing in getting those people out of those group sites because there is not necessarily a plan in place that they have where they can move out.

We know the answer is to get people out of these. Again, this was the largest emergency housing effort the country has ever done. We have never had an opportunity to keep these numbers of people in travel trailers that we have used for 20 years in situations like this, so this was something new for FEMA to deal with.

In hindsight, maybe we could have moved faster. We are moving about 600 to 800 families a week out of travel trailers into apartments.

Mr. DAVIS OF VIRGINIA. But you heard the previous panel and the stories that they endured. Why didn't you just give them a new trailer? It is pretty clear they had a problem.

Mr. PAULISON. These three, I don't know why they had the troubles they did. We will look into that.

Mr. DAVIS OF VIRGINIA. Do you think, in retrospect, after hearing the testimony, you should have just given them a new trailer?

Mr. PAULISON. They should have been dealt with with much more respect, from what I heard, and I will find out why that happened. That is obviously a customer service issue. The philosophy of this organization is to treat people with respect and give them the respect that they deserve and to take care of their needs as quickly as we can.

Mr. DAVIS OF VIRGINIA. Well, it sounds like some of the people on the ground understood that, because they said we have a problem, they got the complaints, they filtered it up, but it sounds like that has not infiltrated in the General Counsel's office.

Mr. PAULISON. The General Counsel does not set policy for this organization. They do give advice to us. They do deal with litigation issues. I set policy for the organization.

Mr. DAVIS OF VIRGINIA. But you did follow their advice, in terms of some of the documents that have been produced. They stonewalled us, as Mr. Waxman noted, until the end. That comes out of the General Counsel's office. I mean, I think they need some adult supervision over there, because I think they have lost any customer service aspect of this. I think they are just hard-line attorneys.

We are really here trying to solve the same problem.

Mr. PAULISON. Yes, sir.

Mr. DAVIS OF VIRGINIA. We have done numerous hearings on where FEMA is. We will have to do another one, I think, on what we are doing to prepare for next year.

I understand the General Counsel has a bent that they are trying to protect the Agency and everything else, but they need to understand, in a case like this, you are first of all a customer service

organization, so instead of saying we are going to delay this, we are going to cover this up, they ought to be looking at ways to get the job done.

As I have looked at the documents and e-mails—and I think Mr. Waxman agrees—that wasn't the direction they were going at all.

Mr. PAULISON. That might not have been the direction the attorneys were going in, but that definitely was not the direction that the organization was heading. The organization was progressing down the road as this thing progressed to stay up with it and find out what the problems were. We felt like we were dealing with it in the best manner that we could.

Mr. DAVIS OF VIRGINIA. Can you tell us why there wasn't a telephone number on the brochure that was given to trailer occupants so if there was a formaldehyde problem or some other problem they could call a central clearinghouse?

Mr. PAULISON. Yes, sir. There are 27 different maintenance groups that take care of these trailers. It is posted in every trailer. We want the people to call that number, and not a general number that would not be able to deal with their problem. It would not make sense to put a number on the brochure when the residents are advised and told when they have a problem with the trailer to call that maintenance number. That system works pretty well.

Mr. DAVIS OF VIRGINIA. All right.

Let me just get back to the General Counsel's office a minute. I mean, this hearing wasn't on the calendar until the middle of last week. It was a direct response to FEMA's production of documents made last Monday, July 9th. FEMA withheld documents citing attorney/client privilege and the work product doctrine, but in the face of subpoena the documents were produced. As has been noted, they tell an unfavorable story.

All of our staff tells us the documents were arguably not privileged. For these privileges to be recognized—and they are not applicable to Congress, by the way—you must carefully and methodically lay out a case. If you claim attorney/client privilege, you need to produce a privilege log. You need to produce redacted information. You need to write us a narrative articulating the potential harm to the United States if the privileged materials are disclosed.

Your lawyers didn't do any of this: no privilege log, no narrative articulating the harm, no redacted documents. They didn't even put date numbers on the pages. Were you involved in any of the decisionmaking about this legal strategy?

Mr. PAULISON. No, sir. My philosophy is to run a very open organization, and I want to personally apologize to the committee for you not getting the documents you wanted in a timely manner nor in the method that you needed them. We have since turned over, I think, pretty much everything you have asked for, but you should have gotten it when you asked for it the first time.

Mr. DAVIS OF VIRGINIA. Yes. Let me just go through it again. The legal strategy with regard to the so-called privileged documents ended up doing you in. Your lawyers complained about privilege, and then, when it was time to show your cards, there was nothing there. You were just hiding all the smoking guns. Things might have been different if you had come up with the materials to begin with.

Wouldn't you agree, Mr. Waxman?

This should be a message to other agencies out there where we see some of the same things. By drawing so much attention to them, you essentially placed a gigantic spotlight in the worst possible place.

Now, I guess the question this committee has to ask, is this a FEMA problem? Is this a DHS problem? Or do you think it is a Government-wide problem?

Mr. PAULISON. I don't know that I can answer that. I can tell you that my philosophy is to, when the committee needs to do an investigation, to give you every document that we can legally give you in a timely manner. That did not happen in this case. Again, my personal apologies for that. We will work to make sure that does not happen again.

Mr. DAVIS OF VIRGINIA. Now, Mr. Paulison, you are neither a doctor nor a scientist nor is FEMA a medical or a scientific agency. How are you qualified to assess the health risks from formaldehyde or recommend strategies to address the issues?

Mr. PAULISON. You are correct. I don't have that expertise. Thirty years as a paramedic, but that doesn't give me a background in formaldehyde issues. We lean on the advice of our experts. That is why I am going to all of these different agencies, not just one, working with the ones that I laid out earlier—with CDC, with EPA, with HHS, with HUD, with everyone who deals with these types of issues—to give us very clear advice and we can make some sound decisions.

Yes, in hindsight we could have moved quicker than we did; however, we do recognize we have a problem. I do recognize it is something we need to move very quickly on. That is what we are going to do.

I want to find out what the extent of the problem is, but at the end of the day I also want to be able to come up with something this country has never done, and set some good, solid standards down that we can use for future mobile homes and future travel trailers so we don't have this problem in the future.

Mr. DAVIS OF VIRGINIA. Now, your agency has been using travel trailers and mobile homes for as long as people can remember, haven't they?

Mr. PAULISON. Yes, sir.

Mr. DAVIS OF VIRGINIA. Has this issue ever come up before on this scale?

Mr. PAULISON. Not that I am aware of.

Mr. DAVIS OF VIRGINIA. Do you have any historic knowledge in the Agency so that you can see if this has happened——

Mr. PAULISON. I have asked several people inside the Agency have we had this problem before, and nobody can remember of any. We are going to go back and search our records to see, but as far as anecdotal, nobody that I have talked to recalls anything like this before.

But also we have not had this number of people in travel trailers for this amount of time, so these problems that are cropping up are obviously things we have to deal with, but it is not something we had any experience with.

Mr. DAVIS OF VIRGINIA. Do you think they were because of the number and the rapid production, that maybe something was lost in that? Where do you think it came from?

Mr. PAULISON. That I don't know, and that is what we need to find out. We need to find out why we have an issue, is it the travel trailers, is it the fact that they had flooding. Again, we don't know what the real problem is. I mean, my gut feeling is—I can't go by gut feelings, based on what happened with the Secretary—there is an issue inside the trailers, but I don't know whether it is formaldehyde or mold or bacteria or whatever it is. That is what the CDC is going to tell us.

