



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

APR 16 2012

OFFICE OF THE
REGIONAL ADMINISTRATOR

Monique Harden
Nathalie Walker
Advocates for Environmental Human Rights
2332 Dublin Street
New Orleans, Louisiana 70118

Alicia Garza
Co-Executive Director
People Organized to Win Employment Rights (POWER)
335 South Van Ness Avenue
San Francisco, California 94103

Marie Harrison
Greenaction for Health and Environmental Justice
703 Market Street, Suite 501
San Francisco, California 94103

Dear Ms. Harden, Ms. Walker, Ms. Garza and Ms. Harrison:

In my letter to you dated May 24, 2011, I committed to responding to the concerns raised in your letters of March 2011 written on behalf of the SLAM Coalition of Bayview Hunters Point Community Organizations regarding the U.S. EPA's "Review of Dust/Naturally Occurring Asbestos Control Measures and Air Monitoring at the Former Hunters Point Naval Shipyard." I asked for an independent review of the issues, and subsequently the Agency referred the matter to its Office of Inspector General.

The Office of Inspector General, working in collaboration with the Federal Bureau of Investigation, has concluded there was no misconduct on the part of any EPA employee related to the development project on Parcel A at the Hunters Point Naval Shipyard. Enclosed you will find a summary, prepared by our Regional Counsel, of the Office of Inspector General's Report of Investigation.

The EPA remains fully committed to its oversight role to ensure cleanup and reuse at the former naval shipyard in a manner that protects the public health.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld

Enclosure



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April 4, 2012

From: *Nancy Marvel*
Nancy Marvel
Regional Counsel
EPA Region IX

To: Jared Blumenfeld
Regional Administrator
EPA Region IX

Subject: Summary of Office of Inspector General's (OIG) Report of Investigation (ROI), re: Allegations of criminal misconduct related to the development project on Parcel A at the Hunters Point Naval Shipyard

On August 9, 2011, OIG commenced an investigation, with the Federal Bureau of Investigation (FBI), into claims made by Stop Lennar Action Movement (SLAM), a group of three San Francisco advocacy organizations, that alleged an EPA employee and an employee from the San Francisco Department of Public Health (SFDPH) conspired with the Lennar Corporation to conceal asbestos-related dangers associated with the generation of dust at the Parcel A construction site on the former Hunters Point Naval Shipyard. OIG and the FBI investigated the issue by interviewing personnel from EPA, SFDPH, and from Iris Environmental, a consulting firm for Lennar Corporation. OIG also conducted an independent scientific review of the relevant documents and email messages.

Based on its investigation, OIG concluded that there was no evidence that an EPA employee conspired with the SFDPH and Lennar Corporation to conceal asbestos exposure at the Hunters Point Naval Shipyard site. OIG's analysis of the scientific documentation, the email messages referenced in the allegations, and the interview testimony showed there was no effort to hide, misrepresent or cover-up asbestos monitoring results. Instead, OIG concluded the email text SLAM cited as evidence of "criminal conspiracy" was excerpted and taken out of context of a larger email message. When read in context, the email message reveals efforts to correctly and scientifically analyze air monitoring data to accurately communicate the scientific findings. Furthermore, OIG's and the FBI's review of the EPA employee's financial disclosure information revealed that the EPA employee had no financial stake in Lennar Corporation or in any other aspect of the Parcel A development project.

The OIG recommended no further action and now considers this matter closed. Due to privacy concerns, the OIG will follow its ordinary practice of keeping the final Report of Investigation confidential.

Do not hesitate to contact me or Steve Jawgiel with any questions or concerns.