

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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July 21, 2021

The Honorable Gene L. Dodaro
Comptroller General
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Comptroller General Dodaro:

We write today to request that the Government Accountability Office (GAO) evaluate the Army Corps of Engineers' Formerly Utilized Sites Remedial Action Program (FUSRAP) environmental liability reporting and remediation efforts.

FUSRAP was initiated in 1974 to identify, investigate, and, if necessary, clean up or control sites throughout the United States contaminated by atomic energy activities. In 1997, Congress transferred administration and execution of FUSRAP cleanups from the Department of Energy (DOE) to the Army Corps of Engineers (the Corps).¹ The Corps, located within the Department of Defense, manages substantial federal environmental commitments, including restoring compromised ecosystems, building sustainable facilities, regulating waterways, and cleaning up contaminated sites from past military activities, including FUSRAP sites.²

The objectives of FUSRAP are to: (1) identify and evaluate sites where authority and the need for a response action exist; (2) clean up or control FUSRAP sites to ensure protection of human health and the environment; (3) dispose of or stabilize radioactive material in a way that is made safe for the public and the environment; (4) perform work in compliance with applicable federal, state, and local environmental laws and regulations; and (5) return sites to DOE for appropriate future use.³

¹ Department of Energy, *FUSRAP Stakeholder Report* (Aug. 3, 2018) (online at www.energy.gov/sites/default/files/2018/08/f54/2018_FUSRAP_Stakeholder_Report.pdf).

² United States Army Corps of Engineers, *Environmental Program* (online at www.usace.army.mil/Missions/Environmental/) (accessed Apr. 28, 2021).

³ United States Army Corps of Engineers, *Formerly Utilized Sites Remedial Action Program Update—Fiscal Year 2020* (Feb. 10, 2021) (online at www.usace.army.mil/Media/News/NewsSearch/Article/2500140/annual-fusrap-report-available-online/).

In 2017, GAO added the U.S. government’s environmental liabilities to its High-Risk List—a list of programs and operations that are “high risk” due to their vulnerabilities to fraud, waste, abuse, and mismanagement, or ineffectiveness.⁴ According to the Treasury Department, the government’s overall environmental liabilities topped \$595 billion in 2019, and GAO has found that agencies need to take additional steps to address environmental risks and to monitor, report on, and better understand this liability.⁵ While FUSRAP was appropriated \$200 million in fiscal year 2020, estimates show the program has responsibility for at least \$2 billion of the federal government’s environmental liabilities, and perhaps much more—suggesting FUSRAP is not sufficiently funded to meet its critical mission.⁶

This disparity between current funding levels and need is not an abstract accounting matter but an urgent, critical threat to the communities poisoned by FUSRAP sites every single day. In Representative Cori Bush’s St. Louis district, radioactive waste discarded from the manufacture of atomic bombs for the Manhattan Project still threatens residents around Coldwater Creek, which regularly floods gardens, backyards, and public school playgrounds with potentially radioactive water. The consequences of federal inaction to mitigate exposure to environmental toxins—including lung cancer, bone cancer, leukemia, breast cancer, and skin cancer—are staggering.⁷ For the residents of St. Louis and similar communities across the country, increasing funding for this program will save lives.

In January 2021, President Biden issued an executive order directing agencies to “make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts.”⁸ Federal accounting standards, which direct agencies responsible for cleaning up contamination to estimate cleanup costs and report

⁴ Government Accountability Office, *High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others* (Feb. 15, 2017) (GAO-17-317) (online at www.gao.gov/assets/gao-17-317.pdf).

⁵ Government Accountability Office, *High-Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas* (Mar. 2, 2021) (GAO-21-119SP) (online at www.gao.gov/assets/gao-21-119sp.pdf).

⁶ Army Corps of Engineers, *Formerly Utilized Sites Remedial Action Program Update—Fiscal Year 2020* (Feb. 10, 2021) (online at www.usace.army.mil/Media/News/NewsSearch/Article/2500140/annual-fusrap-report-available-online/); Government Accountability Office, *Environmental Liabilities: DOE Needs to Better Plan for Post-Cleanup Challenges Facing Sites* (May 13, 2020) (GAO-20-373) (online at www.gao.gov/assets/710/707063.pdf).

