

# United States Senate

WASHINGTON, DC 20510-4606

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TRANSPORTATION  
BUDGET  
RULES AND ADMINISTRATION

April 4, 2013

The Honorable Charles Hagel  
Secretary of Defense  
The Department of Defense  
The Pentagon, Suite 319  
Washington DC 20301

Secretary Hagel,

I am writing to express my concerns about the safety conditions at Department of Defense (DoD) Child Development, Youth Centers, and medical facilities. Specifically, it has come to my attention that DoD may not be adequately protecting our children, youth and pregnant mothers from potential lead exposure in drinking water in excess of safe levels. As you are aware, the Environmental Protection Agency identifies children and pregnant women as two groups at the highest risk for lead exposure, which can cause serious medical issues including permanent damage to the brain and nervous system that can result in behavioral and learning problems.

By way of background, U.S. Navy officials in Hampton Roads, Virginia recently reported to my office that they began testing for lead in drinking water in Child Development Centers (CDC) in October 2012. This testing revealed that two of the nine CDCs had levels of lead in the drinking water that far exceeded EPA safe levels of 20 parts per billion (ppb). To their credit, the local command responded quickly by securing the affected systems, notifying the parents in a frank and timely way, and they have taken a generally proactive approach to alerting other facilities in the region.

It is my understanding that the instruction mandating this testing was dated 30 October 2007, yet testing was not initiated until October 2012 -- a delay of five years. This is not acceptable. The Navy's policy is very clear that lead testing of "high priority areas" where children, youth, and expectant mothers would be exposed is required to be done. OPNAVINST 5090.1c, 10-5.2(c) states: "All Navy installations shall sample, test and maintain resultant records for all drinking water coolers and outlets in the following priority areas to determine the presence of lead: primary and secondary schools, day care centers, hospital pediatric wards maternity wards and food preparation areas located on medical facilities."

Although I appreciate the Navy's prompt response to the particular situation at the Hampton Roads CDCs, this incident raises larger questions. I would request that your staff provide us with a briefing that answers the following questions by 1 May 2013:

- What is the DoD policy to ensure compliance with the EPA's Safe Drinking Water Act, especially in high priority areas including child care and youth centers?
- What is the expectation of compliance with this instruction, what is the timeline for testing, and how does DoD ensure compliance?
- Are there any branches of the military service that currently lack instructions mandating safe drinking water testing at high priority facilities as defined above and, if so, how will DoD ensure compliance with EPA guidelines?

In addition, I would request that your staff provide the following specific information:

- the number of DoD child care centers, schools and pediatric maternity wards that are covered by this instruction.
- how many facilities sample, test and maintain records as required.
- the number of facilities that have tested positive and what was done to mitigate the problem.
- the number of facilities that have not complied to date, and DoD's plan to bring noncomplying facilities into compliance.

I know that you share my belief that we absolutely owe it to our military families to ensure we are providing first-rate, safe facilities on our military installations, especially for the children of our troops, many of whom are deployed and rely upon us to provide their families safe and adequate housing and child care. I look forward to working with you on this issue. If you or your staffs have any question, please contact Mark Brunner in my office. He can be reached at 202-224-2023.

Sincerely,



MARK R. WARNER  
United States Senator