Mr. DAVIS OF VIRGINIA. You are not positive at this point? You are waiting for the CDC to say if it is formaldehyde or from another source, but you are working with CDC to resolve it?

Mr. PAULISON. Yes, sir. But in the meantime, if people are having problems we are going to be much more aggressive as far as trading these trailers out and trying to find—we are working very hard to try to find housing for people. There simply is not enough housing in the State of Louisiana or Mississippi to move these people into. The ones that are backed up into their driveway rebuilding their house don't want to leave the State and go somewhere else; they want to be where their homes are, where their jobs are, where their friends are, something they are familiar with.

And we are trying desperately, as apartments come back online, to move people out of those travel trailers into apartments, because we know that is the real answer. They should not be in these little, tiny travel trailers this long. It is not a good place to live. We recognize that. But that was the only tool that FEMA had in its quiver to be able to get people some decent housing on the ground very quickly, and that is where we are.

Mr. DAVIS OF VIRGINIA. Mr. Chairman, we have seen a number of e-mails that, again, just show the lawyers were reluctant to move forward on testing. Liability seemed to be their chief concern, not customer service. Any sophisticated organization needs to factor in liability concerns when responding to a crisis. I was a General Counsel. I understand that. But at the end of the day isn't it better, from a liability standpoint, as Mr. Waxman said, to be aggressive for the health and safety of the people that FEMA houses? If it turns out to be a manufacture problem or caused by some other external entity other than the U.S. Government, aren't we better positioned if we aggressively minimize the negative health effects? I think that was your point, Mr. Waxman.

Mr. PAULISON. The answer is obviously yes. I mean, the easiest way to deal with litigation is to deal with the problem, and that is what we want to do.

Mr. DAVIS OF VIRGINIA. OK. Thank you.

Chairman WAXMAN. Thank you, Mr. Davis.

Mr. Paulison, you said in hindsight you wished you would have gotten the materials to us earlier, even though your people were trying to hide behind an attorney/client privilege excuse not to give it to us, and you apologized to us for the delay. You also didn't get your testimony in 48 hours in advance. We got it in last night after 8. You apologized to the committee. Do you think you owe an apology, in hindsight, to the people who have been suffering illnesses

because of formaldehyde in your trailers that were not tested by FEMA?

Mr. PAULISON. Sir, I don't know that would resolve the answer. I feel very, very badly for the people that are becoming sick. I don't know 100 percent for sure it is the trailers. I mean, it very well may be. We made what we felt were very prudent decisions along the way. Could we have made different decisions in hindsight? Obviously, the answer is yes. But, again, it is a problem we have never dealt with before. It is an issue where we thought we were moving along with good advice. You know, we all look back on decisions we made, and if we had a chance to redo some of them we would do that.

Chairman WAXMAN. Thank you.

Ms. Watson.

Ms. WATSON. Thank you so much, Mr. Chairman.

Mr. Paulison, thank you for your patience.

In a direct response to one of our Members who asked you about your General Counsel, you said the attorneys don't set policy, I set policy. So let me see where you would go with setting a policy by addressing these questions.

Would you agree that formaldehyde can be harmful to one's health?

Mr. PAULISON. That is what medical experts tell me. I don't have personal knowledge of that, obviously. I don't have that type of training.

Ms. WATSON. Would you agree——

Mr. PAULISON. Everything I——

Ms. WATSON. Yes? No?

Mr. PAULISON. Everything that I read says that long-time exposure to formaldehyde can cause medical problems.

Ms. WATSON. Would you agree?

Mr. PAULISON. Yes. What I just said is what I agree to, that everything that I have read and everything that I have been told is——

Ms. WATSON. No. Just answer my question. Do you agree? Yes? No?

Mr. PAULISON. I stand on my answer I just gave you.

Ms. WATSON. Would you agree that formaldehyde can be harmful to one's health? Yes? No?

Mr. PAULISON. I don't know the 100 percent answer to that, Congresswoman. I am trying to be very respectful. I am saying that what I have been told is the answer is yes, that long-term exposure to formaldehyde could cause medical problems.

Ms. WATSON. I can tell you scientifically it does, and all you have to do is go and be tested for formaldehyde exposure. Maybe that will make you a believer. So you are not so sure yourself? That is what I am getting out of your response, because I asked you for a yes or no and you gave me a lot of other verbiage, so I will take that answer as not being sure.

Mr. PAULISON. Ma'am, I am not trying to say that. You know, you are asking me to——

Ms. WATSON. No. I asked you do you——

Mr. PAULISON. You are asking me to give you a medical opinion, and I am not qualified to do that. I am telling you what I have

been told: that long-term exposure to formaldehyde can cause medical problems. I heard what you said earlier.

Ms. WATSON. But you are not sure? OK. So if you say that long-term exposure as, I guess, provided by someone else, would you then take your contaminated stock out of your inventory?

Mr. PAULISON. The answer is yes. If we have stock that we cannot get rid of the formaldehyde in or reduce it to acceptable levels, then we should not be using it.

Ms. WATSON. Well, I can tell you this: it is a substance that is in the building materials, and if that substance is there, that is the cause of the health conditions of the people who are living in there. I mean, it doesn't air out for years. As long as it is there, it is going to cause a problem to health.

Knowing that, would you then remove those trailers? Now, I understand there are millions of dollars in FEMA that has not gone to benefit many of the victims, and so can you get rid of your stock that is in question and replace that stock that has no formaldehyde in it?

Mr. PAULISON. We are getting ready to do some very significant testing of the travel trailers that are being occupied under some very tough conditions, ones that have been cooking in, smoking in, all the types of things that cause formaldehyde——

Ms. WATSON. Let me just interrupt you from that explanation. If you find the presence of formaldehyde, would you take those trailers out of your inventory?

Mr. PAULISON. Yes. If we find trailers that have unacceptable—formaldehyde is everywhere. You can't get rid of it. But if we find some unacceptable levels of formaldehyde we cannot mitigate, we will trade those trailers out.

Ms. WATSON. That is the point I am getting to. Let me restate my question. If you find there is formaldehyde in the building parts of the trailers, would you take those trailers out? Or are you looking for a certain level of formaldehyde?

Mr. PAULISON. I think we would be looking for a certain level. There is probably formaldehyde in this room. There is formaldehyde in your clothes. My permanent press shirt has formaldehyde in it. It is everywhere. Our body produces formaldehyde, from what my people tell me. If you——

Ms. WATSON. Mr. Paulison, excuse me. My time is up.

Mr. PAULISON. I am sorry.

Ms. WATSON. My time is up, and I am going to give it back to the Chair. But I can just say that if you have humans inside of your trailers, I would think you would err on behalf of the human condition and take those trailers out of your inventory. You can test them later. But we do know that formaldehyde, almost any dosage, has an impact on one's health. I would hope that you, as the policymaker, would see that all of your stock that might have trailers in it would be free of formaldehyde.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Ms. Watson.

Mr. Platts.

Mr. PLATTS. Thank you, Mr. Chairman.

Mr. Administrator, thanks for your testimony. Certainly, while we have concerns about inadequate response of your Agency on this

issue, we appreciate your efforts and your staff at all levels in trying to do right by their fellow citizens.

I do have a couple of questions that are, I guess, followups, one on the health question that the previous speaker addressed with you. I appreciate you are not an expert and that, based on what you have been informed——

Mr. PAULISON. Can you speak up? I wear a hearing aid and I can hardly hear you. Sorry.

Mr. PLATTS. Let me try to speak more into the mic.

Mr. PAULISON. Too many sirens and air horns. Sorry.

