

***TOXIC EXPOSURE ARMY VETERANS OF
FORT MCCLELLAN, ALABAMA. 1950 to 1998***

A Verified PROJECT 112 Military Experiment Site

Army Military Police School (MP) / Women's Army Corps National Center (WAC) / Army Radiological School (Rad-Vets) / Army Chemical Corps School / Anniston Army Depot / Pelham Range / Miscellaneous School Attendees (All branches)

(b)(6) Privacy, (b)(7)(C) Ent. Privacy, NATIONAL ACTIVIST

April 2, 2024

**A DISCRIMINATION COMPLAINT TO THE CIVIL RIGHTS OFFICE OF THE ENVIRONMENTAL
PROTECTION AGENCY UNDER 18 USCA 246 AND TITLE 40 CHAPTER 1 SUBCHAPTER A
PART 12.130 (a), (b), (d).**

TO: US Environmental Protection Agency
Office of Civil Rights (1201A)
1200 Pennsylvania Ave NW
Washington, DC 20460

LOCATION TARGET FOR THIS COMPLAINT:
ENVIRONMENTAL PROTECTION AGENCY
REGION 4
Sam Nunn Atlanta Federal Center
61 Forsyth St SW # 9, Atlanta, GA 30303
Phone: (404) 562-8190

NOTE: A SEPARATE COMPLAINT HAS ALREADY BEEN FILED AT THE INSPECTOR GENERAL'S OFFICE.

PERSONS ENTERING THIS COMPLAINT:

(b)(6) Privacy, (b)(7)(C) Enf. Privacy national activist (on behalf of)
The Fort McClellan Veterans Stakeholders Group
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Schenectady, NY 12303
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The Fort McClellan Veterans are a national group of medical patients who were stationed at the former Army base known as Fort McClellan, Alabama between the years of 1950 to 1998. The base has been closed since that time. The veterans discovered in later years that various environmental engineering source reports indicated the base was a previously designated environmental contamination zone.

This complaint was originally started on November 29th, 2023, through the EPA web reporting form for OIG complaints. It's now more elaborately drawn for an email submission.

CONTEXT & BACKGROUND:

During the one year period of 2015, the veterans group underwent a paperwork review at the Dept. of Veterans Affairs Environmental Health Office in Washington DC. That review was to solicit their help and assistance in locating and compiling the full extent of environmental engineering paperwork surrounding the new discovery that the former Army base of Fort McClellan was a toxic contamination zone. The review ended in the VA's rejection of any assistance whatsoever in the processing of our ensuing claim for VA Comp & Pen benefits for toxic exposures. It was also discovered during that time that the VA was not even hiring qualified environmental medicine people who were skilled in the latest developments in the environmental health industry.

This complaint fast-forwards in time when the veterans group abandoned all efforts at the VA and began a search for alternative agencies to help us with our cause. We were looking for expert assessment venues that we could easily apply for and get into. I first made a connection with an EPA Region 4 scientist by the name of Brian Holtzclaw in 2021. He was a helpful mentor and adviser to get our group steered into the complicated maze of the Agency for Toxic Substances (ATSDR). Brian's information is posted below. He had determined that his office was not the place to do our EPA processing.

Verifying Party #1:

Brian L. Holtzclaw | Section Chief | Environmental Justice and Children's Health Section (EJCHS)
Strategic Programs Office | Office of the Regional Administrator | US EPA Region 4
61 Forsyth Street SW, Atlanta GA 30303
Office: 404-562-8684 | Cell: (b)(6) Privacy, (b)(7)(C) Enf. Privacy | holtzclaw.brian@epa.gov

After a couple of Zoom meetings by computer, our Fort McClellan group was handed off to the national Petition Coordinator for the ATSDR, Teresa Foster. At that point, Brian said his goodbye, and a new set of parties were at play for our project. Her contact information is found below.