⁷ *Residents Say Coldwater Creek Report Lacks Answers to Cancer Questions*, St. Louis Public Radio (June 26, 2018) (online at <https://news.stpublicradio.org/health-science-environment/2018-06-26/residents-say-coldwater-creek-report-lacks-answers-to-cancer-questions#stream/0>).

⁸ The White House, *Executive Order on Tackling the Climate Crisis at Home and Abroad* (Jan. 21, 2021) (online at www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/).

those estimates on their financial statements as environmental liabilities, will play an important role in implementing this and other actions related to environmental justice.⁹

However, as these standards currently exist, federal agencies' environmental liability estimates include only probable and reasonably estimable costs of cleanup work. Due to this strictly enforced directive, federal agencies' environmental liability estimates do not include costs for work for which reasonable estimates cannot currently be generated, such as cleanup costs at a site where the agency has not assessed the extent of the contamination.¹⁰ Failure to fully fund and prioritize agency cleanups masks the degree to which the funds and directives are needed. Consequently, the U.S. government's environmental cleanup liability is likely far larger than currently estimated, and the environmental liability numbers reported in agencies' federal financial statements may not fully reflect the fiscal exposure of future clean-up costs to the federal government.

A managing director at GAO, Mark E. Gaffigan, confirmed the likelihood that federal environmental liability costs will increase during a recent hearing of the Oversight Committee, entitled "The 2021 GAO High-Risk List: Blueprint for a Safer, Stronger, More Effective America." Responding to Representative Bush's questions concerning the hundreds of thousands of constituents in her Missouri district that have confirmed or suspected exposure to radioactive waste based on estimates by the Centers for Disease Control and Prevention, Mr. Gaffigan testified:

The reason we put this [environmental liabilities] on the [High-Risk] List is because we think this is just the tip of the iceberg. We think there are more places like Coldwater Creek around the country that need to be identified, and we need to figure out to what degree we are going to clean them up.¹¹

To further assist the Committee in understanding environmental liabilities and clean-up related to FUSRAP, we request that GAO evaluate the following key issues:

1. The nature and extent of the Corps' environmental liabilities for FUSRAP sites, including the socioeconomic and demographic factors associated with communities in those locations;

⁹ Government Accountability Office, *Environmental Liabilities: DOE Needs to Better Plan for Post-Cleanup Challenges Facing Sites* (May 13, 2020) (GAO-20-373) (online at www.gao.gov/assets/710/707063.pdf).

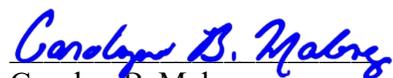
¹⁰ Government Accountability Office, *Department of Energy Environmental Liability Continues to Grow, and Significant Management Challenges Remain for Cleanup Effort* (May 1, 2019) (GAO-19-460T) (online at www.gao.gov/assets/gao-19-460t.pdf).

¹¹ Committee on Oversight and Reform, Testimony of Mark E. Gaffigan, Managing Director, Natural Resources and Environment, Government Accountability Office, *Hearing on The 2021 GAO High-Risk List: Blueprint for a Safer, Stronger, More Effective America* (Mar. 2, 2021) (online at <https://oversight.house.gov/legislation/hearings/on-the-2021-gao-high-risk-list-blueprint-for-a-safer-stronger-more-effective>).

2. An assessment of suspected FUSRAP environmental liabilities for which reasonable cost estimates cannot currently be generated, the reasons such estimates cannot currently be generated, recommendations for more accurately communicating when such costs are excluded from environmental liability measures, and recommendations for how such costs can be meaningfully measured;
3. The Corps' annual spending on environmental remediation at its FUSRAP sites and an accounting of how, if at all, it has changed over time;
4. The Corps' prioritization metrics of environmental cleanup projects at FUSRAP sites, including metrics used to determine funding allocation to address environmental liabilities, and the extent to which the Corps' prioritization and funding allocation incorporates environmental justice principles; and
5. Any identification and warning procedures, processes, or systems used by the Corps at hazardous sites that have yet to be remedied to ensure that neighboring or surrounding communities are aware of potential dangers.

Thank you for your consideration of this urgent matter. If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,


Carolyn B. Maloney
Chairwoman


Cori Bush
Member of Congress

cc: The Honorable James Comer, Ranking Member