



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

May 6, 2007

Robert S. Mueller, III, Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, DC 20535 - 0001

RE: EPA-RELATED FALSIFICATION OF CORROSIVITY DATA (pH):
TOXIC WORLD TRADE CENTER DUST

Dear Mr. Mueller:

This is a request for an investigation by the FBI into the falsification of pH corrosivity data for World Trade Center (WTC) dust by the Environmental Protection Agency (EPA), the U.S. Geological Survey (USGS), and EPA-funded research groups. By reference I am incorporating the allegations and evidence contained in my attached 5/6/07 complaint to the Senate Subcommittee on Superfund and Environmental Health.

The corrosivity of WTC dust (irreversible chemical burns to the respiratory system) is attributed to be one of the causative agents in current respiratory disabilities and/or deaths of first responders, recovery workers, laborers, residents, and office workers. Corrosive dust would also have facilitated the entry into the body *via* the respiratory system of other toxic substances found in WTC emissions.

Through a 4/9/07 letter, the EPA Office of the Inspector General (OIG) declined to investigate my complaints dated 8/22/06 and 10/25/06 which alleged several (but not all) of the instances of fraud in the pH test data of WTC dust. The rationale provided by the OIG was as follows:

The Government Accountability Office, acting on a Congressional request, has an ongoing evaluation to follow-up on EPA's actions in response to the OIG's World Trade Center report recommendations. Therefore, the OIG will not take action at this time.

This is not a valid reason to decline an investigation, since the OIG report of 8/21/03 neither addressed nor mentioned any of the evidence contained in my 8/22/06 and 10/25/06 complaints about pH fraud. However, there are genuine problems with an OIG investigation, because the evidence was available to the OIG for consideration and inclusion in its 8/21/03 report. The OIG did not address these matters, either because of lack of resources, inadequate technical skills, or deliberate intent.

What is particularly troubling is the fact that the OIG report of 8/21/03 found there was no evidence of false statements by EPA officials in the aftermath of the World Trade Center. The OIG concluded that EPA's written press releases had been altered by the White House to the extent that they were "misleading" and overly reassuring. The OIG report also stated that it examined major press statements by EPA officials. However, the OIG report ignored the clearly false on camera verbal statements by EPA Administrator Whitman on 9/13/01 claiming that EPA test data showed that toxic substances were "**below background levels.**" This false claim went far and beyond the statements in the EPA written press release of 9/13/01, which the OIG only found misleading. The false claim that toxics were "below background levels" contributed to subsequent press reports such as the air was no worse than a "smoggy day."

The GAO also may not be an appropriate investigatory body because fraud resulting from bribery, threats or coercion apparently are not within its mandate, which may prove to be the case. Further, the GAO lacks the in-house laboratory testing expertise of the FBI, and would be forced to evaluate the science based on weighing the credentials of one *versus* the other of the experts that it interviewed.

Thank you very much for considering this request for an investigation. I would be pleased to assist your staff in any way possible. Enclosed you will find electronic versions of this complaint and much of the supporting documentary evidence.

Sincerely,



Cate Jenkins, Ph.D., Environmental Scientist,
Generator and Characteristics Branch,
Hazardous Waste Identification Division, OSW
jenkins.cate@epa.gov

cc:

Senator Hillary Rodham Clinton

Congressman Jerrold Nadler

Congresswoman Carolyn Maloney

EPA Acting Inspector General Bill Roderick

Chain of Command: Ross Elliott, Bob Dellinger, Matt Hale, Susan Bodine, Steve Johnson



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OFFICE OF
INSPECTOR GENERAL

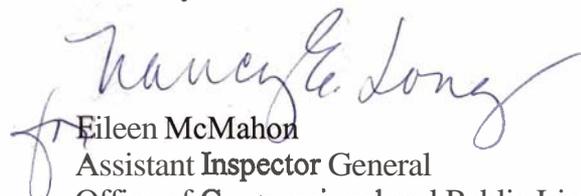
Dr. Cate Jenkins
GCB/HWID/OSW/OSWER/EPA
MC 5304P

Dear **Dr. Jenkins**:

The Office of Inspector General (OIG) **Hotline** is acknowledging receipt of your complaints dated August 22, 2006, and October 25, 2006, addressed to the Acting Inspector General on the subject of Environmental Protection Agency, Occupational Safety and Health Administration, and New York City activities related to the World Trade Center dust.

The Government Accountability Office, acting on a Congressional request, has an ongoing evaluation to follow-up on **EPA's** actions in response to the **OIG's** World Trade Center report recommendations. Therefore, the **OIG** will not take action at this time.

Sincerely,


for Eileen McMahon
Assistant **Inspector** General
Office of **Congressional** and Public Liaison

cc: Hotline 2007-080