Mr. PLATTS. In response to the gentlelady's questions regarding exposure to formaldehyde, you said, based on what you have been told by experts and have read and been informed, that long-term exposure to formaldehyde can be harmful to your health?

Mr. PAULISON. That is correct. It could be harmful to your health. Yes, sir.

Mr. PLATTS. You also, I think, have been told that even short-term high exposure can be harmful to your health, as well?

Mr. PAULISON. Yes, sir.

Mr. PLATTS. And I think that is part of the issue here, and the testing that has been done, and the chairman's, different standards is at different levels for different levels of exposure. How long you are exposed impacts how high or low that level is before it is of concern, and that is your understanding, as well?

Mr. PAULISON. I'm sorry? Could you repeat that again?

Mr. PLATTS. Depending on how long you are exposed and what level would impact whether it is a health risk?

Mr. PAULISON. Again, that is my understanding.

Mr. PLATTS. OK. You have acknowledged that the testing conditions under which your Agency moved forward are now inadequate and unrealistic, especially for the summer months. Is there at least some acknowledgment that should have been understood up front, that it seems unrealistic, the approaches taken, and that the testing, if it was going to be in unoccupied trailers, at least should have been under normal conditions that could have been expected?

Mr. PAULISON. I think in hindsight, you know, you can always say yes. Again, I think this Agency made the best decisions it could with the information that it had. Looking in hindsight, should we have started testing individual trailers back in January or an earlier time, you know, working out issues with the CDC trying to define the problem? You know, you can always say yes.

Mr. PLATTS. Now, when those conditions were set for that testing, because by what has been shared with us it seems very much the case that the General Counsel's office was clearly what you stated about avoiding litigation. I would say about avoiding possible liability. If I heard your statement right, you said attorneys are hired for a particular reason, to protect against litigation. I was an attorney. I don't believe that is why attorneys should be hired. They are hired to give counsel what the law is so that policymakers comply with the law, not to avoid litigation.

Mr. PAULISON. And I didn't mean to narrowly define it. All the other issues you said are correct, also. It is all of those type of things. It could be good legal advice, but they also work, just like any attorney does, whether corporation—but, again, they don't set

policy for me. They were not giving me direction not to do testing. We were making decisions we thought were prudent at the time. We did test trailers that were new to see did they come with formaldehyde. The answer was yes.

And could we do something about it? At that time the answer was yes. But now we know that we have to do something different than we have done in the past. Just like we are rebuilding this organization after I took over after Katrina, a lot of problems. A lot of cultural problems. A lot of systemic problems. We are in the process of fixing those. This is one of those things we have never dealt with before. We may not have dealt with it in the best manner we could have, but now we learned from that and we are going to do that.

Mr. PLATTS. I am going to run out of time here. I appreciate this effort of rebuilding and getting it right. One piece of advice I would share is that if you have a liability at hand and there is litigation and yes, it is better for all parties if you can settle it, as opposed to going to court in a long, drawn-out court case, but their duty is not to avoid litigation in any sense, in other words, liability, and that they would be reminded of what their duty is.

But a specific question is: regarding those testing conditions, was the General Counsel's office consulted or legal counsel consulted in any fashion in how the conditions were set regarding the testing that was done?

Mr. PAULISON. No, sir, not that I am aware of at all. We wanted to do the right thing. We thought we were doing the right thing at the time.

Mr. PLATTS. I want to get into quickly a specific case. Mr. Stewart, who testified earlier, clearly his case was mishandled by many, including right down to when supposedly, based on his testimony, at least 15 FEMA personnel were onsite, yet those 15 people couldn't see that they delivered a trailer that was wholly unacceptable, bugs in the bed, the septic system apparently not working.

As you go forward, I hope, as you stated in your testimony, you are going to look at those three cases specifically and followup with them.

What happened that 15 or more FEMA personnel were onsite and yet delivered an unacceptable trailer? And what consequences occurred? In other words, was anyone reprimanded, disciplined in any way for such failure of service to someone in need?

I do appreciate that you are trying to get it right, and hindsight is a lot easier, but one of the aspects of hindsight is making sure that there are consequences for wrongful action, not where there is good faith and something just went wrong, but when there is just failure of good diligence. In that case, if the facts that he shared are anywhere close to accurate, there was a significant failure of good service, and there should be a consequence for that.

Mr. PAULISON. And I am going to look very carefully at all three of these cases from a customer service perspective. I need to find out was his statement accurate. I'm sure with 15 people there I am sure I can find out, and we will investigate that.

We want to provide the best customer service we can. The philosophy of this organization that I put in place since I have been here is that the victim comes first, above everything else that we do,

and that is what we want to do. And if that has not happened in these particular three cases—there may be more, according to Congressman Jindal, who is doing a great job, by the way, down there—then that is where I need to work on also.

Mr. PLATTS. Thank you.

Mr. PAULISON. Along with getting ready for hurricane season.

Mr. PLATTS. Thank you again for your testimony and your service.

I yield back, Mr. Chairman.

Chairman WAXMAN. The gentleman's time has expired.

Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Administrator, I have to tell you I would feel a lot better if you agreed to do the following. Again, I want to go back to what one of the witnesses said. He said there is a sense of helplessness and hopelessness.

Let me tell you what you need to do. You have people who may not even know they are in trouble that are living in these trailers right now. What I would like for you to do, Mr. Administrator, is put the word out and say that if you suspect, if you are having vomiting, you are having all the things, to all these people who are in the trailers, let us know and we are going to address your problem. That is what I would like to see you do.

Mr. PAULISON. I will do that.

Mr. CUMMINGS. All right. Good. We are going to hold you to it.

Mr. PAULISON. I will do that.

Mr. CUMMINGS. Because I just feel that there are people in jeopardy right now, and you don't know how much better I feel about that because of the next line of questioning.

The documents show that several occupants have died while living in FEMA trailers, and that there were concerns that formaldehyde could have caused the deaths. Sadly, one of the occupants passed away just last week. On each occasion, FEMA was made aware that formaldehyde may have been a factor, and on each occasion nothing was apparently done.

Mr. Paulison, please turn to exhibit M. This is an internal FEMA e-mail from June 27, 2006. I am going to read it so that we all can hear it. It says, "A FEMA applicant was found dead in his trailer at St. Tammany earlier today. We do not have autopsy results yet, but he had apparently told his neighbor in the past that he was afraid to use his A/C because he thought it would make the formaldehyde worse. It may not have anything to do with formaldehyde, but I agree with Mark that we need to deal with this head on."

On the following day this issue was raised again. If we turn to exhibit N, you can see in this e-mail that FEMA was committing to testing the trailer in order to better understand the reason for the fatality. The e-mail reads, "There was a death yesterday in a travel trailer in Slidell blamed on sensitivity to formaldehyde. Ratcliff got together a conference call with CDC, FEMA, Environmental Protection Agency, housing and safety. We will monitor the trailer in question as soon as we get access to it."

There were 28 officials from six agencies on the conference call. They recommended that FEMA take six actions. These actions included: determining the cause of death; sampling the air in the

trailer; requesting the Consumer Product Safety Commission to vet FEMA trailers against the industry standard; and identifying an independent, non-governmental agency to conduct tests of indoor air quality and evaluate these policies. This is exhibit O, page 3.

These were sensible recommendations. Do you know whether they were implemented, any of them?

Mr. PAULISON. No, sir. I am not familiar with the conference call and I don't know whether they were implemented or not.

Mr. CUMMINGS. OK.

