

October 22, 2009

Office of Inspector General  
Department of Defense  
Defense Hotline  
The Pentagon  
Washington DC 20301-1900.

**RE: Request for Investigation**

DOD-OIG Defense Hotline:

On behalf of Public Employees for Environmental Responsibility (PEER), I am writing to request that your office initiate an investigation into waste, fraud and threats to public health and safety in connection with the U.S. Army Corps of Engineers clean-up project comprising much of Southern Mississippi in the aftermath of hurricane Katrina.

Documents obtained in litigation from the Corps under the Freedom of Information Act depict a vivid picture of a breakdown of many basic protocols: numerous ineligible debris loads, widespread safety violations, traffic accidents, water mains broken by Corps subcontractors, even reports of Corps personnel falling asleep on the job. On at least two occasions, contractors were caught by forest law enforcement personnel in national forests taking down healthy trees undamaged by Hurricane Katrina, intending to pass them off as pay-eligible debris. *See Attachment.*<sup>1</sup>

Safety violations were so routine on the Mississippi project as to even become unremarkable in the face of much more egregious violations, including numerous examples of contractors, employed by the Corps and paid (by the debris load) with taxpayer dollars, attempting to defraud the public by gathering ineligible debris from outside their contracted hurricane-damaged area in an effort to pad their load totals.

The documentary records suggests that much of what took place during the clean-up of Southern Mississippi under the Corps' leadership showed almost utter disregard for the safety of the workers and the general public, the quality of the local environment, and the taxpayer's interests.

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<sup>1</sup> PEER has many more documents of this type evidencing malfeasance available for review at your request.

PEER understands not only the difficulty of overseeing such a large-scale project, however, we feel that even a cursory examination of the documents provided to PEER would convince your office of the pressing need for a wide-ranging review of the processes and personnel involved with Corps post-disaster clean-up operations.

Given its long and detailed record of unsafe practice and malfeasance, PEER specifically requests that the Defense Department of Defense Office of Inspector General conducts a review of the Corps bid evaluation process as it relates to the subcontractors contributing to the bids. The routine disregard by so many subcontractors of basic safety protocol is indicative of a systemic problem that could perhaps have been identified in advance with a thorough review before the selection of the general contractor.

PEER also requests that the DOD-OIG conduct a review of the processes by which the Corps determines the number of ACE Quality Assurance personnel needed for to supervise a project. Understanding the Corps' personnel limitations and budgetary restrictions, it is nonetheless obvious from reviewing just a portion of the document record that QA personnel were clearly overstretched on most portions of the project.

PEER is also requesting that your office undertake this review because of a documented reluctance by the Corps to examine these issues. PEER had to file a lawsuit under the Freedom of Information Act to obtain these documents. Litigation was necessary because the Corps denied the existence and the significance of relevant documents. On April 2, 2007, the Corp denied PEER's original record request on the grounds there was nothing to be found:

“The Hurricane Katrina relief effort is a highly profiled recovery effort and has been very publicly scrutinized...None of these reviews have discovered any environmental damage by the relief effort.”

That recalcitrance to produce the record, let alone analyze it, militates that your office undertake the reviews, as the Corps' stance is that there no lessons to be learned. For this reason, it would not be appropriate to task this investigation to the Corps Inspector General, as the failures of that institution should be a part of any complete review.

Consequently, PEER is requesting that the DOD Office of Inspector General undertake a two-fold investigation into both the underlying breakdowns as well as the failure of Corps command accountability.

Should you desire additional information in relation to any of these specifications, please do not hesitate to contact me.

Sincerely,

Jeff Ruch  
Executive Director