Verifying Party #2:

Teresa Foster, MPH, JD
Environmental Health Scientist/Petition Coordinator
(770) 488-0752
tef9@cdc.gov
ATSDR Office of Community Health & Hazard Assessment
4770 Buford Hwy, NE (MS S102-2)
Chamblee, GA 30341-3717

The ATSDR works from a complicated petition filing process that I first had to learn about before I could submit our source papers. On June 17, 2021 the Fort McClellan Veterans Petition was filed at the ATSDR. The LINK to their petition process is posted at their ATSDR website below.

<https://www.atsdr.cdc.gov/hac/petitionatsdrdchi.html>

The petition was accepted by the ATSDR agency for processing and a confirming letter was received to show that. (This copy of the letter is redacted but I have the original if it's needed by OIG.)

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All this time later and to this very minute, not one single report has come back to us from this science review. Parts of the petition topics and the EPA's refusal to either process or report on the matters at Fort McClellan make up a portion of this complaint.

The ATSDR has never named or identified the person of contact for the EPA Region 4 Office who would be the participating research counterpart for our official environmental science review. So we are assuming for the purpose of this complaint, that the EPA has obstructed their portion of the entire review. At issue are the much-needed site declarations, hazard rating scales (recalculated), and population risk declarations that have to be made that only the EPA agency can do through their national standards program.

The petition was submitted with nearly 3,500 pages of military environmental site reports that were done at Fort McClellan, Alabama, starting in 1977 and running to the end and beyond the closing year of 1998. However once their review was underway in Atlanta, the ATSDR found nearly 9,000 more documents at a privileged DOD database they were given access to. So our veterans group has a good idea of what was submitted at the very start of the petition filing process and then what was added on at a later date from the DOD files. Our veterans group has never received a single discussion or report telling us about what was found in these other new DOD files. Because we are the filing medical patients from the base, we have a privileged need to know this information.

During the computer meetings, it was explained to me that the science review for our petition would be a 3-agency cooperative project involving the ATSDR, the CDC, and the EPA as a collective review team. So for the purpose of this complaint, the discussion is all about the EPA's side of this review that's never been answered to. We HAVE talked to the CDC and ATSDR since the petition was filed, but it's the EPA who has been non-communicative.

The ATSDR has never identified to me who the EPA point of contact was for the science review on Fort McClellan. I have wrongly assumed in the past that the Environmental Justice Department was the right place for the cause, but this has not proven out to be true. Without any designated EPA official connected to this ATSDR environmental project, it would be hard for us to believe as a patient group what the genuine toxicity levels actually were at the time that the military site engineers collected their sampling data. We are bewildered by the lack of action, the lack of processing, the lack of reporting out, and the lack of publicly verifying our vast holding of engineering source papers that would be critical to releasing the VA disability rating benefits to the patient group.

The VAs military service-connected work relief benefits are found in Title 38 CFR Parts 3 and 4. For the purpose of establishing a contamination zone event we are required to produce verified environmental information. The EPA is blocking, abandoning, or ignoring the verification of this information so the veterans can have their medical cases released for benefits. The failed 2015 review at the VA directly told us that they didn't have anyone hired into place who was capable of reading and applying risk assessments to licensed engineering papers.

It's conceded that the Environmental Protection Agency was never really formed until the year 1970. At Fort McClellan and nearby Anniston, Alabama, and Pelham Range, there were various environmental spill sites that had already been active by then for 20 years since 1950. This complaint speaks to the years from 1970 on forward after the EPA was activated as an agency.

The veterans group located a 1977 environmental site report for Fort McClellan indicating that the basic chemicals for mixing Agent Orange on-site at the base were both stored and used there. The report specifies the years of 1974, 1975, and 1976 when this was done. The chemical compounds are clearly identified as 24D and 245T. In later years, other less specific entries were

made by environmental site engineers indicating the ongoing use of the same chemicals. Here below are samples of report excerpts to show this is a legitimate claim for an expert environmental review and a formal toxicity level finding.