Mr. PAULISON. I do know that the cause of death of the particular person—and our hearts really go out to the families. My father died from emphysema, so I know that lung disease is very difficult—is up to the medical examiner and the physicians to tell us the cause of death, so we should not even get into that at all.

I don't know if any of these things were implemented, but I will find out and report back to the committee on that.

Mr. CUMMINGS. Well, the committee asked for every document that FEMA had about formaldehyde. We searched and searched for evidence that FEMA followed up on this death, as the Agency had recommended, and we could find none. Instead, we found an e-mail from a FEMA lawyer that called the recommendations "not acceptable" and told FEMA not to do anything. That is very interesting.

Mr. PAULISON. Again, I was not aware of this particular conference call, but I will followup.

Mr. CUMMINGS. I am so glad that Mr. Waxman scheduled the hearing, the witnesses the way he did, because usually people like you come first and then the other witnesses, the victims, come second. But earlier you were here to hear the testimony and Mr. Cooper stated a very interesting question. He was talking about a study that found 1.2 PPMs of formaldehyde, I think it is, in a bunk area. Did you hear that question?

Mr. PAULISON. Yes, sir, I did.

Mr. CUMMINGS. And he said he wondered whether administrators or anybody would allow their child to sleep in such circumstances. Would you allow yours?

Mr. PAULISON. The answer is no. I can give you a straight answer.

Mr. CUMMINGS. Alright.

Mr. PAULISON. That test was taken with a closed-up trailer with the air conditioners off, and probably was not conducive to what was really happening under actual living conditions. However, if I give you an answer, the answer would be no.

Mr. CUMMINGS. Thank you. Mr. Paulison, just last but not least, because you said something that is very, very important and I want to make sure the record is abundantly clear. You are going to put out a notice to all of these people—and correct me if I am wrong—who are in these travel trailers letting them know of all of these things that people complain of that are natural, usually the things that people complain of with formaldehyde, letting them know that there is a way that they can contact somebody to have this thing checked into so that we will not have victims sitting there helpless, hopeless, and uninformed.

I know your lawyers—and I am a lawyer—are worrying about your liability and everything, but let me tell you something: at the

rate we are going, if we have tens of thousands of people sitting in these trailers, we are going to have a problem. So you are committing to us today that you are going to put that word out? And that when these people call, they will be calling somebody?

Mr. PAULISON. Yes, sir.

Mr. CUMMINGS. Thank you.

Mr. PAULISON. I have committed to do that and I will do that, and I will give you a copy of the notice that we send out.

Mr. CUMMINGS. I thank you very much.

Mr. PAULISON. Yes, sir.

Chairman WAXMAN. Thank you, Mr. Cummings.

Ms. Norton.

Ms. NORTON. Thank you very much, Mr. Chairman.

Mr. Paulison, I guess you say my goodness, what goes around comes around, because you are now meeting me in the third committee in which I serve, my own subcommittee, which has primary jurisdiction over FEMA, the Homeland Security Committee, which has jurisdiction for Homeland Security purposes, and the Oversight Committee, which always has oversight over Government operations.

Do you recall that the formaldehyde story first broke many weeks ago when you came before me on another subject altogether, and at that time, because it had literally just broken, I asked you about the formaldehyde, and do you recall saying that there was no danger and that you had been told that what people should do is open the windows?

Mr. PAULISON. That is correct.

Ms. NORTON. Where did you get that advice from, sir?

Mr. PAULISON. I got that advice from the EPA and CDC, that if we could air out the trailers that it would off-gas the formaldehyde. That was information we had that——

Ms. NORTON. What would they say about that advice today?

Mr. PAULISON. What we are saying now is, given it is summer time in the Gulf Coast——

Ms. NORTON. It was summer time then.

Mr. PAULISON [continuing]. That probably is not a practical solution. Again, you know, we talked about this earlier. We made the best decisions we could with the information we had. This is something new for us.

Ms. NORTON. Well, you testified under oath that people should air out their windows, but let me take you back to a year earlier in July where we now, as a result of papers obtained by this subcommittee, learned of a memorandum that you, yourself, wrote to Secretary Chertoff concerning the status of current litigation. I am going to quote from that memorandum. "FEMA's overall level of exposure for damages is low. Individual plaintiffs, in order to succeed, bear the burden of proof and must establish specific harm and damages. Based on the limited information known so far, this is likely to be a very high threshold for them to meet."

It is true that the burden is on whoever sues, but who advised you that the threshold would be difficult to meet a year before this matter came to the light of the Congress or the press?

Mr. PAULISON. Congresswoman, I really don't recall. That is an honest answer. I don't recall who gave me that advice.

Ms. NORTON. Well, we have a document that says that, 1 month prior to this memorandum, that a FEMA employee had stated that your own General Counsel—here I am quoting again from your own internal documents—"General Counsel has not wanted FEMA to test to determine if formaldehyde levels are, in fact, unsafe."

Of course, there has been other evidence produced in this hearing that indicates that FEMA intentionally did not test trailers in order to avoid liability. How do you respond?

Mr. PAULISON. That is not accurate. That is not my philosophy at all. We were making what we thought were good decisions at the time. We recognize now that we are going to go test it in real, live conditions with——

Ms. NORTON. Let me just say——

Mr. PAULISON [continuing]. With people living in those trailers.

Ms. NORTON. Mr. Paulison, just let me advise you, you need to get other, better lawyers. Let me advise you, as a lawyer, you have increased your liability. You are always in a tough situation when, in fact, you may be sued. I am not sitting here to say you must incriminate yourself. What I am saying is that you must mitigate your liability and you must make sure that you are not indicating that there is no liability and you don't need to do anything.

Now, I believe that you have increased your liability because I believe plaintiffs may be able to show you knew or should have known, and therefore to have purposefully not mitigated the situation for them may have put you in more hot water than you would otherwise have been. You need very good lawyers when you face this situation; instead, you had people who were acting stupidly defensively. You must defend yourself. No one said the Government must come forward and say whatever you say is the case. The burden is on whoever sues. But, particularly for a public official, the burden is on you to show that, when you knew or should have known, you mitigated the problem by testing or doing whatever you had to do. You can test, as you know, under the law, without that being held against you. When you begin to mitigate, the plaintiff cannot say therefore you must be guilty.

You have testified here that the answer—and I am paraphrasing—is really to get rid of these trailers. Mr. Paulison, we had a hearing on getting rid of these trailers and we tried to do it the right way. We called before us and you at the same time the dealers, and we learned at that time that if you dump trailers, particularly since most of these dealers are in small towns where that is the only industry, you have so many trailers. Yet, you testified here today I think that you had 20,000 trailers still. If this is a question of old trailers, I have to ask you: what are you doing to offload the trailers, to not have a situation like we had in Oklahoma where we couldn't get trailers, even though they needed them from you, and to reduce this inventory of trailers so that we are not faced with people living in formaldehyde-ridden trailers? When are we going to offload these trailers without dumping? What progress have you made in doing that?

Mr. PAULISON. The comments that I made here were not related to getting rid of trailers, but moving people out of the trailers. When I said we are getting——

Ms. NORTON. Into brand new trailers?

Mr. PAULISON. Pardon?

Ms. NORTON. Into brand new trailers?

Mr. PAULISON. Moving people out of trailers into apartments. That is what I meant when I was talking about here about moving people out, about getting rid of the trailers, getting them out of the trailers——

Ms. NORTON. When are you going to get rid of the inventory of trailers which we now know some of which may have formaldehyde in them?

