

United States Senate

WASHINGTON, DC 20510

January 5, 2011

The Honorable Robert Gates
Secretary of Defense
The Pentagon
Washington, DC 20301-1000

Dear Secretary Gates:

We respectfully write to discuss the circumstances regarding the tragic death this week of Army Sgt. William McKenna, a brave member of our armed forces from West Babylon, New York, whose death was potentially preventable and should be cause for changes in our military oversight and operations policy.

Sergeant McKenna died at the age of 41 this week from a rare form of lymphoma that the VA determined was connected to toxic fumes he breathed during his exposure to what are known as "burn pits" while he was on active duty in Iraq. Burn pits are either shallow excavations or surface features with berms used to conduct open burning of military waste. According to a recent report by the Government Accountability Office (GAO), the oversight and operation of burn pits varies substantially across installations, with waste management decisions made largely by base commanders and carried out by military personnel, contractors, or a combination. The Veterans Administration has said that it is concerned about the effects of exposure to toxins produced by burn pits on service members returning from the current conflicts in Iraq and Afghanistan.

While we understand that there have been efforts made to reduce the use of burn pits in Iraq and Afghanistan, GAO has recently indicated that the use of burn pits continues and that safety precautions are still not being rigidly followed. If the use of burn pits is a military necessity in a particular circumstance, military regulations should require that protective respirator masks be made available and shall be provided to all troops within range of being exposed to these potential toxins. These masks could, at a minimum, serve to mitigate the harm being cause by these burn pits and, thus, potentially prevent tragic cases like the death of Sgt. McKenna.

We thank you for your attention to this important matter, and are eager to work with you to ensure that our brave service members receive needed protection as promptly as possible.

Sincerely,



Charles E. Schumer
United States Senator



Bill Nelson
United States Senator

CC: Admiral Mike Mullen, USN, Chairman, Joint Chiefs of Staff