Here is a 2-page excerpt from the 1977 Report
Confirming the Use of Agent Orange:

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Here is an excerpt from a 1980 Fort McClellan
Report for the range of Herbicides:

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And here are the same lists carried forward
in 1990 by the Army Corps of Engineers for
the same:

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Fort McClellan does NOT show up on the official handling and storage list for Agent Orange that's issued by the GAO Office. I have tried a few times now to get them to voluntarily revise the list to add in Fort McClellan. They have refused. Because McClellan is not on that official site list for Agent Orange use, we have reason to believe that it may have been illegally transported to the base and used without the required approvals by the Environmental Protection Agency. As it turns out, we are the veterans who are claiming to have incurred exposures to the use of this agent. Regardless of the legality of the AO presence at McClellan, we are still the innocent victims of its use there.

The VA is withholding our Comp and Pen benefits for Agent Orange exposure at the Fort McClellan base. It has been told to all the parties of interest by meat least several times over that their silence on this issue of us holding licensed engineering reports showing the chemical was used at the base is getting used against us by the VA to withhold our toxic exposure benefits. We came to the ATSDR review process to obtain "expert" findings in regard to this matter of Agent Orange used at Fort McClellan. To this minute, we can't even verify if they have processed our paperwork or what the plan is for them to finally release it to us as an affected medical patient group.

With the engineering papers describing these chemicals so very concisely, it begs the question of why we are now in the THIRD YEAR of the Atlanta agencies not saying anything about it so the veterans can get their VA benefits.

Finally, it's worth noting that nearly half of our veterans population from the former Fort McClellan base are women from the former Women's Army Corps before it was decommissioned in 1978. A verifying history film has been located on the internet to show the earlier 1960s version of the former units at Fort McClellan. There is no mistake about this critical point that we do have a large population of women with medically matching histories that line up perfectly with chemical toxic exposure profiles that are already published in the databases of the Dept. of Health and Human Services. This evidence film is short and runs for 1 minute.

LINK to Verifying Film Short:

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ALLEGATIONS:

The Fort McClellan Veterans Group hereby alleges that the Region 4 Office of the Environmental Protection Agency is refusing to process their portion of the Fort McClellan science review in tandem with the ATSDR because it shows an oversight failure in Alabama that escaped them at the time. The DOD may have used illegal or deceptive practices to usher the chemical onto the base and then use it. This creates an act of discrimination or retaliation against the medical patient group on the basis of our handicaps or disabilities. By the very reason that we have identified ourselves as a medical patient group from Fort McClellan, we are getting maliciously and deliberately obstructed by the programs and services of the EPA.

It's further alleged that the Region 4 Office has abandoned the Fort McClellan review since we have absolutely nothing at all to show for it as an outcome from them as of this date of April 1, 2024. We have filed a legitimate body of work that qualifies for expert industry processing from the EPA Regional Office that has jurisdiction over Alabama sites. The VA has no such agency authority for the same. This abandonment creates an act of discrimination or retaliation against the medical patient group on the basis of our handicaps or disabilities. There is no other way to avoid the processing of a large number of medical patients with military service at the same location other than to block, obstruct, or abandon all processing of the same. Even if any processing was done, they have embarked on an organized agency refusal to report those findings to the filing patient group.

It's further alleged that the Region 4 Office of the EPA is working to block the service-connected disability benefits that are due to the McClellan Vets because they don't want it revealed that Agent Orange was used at the base during a presidential election year. The office may be pandering to the political beliefs of the White House instead of to the medical patient interests of the filing veterans.

The veterans have no political affiliation on their own, and refuse to get steered into less-competent groups who are. We have a complicated environmental spill profile that can only be adequately sorted out by an expert industry workforce. We have legitimately applied for that. The work relief benefits for military service veterans are found at Title 38 CFR Parts 3 and 4. The veterans can't succeed in their medical cases because of the discriminating acts by the EPA Region 4 Office.