Mr. PAULISON. All travel trailers have formaldehyde in them. You know, we are excessing them through GSA. Some of the residents who have those trailers, 20,000-some have asked us if they can have those trailers. It is obvious that we are going to have to at least post something in those trailers to let them know up front that there is potential for formaldehyde.

Again, we are learning a lot, and your questions are right on target. We are learning a lot about travel trailers and mobile homes, that they are not designed to stay in for the amount of time that people are in these things. They are meant to go camping in. But, again, when FEMA made the decision to start using these, that is the only tool they had in their toolbox to get people housed in a very quick manner, and it seemed reasonable at the time. And it works very well when you back it up in somebody's driveway where they are rebuilding a house. It does not work well with the group sites. They should be mobile homes or something else.

Chairman WAXMAN. The gentlelady's time has expired.

Mr. PAULISON. And I know I am taking too much time, but I think this is important. I am sorry, Mr. Chair. We are working with HUD to find a better way to house people after a disaster, and it is not continuously to put them in travel trailers.

Chairman WAXMAN. Thank you, Ms. Norton.

Mr. Sarbanes.

Mr. SARBANES. Thank you, Mr. Chairman.

There is a lot of talk about the lawyers and whether lawyers did the right thing or did the wrong thing. I am a lawyer, too. I guess all the lawyers are left here on the committee. There is a period before the lawyers get into something which is an opportunity to fix it, which just has to do with the way an agency or anybody reacts to a situation, to some kind of notice that there is a problem. If you move with some kind of reasonable speed to address the issue, you can preempt things from going to the next stage.

The way this seemed to work is you missed the initial response opportunity, then you got into the stage where the lawyers' advice maybe became an influence over the Agency's action, and then, of course, the last stage is always hearings in front of Congress, which you could have preempted if you had done the first response properly.

I am still, like I think everybody on the committee, trying to get my head around how little testing has been done relative to the complaints and the information that seemed to come forward. I know you have probably been asked this question about a dozen times and answered it, but if you could just do it for me: why did the Agency not conduct more testing in response to the complaints that were coming forward?

Mr. PAULISON. First of all, we do have a time line of everything we have done from the first time we recognized we had an issue with one trailer, which was in March 2006, and what we have done almost every month since then trying to find out how big the program is and what we are doing, so I can give this to you also.

We did test trailers. We tested what we thought was the right thing to do, considering we had a very, very small amount of complaints. That was taking trailers that were brand new that had been locked up in the sun, testing for formaldehyde—and yes, they did have formaldehyde—and what happens when you aired them out, as we were advised to do by the formaldehyde and disease control experts. Did it reduce the formaldehyde down to a lower level, and the answer was yes, it did.

That was very quickly. We sent out a notice on——

Mr. SARBANES. Let me jump in and ask this question.

Mr. PAULISON. We sent out notices to all the residents that, very quickly, it was in July, which is just a few months after we had the first test. We sent a notice to every resident in those travel trailers that there was potential formaldehyde, and here is how you mitigate it. At that time, we thought that was all we needed to do to resolve this issue.

You know, now we are going to go back and do some very significant testing. Sierra Club did some basic testing. We are going to expand that far beyond what they did. The doctor that spoke here earlier, those symptoms he was seeing, we have had CDC talk to him to get information from him. We are taking all this information to make some good, solid decisions.

Mr. SARBANES. The science that we got earlier on the earlier panel suggested that the point at which you can smell the formaldehyde represents a level of elevation well beyond what is acceptable, with the statements being that there is going to be a whole set of exposures below that level where you can actually smell it that are also harmful. So would you agree that the fact that you had what you are referring to as a relatively small number of complaints isn't necessarily relevant to how significant the problem could be? Would you agree with that?

Mr. PAULISON. What I said in my testimony was that, regardless of whether we had two complaints or two hundred complaints, which is what we have right now—200 out of 120,000—it doesn't matter. We are going to move on with some very significant testing. So just because we had a few doesn't mean we are not going to—at that time we didn't think we had a big problem. We really didn't. We thought the off-gassing, ventilating—that was the advice that we were getting at the time.

Again, I know you weren't here earlier, but in hindsight could we have made different decisions with what we know now? Yes, the answer is of course yes. But at the time we thought we were making the right decisions that protected the residents and didn't cause an upheaval and upsetting people's lives again by trying to move them somewhere else. And I don't know where we would have moved them to begin with.

Mr. SARBANES. What was the administrative decision not to test? I understand we talked about sort of the influence of the lawyers

on decisions not to test, but who decided early on that testing was not needed?

Mr. PAULISON. We are not experts in formaldehyde. I mean, this is something brand new for us. We thought that by off-gassing, by the advice we were getting to ventilate the travel trailers, and what we saw with the new travel trailers, that was a good decision and that would take care of the formaldehyde problem. In fact, after that the complaints did drop off a little bit. However, recognizing that is not going to work in the middle of July and summer in the Gulf Coast, that we have to do something different, and we are not going to be able to reduce those levels of formaldehyde, if it is even formaldehyde that is causing the problem. We are just assuming that it is.

I have asked CDC to test for airborne bacteria. I have asked them to test for mold. I have asked them to test for mildew, along with the formaldehyde, to find out exactly what is causing the respiratory problems. Is it the trailer? Is it a certain manufacturer? Is it a certain style? Is it a certain part? You know, we don't have those answers yet, but I can have those in very short time, and that is what we are going to do to get some good, solid answers for these people living in these things.

Mr. SARBANES. Mr. Chairman, I yield back. I guess all the answers that we are going to get are answers that the Agency could have gotten earlier using just a minimum amount of diligence in my view. Thank you.

Chairman WAXMAN. Thank you, Mr. Sarbanes.

Mr. Jindal.

Mr. JINDAL. Thank you, Mr. Chairman.

I thank the chief. I have several points I want to share, Chief. If we do another round of questions I will give you time to expound on some of these things, but I have several things I want to share.

I hope my colleagues understand why, for some of us in the Gulf Coast, for some in Louisiana, it is sometimes scary to hear somebody say they are from FEMA and here to help. I don't say that as a personal attack. I want to share with you my frustration.

You know, we started off. You talk about addressing these three cases. I am glad Mr. Stewart actually communicated with me he has pictures of the trailer that was brought. You have the testimony of the 15. He has actually got pictures to share. I want you to know those weren't isolated cases. My office took phone calls from constituents I described in the last round of testimony where they couldn't get help. They were told they needed medical documentation. They were told the medical symptoms weren't true. They were actually told by FEMA officials that this wasn't happening, what they knew was happening to them and to their families.

I won't repeat some of the heart-breaking cases. I will mention one. We had a constituent who literally only had one lung, decided it was safer to move back into a moldy residence than to stay in a FEMA-provided trailer, wasn't offered an alternative, because of the formaldehyde.

I do want to make five other points.

CBS News actually did a report that they found an internal document where FEMA was warning their inspectors about the potential cancer risk by being exposed to fumes, to formaldehyde fumes.

These are for the inspectors. What about the people that have to live there day in, day out? What about the people whose kids have to sleep in those trailers?

The third thing I want to share our frustration with is back in August 2006 FEMA indicated that they were going to do some testing. They were going to partner with EPA and the CDC. They told the committee this. But we find in the e-mails and documents that were given to this committee in July, in this month, that the actual testing didn't happen until after the lawsuits were filed. It just appears from the e-mails that it was more of a concern with the publicity with the lawsuits, rather than the health and the well-being of the people being housed in those trailers.

