11/5/18

Jason and Cynthia,

Here is a response from the Health Department, as you requested by today.
I noticed that these questions relate to activities in 2014, whereas your previous questions referenced 2007 activities. I don't see a connection between the two, and just wondered what the story is about.

Before addressing the specifics of your questions, we wanted to mention something.

The Health Department is troubled by the implications in your questions that Amy Brownell may not have been totally committed to the health and safety of San Francisco residents in her role as SFDPH Environmental Engineer assigned to the Hunters Point Shipyard cleanup and restoration. Nothing could be further from the truth. Ms. Brownell has applied her expertise and dedication to the project for some 25 years, and has contributed to the City's understanding of the technical and scientific aspects of the work. As you know, SFDPH does not have responsibility for the cleanup, which is the Navy's responsibility, overseen by EPA, DTSC and the water boards. SFDPH does play an important role, along with the California Department of Public Health, in standing with the community, providing additional review and independent expertise, and advocating throughout the project for the best possible approaches to ensure community health and safety. That is the essence of public health and we are 100 percent focused on that goal.

The Tetra Tech fraud is now known to be a crime, and a particular injury to the community, in addition to a major setback for the Shipyard cleanup and restoration. SFDPH supports every effort to ensure the health and safety of current and future residents, including the rescanning of Parcel A by the California Department of Public Health and the Navy's retesting of Parcel G.

We have read the emails that you reference. It appears that excerpts were chosen selectively and out of context. In the responses below, we seek to clarify.

Questions about these emails:

-- When Brownell wrote, "Navy is trying to keep this as low key as possible," what did she mean by "low key?" Who at the Navy was trying to keep the findings "low key," and why? Also, why would the city health department care if the Navy was trying to keep findings about the shipyard "low key"? Isn't the health department supposed to be doing its own independent analyses?

The April 21, 2014 email was from Amy Brownell to a group of consultants to whom she was giving direction about an upcoming conference call with the Navy about a very important matter. It was to be the first conversation about the Tetra Tech wrongdoing.

She was instructing them that the Navy wanted to keep the call low key, in order to get through a very large and important agenda, with many participants. So, Ms. Brownell advised them not to speak during it, but only to listen.

-- Why did Brownell accept the Tetra Tech and Navy explanation that the false soil samples were not a problem? According to the recent radiological data reviews by the Navy and EPA, the false soil samples referenced in the 2014 report were just the tip of the iceberg, and now those agencies consider all of Tetra Tech's rad data to be unreliable. Does Brownell still stand by her conclusion in 2014 that the false soil samples have "no implications for future" and the investigation of faulty data was a waste of taxpayer money? Or did she make an error in judgment?

In 2014, we did not know everything we know now. At that time, the Navy had discovered wrongdoing by Tetra Tech, and the problem was being taken very seriously. There is no assertion in the emails that the false soil samples "were not a problem." It seemed then, based on the information we had, as though the issues were identified and being corrected. As the Navy representative wrote in an April 28 email on the same thread that you are referencing: "Although TtEC has concluded their investigation, the Navy will continue to scrutinize all of TtEC's data to ensure that all anomalous data is identified for all current and future work and take any other appropriate actions."

Other than a brief phone call explaining and inviting SFDPH to the April 23, 2014 meeting, that meeting and presentation were the first time SFDPH heard about the Tetratech investigations into 19 areas where the Navy internal Quality Control review found problems with the Tetratech data. The Navy's explanation at the meeting, as described in the powerpoint attached to the May 1, 2014 email that you reference, described extensive steps Tetratech, with Navy oversight, took to address and redo the problems identified including:

- *Disciplinary actions against employees*
- *Re-sampling suspect areas*
- *Independent Quality Control health physicist oversight*
- *Ethics training*

While we all found the news of the problems disturbing in 2014, at the time, the Navy appeared to take all the appropriate steps to correct the discovered problems.

-- Why is a city public health official circulating emails that criticize an effort to scrutinize the cleanup? Isn't it SFDPH's job to scrutinize the cleanup?

That is a misrepresentation. Emails are often informal, conversational communications, where language can be imprecise, shorthand or quickly dashed off. Tone is very hard to determine over email.

A reminder about roles.

The Navy is the lead agency responsible for the investigation and cleanup of HPS and holds the Administrative Record for the site. EPA and its state regulatory agency partners oversee and enforce Navy compliance with Superfund requirements to ensure the cleanup at HPS protects human health and environment. At no time has SFDPH had any regulatory authority over the cleanup process itself.

An SFDPH Environmental Engineer (Amy Brownell) has been assigned to this project since 1993, during the Navy restoration and the redevelopment by Lennar/Fivepoint on transferred land. SFDPH reviews information from the Navy and the regulatory agencies and helps to verify that the restoration and transfer will continue to protect public health. In addition, once the property transfers, SFDPH implements Article 31 of the San Francisco Health Code to ensure that the redevelopment is done in a safe manner, consistent with all federal and state regulatory requirements.

-- Did Brownell follow through and meet with the pregnant woman working at Building 606?

Ms. Brownell is very diligent, thorough and reliable and therefore we expect that she did meet with the employee. However, she has no record of that meeting in 2014, so we cannot verify that it took place.

-- If so, what did Brownell tell the woman about health risks associated with radiological work near the building? Did Brownell say that "there are no public health risks" involved with working at Building 606? If so, why was the woman told there were no risks, given the fact that the health department was not monitoring the air near the building for radioactive contamination and had no way to know if the air quality was safe?

Even though we cannot speak to that specific meeting, we have provided multiple examples to you previously about the attention to health and safety at B606, the Health Department's responsiveness to employee concerns, and the consistent findings that there are no health risks to employees there.

SFDPH has continued to provide support to the Building 606 staff and works together with SFPD to ensure that any health and safety concerns are responded to and addressed.