It's further alleged that the Region 4 Office of the EPA was informed by me that the former Army base was the national training school for the former Women's Army Corps from 1950 to 1978 and that we have a significant women's population who are likely medical cases stemming from the use of Agent Orange at the base. It's further alleged that the Region 4 Office of the EPA is refusing to render fair, equal, non-discriminatory services based on their significant medical numbers as women. This EPA issues volumes of news reports on alleged "contaminants" such as plastics in bottled water where there are no known medical patient groups behind these claims. Yet we have an organized medical patient group from Fort McClellan military service and can't seem to get a single report from the agency. Something is very wrong here. For the very reason that it was disclosed that we have a large population of women medical patients in our Fort McClellan group, we believe that the EPA at Region 4 is now blocking the processing of our environmental science review and petition.

The veterans group further alleges that the following regulatory laws for the EPA agency law generally have been violated as an outcome of their willful efforts to refuse, abandon, obstruct, or deny fair and equal processing regarding the Fort McClellan environmental petition. Title 40, CFR Chapter 1, Subchapter A, Part 12.130

12.130 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

(b)

(1) The agency, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with handicaps with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(3) The agency may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(i) Subject qualified individuals with handicaps to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of individuals with handicaps.

(d) The agency shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

The Fort McClellan Veterans Group alleges that the Region 4 Office of the EPA is working to impose a medical blacklisting scheme of discrimination against our national patient group to deprive us of our VA benefits through the relentless refusal to verify our evidence papers. We do allege this is a violation of the criminal penal code at Title 18 USCA 246 “Deprivation Of Relief Benefits”. The text is copied over here below for your quick reference.

18 U.S. Code § 246 - Deprivation of relief benefits

Whoever directly or indirectly deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible in whole or in part by any Act of Congress appropriating funds for work relief or relief purposes, on account of political affiliation, race, color, sex, religion, or national origin, shall be fined under this title, or imprisoned not more than one year, or both.

The entire time the EPA refused to release or process the Fort McClellan matters, the legal disability cases of the veterans were either getting denied or were placed on permanent hold with no action taken on them at the VA. This is a public harm and a nuisance that’s imposed on these veterans who are merely victims of being stationed at the wrong place at the wrong time.

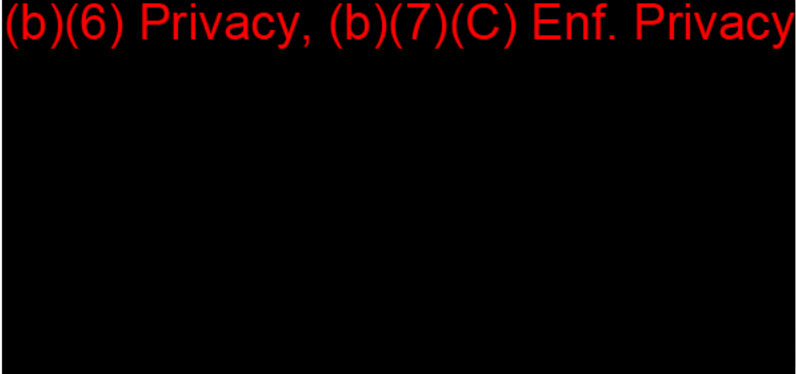
The Office of Civil Rights is hereby requested to launch an investigation into the obstructionism coming from the Region 4 agency as it applies to the formal environmental science review (and the proper release of reports for the same) of the former Fort McClellan, Alabama Army base. This should be with particular attention to the former use and presence of chemicals 24D and 245T for the making of Agent Orange on the base. We need to know who the point of contact is, when will the report be released to us as the filing patient group, and what’s the plan for notifying the VA of their

toxicity findings. We cannot have our military benefits held hostage because of something that commanders did on an Army base.

Thank you for your review and assistance today.

Signed,

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(b)(6) Privacy, (b)(7)(C) Enf. Privacy filing on behalf of
The Fort McClellan Veterans Stakeholders Group
at Scotia, New York