The fourth thing I want to share with you in terms of frustration, you know, we heard in the previous panel and you have said it, it is obviously better to get people out of trailers into permanent housing. That would be, obviously, the best solution.

Louisiana applied for alternative housing pilot program project. This Congress gave $400 million in June 2006 for the so-called Katrina cottages. In December 2006 the Department announced the grant recipients in Louisiana and Mississippi. You approved the Mississippi funding in April. As of July, 200 days since you selected the awards, you still haven't approved funding for Louisiana's permanent housing project. So I agree with you, permanent housing is certainly preferable. Here is something that can be done right away to at least begin helping hundreds of families.

My fifth point is that—and this has been mentioned by the chairman and others—when you look at the testing, a contractor working with the CDC said that the way the test protocols used by FEMA to test these trailers, doing them after they were completely ventilated, really appeared to be skewed to yield atypical results. I am glad to hear that you are now open to doing the testing of the trailers in the way they are actually used. I wish that had happened months ago. But we have heard that the testing actually appeared to have been designed to allow the best test results to be achieved.

That really brings me to my last point, because I do not want to just show my frustration but I also want to point where do we go from here, and there are three things certainly I would like the Agency to do. Certainly I am glad to hear that you are committed to doing more systematic testing to determine how large of a problem is this, how many people are potentially impacted.

Second, I would hope that for anybody at risk, anybody living in one of these trailers that continues to have some risk to their health, an alternative housing arrangement would be arranged, whether it is permanent housing, whether, as you mentioned, apartments, whether it is a more suitable trailer.

Third, the people that have been exposed, I hope they will be provided with the appropriate medical monitoring and medical services. We are talking about a carcinogen. In addition to the cases that have been mentioned, with the chairman's permission I want to submit for the record some news reports. In Baton Rouge there was a case of a woman who has died from cancer. They haven't determined conclusively that it was due to the formaldehyde, but she had actually sued. She had started a lawsuit think-

ing she had been exposed to formaldehyde. She has now died from cancer.

With the chairman's permission, I would like to submit those news reports for the record.

Chairman WAXMAN. Without objection, we will receive them for the record.

[The prepared statement of Hon. Bobby Jindal follows:]

Committee on Oversight and Government Reform on FEMA Toxic Trailers
Statement for the Record
Congressman Bobby Jindal
July 18, 2007

Chairman Waxman, Ranking Member Davis, and Government Reform Committee members --- Thank you for providing me the opportunity to join your Committee for today's hearing.

In May, I wrote a letter to our leadership in the House of Representatives calling for Congressional hearings investigating evidence of dangerous levels of formaldehyde in FEMA provided trailers. I was dismayed by reports that tests on FEMA travel trailers that were provided by the federal government to thousands of residents in Louisiana and the Gulf Coast revealed the presence of dangerous levels of formaldehyde, a known carcinogen. Even more appalling is the fact that the federal agencies responsible for the procurement and management of these trailers may have been aware of the health risks to occupants for nearly one year. Thank you for holding a Congressional hearing on this important topic.

Since I made my request for Congressional hearings, a New Orleans woman has passed away from lung cancer after spending several weeks at a Baton Rouge hospital with respiratory problems. Before her death, she had filed a lawsuit against FEMA alleging elevated levels of formaldehyde in FEMA trailers were posing a health risk to trailer residents. While we await results that determine whether elevated levels of formaldehyde are to blame for her death, we should determine the extent that federal government agencies were aware of the toxic living conditions in FEMA trailers, identify when they became aware of the problem, and examine the steps taken to inform affected individuals and adequately assist residents in alleviating formaldehyde exposure in trailers.

According to recent news reports, in 83 percent of FEMA trailers tested, formaldehyde levels in trailers are above the acceptable Environmental Protection Agency (EPA) exposure standards. This means that for nearly two years, many families residing in FEMA trailers, including children and elderly individuals, may have been exposed to this toxic chemical and the health risks caused by prolonged exposure. Few experts dispute that prolonged exposure to formaldehyde worsens respiratory health. According to the Center for Disease Control, elevated levels of the

carcinogen can cause headaches, nosebleeds, burning eyes and throats, nausea, and difficulty breathing.

FEMA Director David Paulison recently stated that he was unaware that FEMA trailers posed any health risks to occupants. Inquiries by my Congressional office over the past months, however, reveal that both FEMA and the EPA were aware of health complaints from trailer occupants and were conducting tests on trailers. At that time we learned that the Environmental Protection Agency was involved in testing but they would not publicly release the results of the tests.

Director Paulison has since clarified that he was aware that some travel trailers and mobile homes have high levels of formaldehyde gas, but that it was the responsibility of hurricane victims to rid themselves of the danger. FEMA's recommendation to trailer residents has been to increase ventilation by opening windows whenever possible and to keep trailers cool with low humidity. With the sweltering heat and humidity in the Gulf Coast, this is hardly acceptable advice to residents. Further, case studies show that even if residents followed FEMA's guidelines on appropriate ventilation of trailers, high levels of formaldehyde can still remain. For example, a test of one couple's trailer conducted during the winter months, with windows open and the air conditioner running, showed formaldehyde levels at more than two times acceptable EPA limits.

Mr. Chairman, thank you for allowing my participation in this hearing and I look forward to learning more about the federal government's response to this issue from the witnesses before us today.

Mr. JINDAL. And I do suspect my time is running out, but I hope you understand the level of our frustration. You may have heard me say in the earlier panel that it is almost like there were three disasters. There was the storm, there was the failure of the levees, and now there has been the Government incompetence.

Again, my point is not to yell at you, but my point is to say we have to fix this, not only for Mr. Stewart and the other two witnesses, but for all those families. Let's give them better housing. Let's give them the health care they need to make sure we don't have anybody else suffering unnecessarily from asthma, from cancer, from respiratory illnesses. Let's at least make sure, going forward, that we are not subjecting these people to these fumes after they have already been through so much.

Mr. PAULISON. Congressman, thank you. I appreciate your comments. I meant what I said earlier. I appreciate your leadership down there, and I do want to work with your office. If you are getting complaints that FEMA is not providing that customer service that I want down there, I would surely appreciate your sharing those with me personally so I can deal. These three I am going to deal with. It sounds to me like, according to what you are saying, there may be others, and I want to get on top of those and deal with them.

Chairman WAXMAN. The gentleman's time has expired.

The Chair recognizes himself for a second round.

Mr. Paulison, I am pleased you want to respond when you get a complaint from a Congressman. I am pleased you want to respond to the witnesses today who came before the Congress. But I think you have to respond to the American people why we are in the situation we are in. For those who are listening to this hearing or watching it, they think Government bureaucracy can't do anything right.

I come from Los Angeles, and FEMA acted so well, so professionally when we had our earthquake. FEMA became a laughingstock when your predecessor, Michael Brown, was the head of it and Katrina hit, because there was no competence in dealing with that terrible tragedy. But you are now the head of FEMA. You were confirmed by the Senate in April 2006. The problems with these FEMA trailers occurred around March 2006, when we first started hearing about it. So this is all on your watch.

On May 16, 2007, CBS aired an interview in which you stated you did not know that FEMA trailers were causing occupants to get sick. We have a clip. I want to run that clip for you of this interview.

[Video shown.]

Chairman WAXMAN. Mr. Paulison, we have reviewed nearly 5,000 pages of FEMA documents, and they are full of alarms about the level of formaldehyde in these FEMA trailers, and the staff, your staff, said there was an immediate need to take action. There was an independent testing done by the Sierra Club, and they found over 80 percent of the trailers had dangerous levels of formaldehyde. That was a year ago.

