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## **CERCLA Cleanup: Letter to Nancy Pelosi**

Golden Gate University School of Law

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## Environmental Law and Justice Clinic

August 1, 2018

Honorable Nancy Pelosi  
Democratic Leader  
233 Cannon H.O.B.  
Washington, DC 20515

**RE: Hunters Point Naval Shipyard Radiological Cleanup**

Dear Leader Pelosi,

As you may know, Greenaction for Health and Environmental Justice has been monitoring the Hunters Point Shipyard Superfund cleanup for many years. As you may also know, the Environmental Law and Justice Clinic at the Golden Gate University School of Law investigated the radiological fraud committed by Tetra Tech EC., Inc., and represents Greenaction in petitions to both federal and state authorities seeking to revoke Tetra Tech EC's radiological licenses.

We applaud your July 27, 2018 call for both the Navy and EPA Inspectors General to investigate whether the Navy and EPA, as your statement puts it "provided the appropriate level of oversight during the original clean-up and testing process, how they handled whistleblower accusations against Tetra Tech EC, whether any fraudulent or false reporting is present in other Tetra Tech EC contracts, and whether they are following best practices during the retesting process."

It is already clear the Navy and EPA could not have "provided the appropriate level of oversight." If they had, they would never have allowed Tetra Tech to investigate itself and then blindly accept its self-serving and utterly false conclusion the fraud discovered in 2012 was narrowly limited. The Navy could have conducted a competent investigation and uncovered widespread fraud as early as 2012 but failed to. It has taken six long years for the Navy to acknowledge the true extent of the fraud and its impact on the cleanup.

It is equally clear the Navy and regulators mishandled the whistleblower allegations; one key whistleblower, Anthony Smith, took federal authorities on a walking tour of the shipyard in June 2016, during which he pointed out numerous locations where fraud was committed. And yet no one from the Navy, EPA, NRC or state agencies ever contacted him afterward to seek more information. Similarly, Greenaction's NRC

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Petition, filed in June 2017, contained numerous whistleblower affidavits under penalty of perjury detailing fraudulent activities, yet no one from the Navy or regulators contacted any of them to learn more.

Community members who have followed the cleanup already know what the Inspectors General will find; gross malfeasance leading to the waste of close to \$300 million and more than a decade's delay.

As for the retesting, the Navy has publicly promised on multiple occasions that all of Tetra Tech's work will be redone. However, its recently-published work plan for retesting Parcel G appears to significantly backtrack from that commitment. We urge you to insist the Navy do what it promised the people of San Francisco.

Furthermore, the scanning of Parcel A being undertaken by the California Department of Public Health is wholly misguided. We brought forth eyewitness and documentary evidence demonstrating there were elevated levels of radiation in Parcel A's former storm water and sanitary sewer systems – underground - that warrants further radiological investigation. Where did the sewer pipes and associated soil go when they were removed in preparation for development, and can they be tested for radiation?

Though we have repeatedly urged EPA and the Navy to answer these questions, to our knowledge they are not even looking. And instead, CDPH is doing a surface scan. It's public relations, not a good faith investigation. What is needed, and what we have consistently demanded, is comprehensive core sampling of underground soil in for potential radioactive and hazardous contaminants in Parcel A, as well as all other parcels at the Shipyard and adjacent areas. We also are demanding funding be provided for truly independent community oversight of all testing and cleanup activities.

Finally, you request, "an immediate briefing on the status of the Hunters Point clean-up and re-testing." But who is going to give you the briefing? The very parties who allowed this fraud to proceed and be covered up? By all means, ask for answers about how they could have allowed this disaster to occur - answers that have never been given to the Bayview-Hunters Point community. We urge you to do so armed with all the facts developed during our investigation. To that end, we would be happy to meet with your office. We also urge you to review the petitions and supporting evidence.

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They are publicly available in Greenaction's NRC Petition ([https://www.dropbox.com/sh/1gfn7ja0fc3c516/AAD7-9qzmbhhUTkGvpN4p\\_Xua?dl=0](https://www.dropbox.com/sh/1gfn7ja0fc3c516/AAD7-9qzmbhhUTkGvpN4p_Xua?dl=0)) and its recently-filed Petition to Revoke Tetra Tech's State Radiological License ([https://www.dropbox.com/sh/zh2pknpgvuucjp0/AAA-1xjCHxjVtQ\\_s8wvTpm9Za?dl=0](https://www.dropbox.com/sh/zh2pknpgvuucjp0/AAA-1xjCHxjVtQ_s8wvTpm9Za?dl=0)).

We agree, as you say, "During this critical process, members of the Bayview-Hunters Point community deserve to be briefed, included, and heard. Nothing less than total transparency will suffice." The community needs to be heard by the Navy, EPA and other regulators. But they also need to be heard by you. If you want the kind of unvarnished briefing you will not get from the Navy or regulators, we urge you to meet with us at your convenience so we can brief you on the results of our investigation. We stand by to assist you and the Inspectors General get to the bottom of the Tetra Tech fraud and the Navy's mismanagement of the cleanup.

Please contact us so that we can set up a date and time to meet and brief you.

Sincerely,



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