It is hard for me to believe that you could not know as of May this year that there were no serious problems or that there were

serious problems for families living in these trailers. It appears to me that FEMA deliberately did not want to know.

Mr. PAULISON. No, sir——

Chairman WAXMAN. Am I wrong?

Mr. PAULISON. That is not accurate at all, sir. First of all, the reporter ambushed me coming out of one of these hearings, and what he was talking about was the pediatrician that spoke here earlier and the children that he was seeing with more respiratory illnesses. Even with our doctors talking to him directly, what he told our doctors from Homeland Security, that if it was formaldehyde or was it bacteria in the air or was it mold or mildew, he was just seeing more respiratory problems. That is the answer I gave to the reporter. I don't know what is causing it. I am not a medical doctor. That is what I was trying to get across.

Chairman WAXMAN. OK. Well, I just think that the public was appalled by the incompetence of FEMA after Hurricane Katrina, but when I look at your record regarding formaldehyde in FEMA trailers I see the same indifference, lack of concern, and incompetence.

I want to raise another issue with you. We have another clip. This was on May 15, 2007. You testified before the Committee on Homeland Security. Could we run that clip?

[Video shown.]

Chairman WAXMAN. Well, your statement was not based on an ambush. You were testifying, and your testimony was you weren't sure that formaldehyde does present a health hazard, and you turned to EPA and others. And, according to the documents, EPA told FEMA "the levels we find after testing may well be more than 100 times higher than the health base level."

You didn't do the testing, but after EPA told your staff that testing under real-world conditions would expose problems you changed the protocol. FEMA decided to test with the windows open, fans running, under unrealistic conditions. I can't understand why you changed the testing protocol about what was really happening to people. Can you give us an explanation of that?

Mr. PAULISON. That test was done to see if we could reduce the level of formaldehyde in the trailers by opening them up and ventilating them out. It went along with the original test where we tested new trailers closed up in the sun. Yes, they had a lot of formaldehyde. Could we do another test with the advice we were given to ventilate the trailers and open them up and let them air out and off-gas the formaldehyde. That, sir, was not a test to say yes, we don't have formaldehyde. We knew we had formaldehyde. They said could we do that, and based on that test we advised the residents, we sent notices out to all of the residents to air their trailers out if they are sensitive to formaldehyde, if it is causing a problem, open the windows, air it out, and off-gas that formaldehyde out of the trailer.

Again, Congressman, I do appreciate this hearing. It is the right thing to do. I think we ought to come up with some good answers at the end of the day. We made the best decisions we could at the time. In retrospect? There is no question in retrospect we could have done things differently had we had the information we have now.

Chairman WAXMAN. Well, I guess I am questioning whether you did make the best decisions with the——

Mr. PAULISON. I understand that.

Chairman WAXMAN [continuing]. With the information you had, because it seems to me you had red flags all over the place. But, despite that, on May 17, 2006, the FEMA national spokesman made the following statement: "FEMA and industry experts have evaluated the small number of cases where odors of formaldehyde have been reported, and we are confident that there is no ongoing risk." Why was FEMA confident that there was no risk? How could FEMA make a statement like that in May 2006 when you were hearing all these reports about people getting sick?

Mr. PAULISON. Again, I don't know when this statement was made as far as——

Chairman WAXMAN. It was made in May 2006.

Mr. PAULISON. Again, I don't know what the relationship to that statement was, and I suspect it might have been made to the fact that we felt—again, I am surmising now—we might have felt that by ventilating the trailers and off-gassing the formaldehyde that there was no risk to the trailers. I don't want to second guess what somebody was saying or why they said it.

Chairman WAXMAN. Well, that somebody worked for you.

Mr. PAULISON. Yes, sir, I understand.

Chairman WAXMAN. And spoke on behalf of your Agency.

Mr. PAULISON. I understand.

Chairman WAXMAN. Where does the responsibility for running your agency stop?

Mr. PAULISON. It stops with me, sir.

Chairman WAXMAN. OK.

I want to recognize any other Members who want a second round of questions.

Ms. Norton.

Ms. NORTON. Mr. Paulison, I have two questions I really must get in. One really goes to the good faith of the Agency, even after your testimony today.

I want to ask you to look at this exhibit. We have an exhibit from August, 2006, with a pamphlet on page 377 and 378 which was distributed to occupants of these trailers. We have combed this exhibit, exhibit U. We cannot find a telephone number for people to call.

Then there is another exhibit that the committee obtained, exhibit T. This is e-mail from two FEMA employees, and this is the quotation going to the good faith of what you have said here today, sir. I think you need to indicate how this happened. This is a question, a good faith question from an employee. "I don't see a number on it. Are you all going to put your numbers on it? We here in MS—" I guess that is Mississippi—"would put our call number on it. Or is the intent not to?"

In response another FEMA employee says this in return. "Hi, Sid. We are trying to not generate a lot of calls, just get the facts out."

You must explain, Mr. Paulison. I understand in earlier questions you talked about how people should be in touch with the companies. This is a FEMA document. How could you possibly have

put out a document on trailers and apparently deliberately not give a contact number?

Mr. PAULISON. Because the contact that they were supposed to make is with their maintenance group, and that number is posted inside the trailer.

Ms. NORTON. But why did not the document say——

Mr. PAULISON. They should have. But the——

Ms. NORTON. So there was no number of any kind on the document, just the fact that you may be in danger.

Mr. PAULISON. The residents are told. They are given clear instructions for documentation if there is any problem with the—we have 27 different maintenance units across the Gulf Coast. If there is any problems with that trailer, that is what they are supposed to call.

By printing the program office number on there, it would just confuse things. We couldn't do different documents for every——

Ms. NORTON. You know what? You know what? Your employees didn't think so. They thought they should be a point of contact for you. You essentially were off-loading, out-sourcing the rest of the deal. Look, you got problems, it is between you and the contractor. But where did you get the trailer from? You got it from FEMA, and FEMA off-loads responsibility altogether. They could have gotten a thousand different responses from trailer companies.

The notion that you would out-source that responsibility after you, yourself, were responsible for getting the trailer for the resident creates a question of your good faith, particularly given what these employees were told.

So I have to ask you, is there going to be a telephone number in FEMA that people can call with respect to problems with the trailers?

Mr. PAULISON. The best place for them to deal with anything wrong with their trailer, including formaldehyde, is the maintenance contractors assigned to that particular service park. They are trained and know what the answers are.

Ms. NORTON. You hear it now, Mr. Chairman. The trailer comes from FEMA. The trailer comes directly from FEMA, not from the contractor, not from the dealer.

Mr. PAULISON. But they are the ones who we hired to take care of the maintenance of that trailer.

Ms. NORTON. And so you are going to leave it to people of every level, every educational level, no background in trailers, to negotiate their way out of the problem? Who is going to pay for it? Who is going to pay for it, Mr. Paulison? Who is in charge of paying for it if there is a problem with formaldehyde or anything else in the trailer?

Mr. PAULISON. We are.

Ms. NORTON. I think that is the answer to the question, Mr. Paulison. If, in fact, you are the vendor, you have to pay for it. You cannot tell me that the tenant has to therefore negotiate the deal with the trailer company.

Mr. PAULISON. There is no negotiation. That is the opening, the portal into the maintenance for the trailer.

Ms. NORTON. Mr. Paulison, I have to ask you, are you willing now to give a FEMA number for people to call?

Mr. PAULISON. That is our FEMA number. If we start confusing the residents with different numbers——

Ms. NORTON. Are you willing to give a FEMA number if a resident in a trailer has a problem with the trailer that resident got from you? Yes or no? Are you willing to do that, sir?

Mr. PAULISON. We have a number. We put it inside the trailer for them to have right there at their hands. I don't know what else to tell you.

Ms. NORTON. You are not willing to give a FEMA number?

Mr. PAULISON. They have a FEMA——

Ms. NORTON. If the tenant has a——

Mr. PAULISON. That is a FEMA number. That is who they go to for——

Ms. NORTON. Are you telling me that this is not still the case that he said we don't want to give the number out? Now you do give a FEMA number out? What is that number, please?

Mr. PAULISON. That number is different for every park, because we have 27 different maintenance——

Ms. NORTON. Is there a FEMA? Mr. Paulison, why can't I get an answer. Is there a FEMA number?

Mr. PAULISON. There is a FEMA number. That is the number that FEMA uses for the occupants' access the maintenance for that trailer.

Ms. NORTON. You are telling me that your position still is that, although you contracted for the trailer, the FEMA number is the number of the trailer company, itself? Is that your answer?

Mr. PAULISON. No, it is not the trailer company. We hire——

Ms. NORTON. It is who?

Mr. PAULISON. We hire maintenance contractors to maintain those trailers. They make regular visits to the trailer parks to the trailers to——

Ms. NORTON. And the vendors deal directly with the——

Mr. PAULISON. If there is any problem with that trailer, they go to them. We pay those contractors. They are basically our employees. I mean, that is who we use. We train them. We give them instructions to——

Ms. NORTON. I am sorry that none of the people are here so we can find out if the system works.

I understand you are going to have another hearing on ice. We have had a hearing on food where millions of dollars in food were wasted and other food had to be given away. Now, Mr. Chairman, just recently it was exposed to one of the members of our subcommittee who had a press conference on this yesterday because his area, Memphis, is where some of this ice was located, 22 locations where you stored ice. We are told, common knowledge, ice has a 1-year shelf life. Why did you not get rid of this ice within 1 year, Mr. Paulison?

Mr. PAULISON. The ice that we had has been tested——

Ms. NORTON. It is $12.5 million in storage costs to the United States.

Mr. PAULISON. The ice is a commodity that has an expiration date. We kept it as long as we could, and we made the decision to get rid of it, and the only way to get rid of it is to let it melt.

Ms. NORTON. My question is, Katrina has been over for a long time. So has the following year when there might have been hurricanes. If you had gotten rid of the ice earlier, there would have been a mitigation cost to the taxpayer; is that not true?

Mr. PAULISON. If we had gotten rid of it earlier, but we still felt the ice had life expectancy. We kept it as long as we could, and then we made a decision to get rid of it. We are not going to store ice any more. We have made a decision now to use outside contractors. It is not a life-saving commodity. We don't need it today. You can wait until tomorrow to get it. Food and water is a lifesaving commodity. We will still store those things, but the ice we will not.

Chairman WAXMAN. The gentlelady's time has expired.

Mr. Sarbanes, do you wish a second round?

Mr. SARBANES. Real briefly, Mr. Chairman. I am not going to ask any more questions about why you did or didn't do the things you did or didn't do, because the answers are so implausible to me, but I think I have figured out maybe what was going on. The behavior of the Agency was irrational if the Agency was one that wanted to know what was going on. In other words, you can't square what you did with a desire to get to the bottom of the issue. It is irrational behavior. And human beings are fundamentally, when they have possession of all their faculties, human beings act in a rational way, so I am trying to figure out what would make the behavior rational.

The only thing that makes the behavior of the Agency and its leadership rational would be if you didn't want to know and you didn't want to take responsibility. That would explain why you wouldn't do testing that was obviously called for. That would explain why, when you did do the testing, you would do it under these highly contrived conditions in order to try to get to a result that would be favorable. That would explain why, when you did the testing, you did it on trailers that were not occupied, because if you found a bad result you could then, in a very legalistic way, distinguish it from those who were occupying the trailers because you could say, well, the fact that these trailers that are unoccupied have dangerous levels doesn't mean that the trailers that are occupied have dangerous levels.

So every step of the way it was calculated to not know or not take responsibility. I have reached that conclusion because you strike me as a rational person, and the only way to explain your behavior in a rational way is to conclude that you didn't want to know and you didn't want to take responsibility.

No further question.

Chairman WAXMAN. Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman.

Just a few final questions, if I am one of the last people to ask. I want to make sure this problem doesn't spread. I mean, you certainly hear the combination of frustration, exasperation, and disbelief from members of this panel, but I want to talk about where these trailers are moving from here.

I understand that a lot of these trailers, as people no longer need them in the Gulf region, are moving to other places. I want to ask the simple question what procedures you are putting in place to make sure that none of the trailers that have any formaldehyde

contamination or have any reasonable belief of formaldehyde contamination are reaching other parts of this country and other buyers who are looking for those trailers.

Mr. PAULISON. We are selling the trailers. We are excessing through GSA. Based on what we know now, what we are going to have to do is make sure those buyers understand that these are meant for camping, not for long-term living; that they do have formaldehyde in them, and here is assistance for that. So we are going to have to do that with every trailer we sell as we get rid of them. Other than that, we will just take them and crush them and put them in a dumpster somewhere, and I don't think that is fiscally responsible, considering that every travel trailer is built basically the same. People either buy them from a travel agency or buy them used from us. In fact, the used ones would have less formaldehyde than a brand new one.

So we do excess them through GSA to get rid of them. We have had, I think, over 20,000 people who have those travel trailers now want to keep them once they have moved out of them. I don't know what we are going to do with that yet, but they have sent us notification. They have asked for those, but they want to keep them for camping trailers, not to live in, obviously.

Mr. MURPHY. And I don't know what the answer to this is. I don't know when you cut your losses here. I understand the need to always be mindful of fiscal responsibility, but to the extent there is any level of formaldehyde that even in the short term or the long term, because this is probably not going to be the last owner of the trailers, they are going to be transferred again and again and again, and to somehow rely on the fact that information is going to be disclosed as they get transferred seems like a pretty dangerous policy when we have our hands on them right now.

I mean, just as a for instance, Mr. Paulison, this committee I know contacted the Texas Parks and Wildlife Department where some of these trailers are transferred to. They tested them once they got them and found levels of formaldehyde above the 0.1 parts per million. So we already know people have them that have tested them, themselves, and found levels that they consider to be excessively high.

I would just ask you to really reconsider that point as to whether disclosure is going to be the best policy going forward. We may have to cut our losses here on trailers that have been contaminated and known to have harmed people already.

Mr. PAULISON. Again, as we learn more and more about these things, that is definitely a public policy discussion we have to have with what we are going to do with them. I think your comments are right on target.

Chairman WAXMAN. Thank you very much, Mr. Murphy.

Mr. Paulison, as I said to you before we even started this hearing, our job is to find out what happened and make sure it doesn't happen again. We are trying to be constructive, but I think we all have to be responsible. Our job is to do responsible oversight, and I hope you will look to see whether your Agency has handled all of this in a responsible manner.

Thank you very much for being here.

Mr. PAULISON. Thank you, sir. Again, I meant what I said earlier. I appreciate what you do in the hearing. I think a lot of good things are going to come out of it at the end of the day.

Chairman WAXMAN. Thank you. That concludes our business at this hearing. We stand adjourned.

[Whereupon, at 2:10 p.m., the committee was adjourned.]