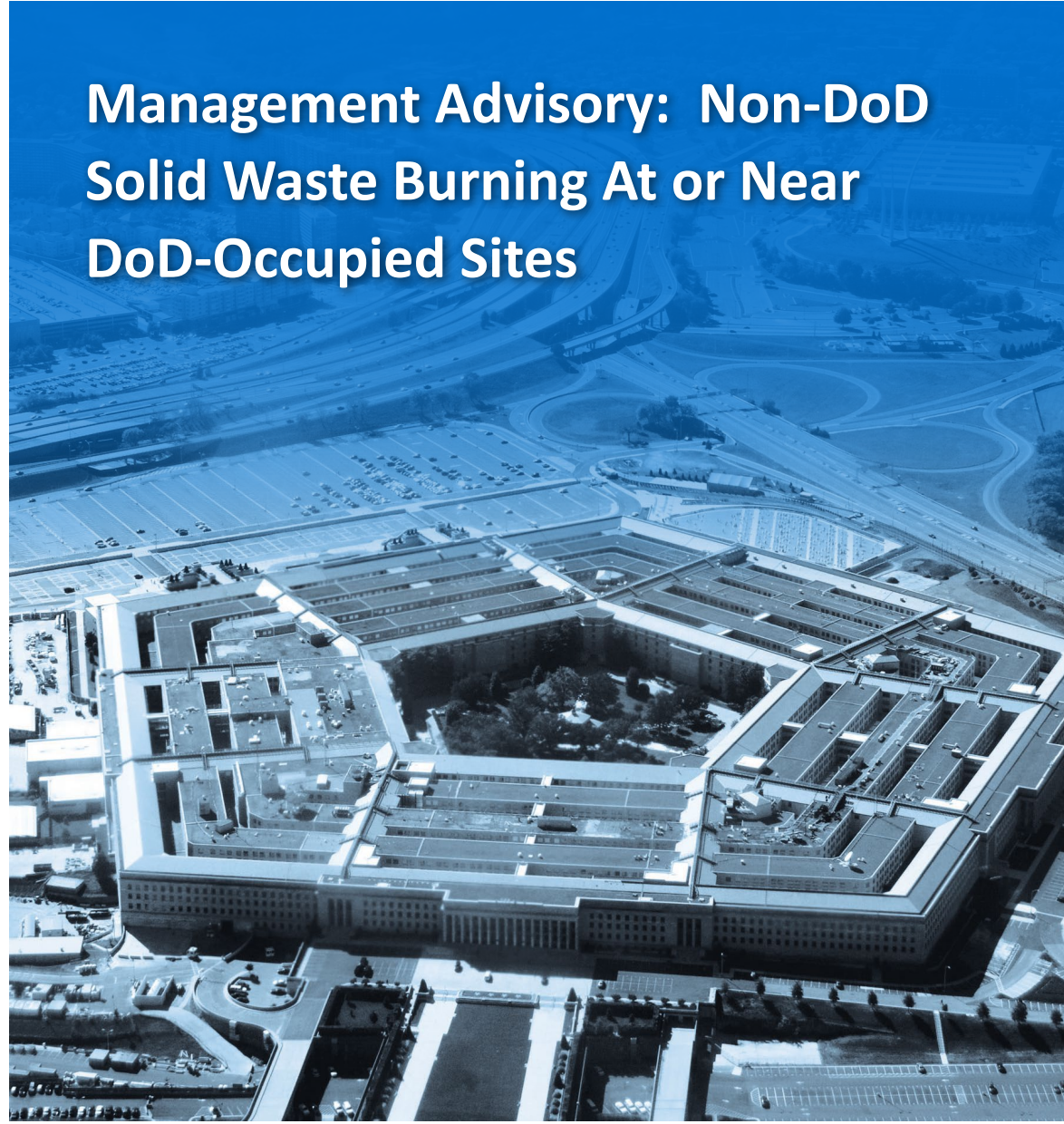




INSPECTOR GENERAL

U.S. Department of Defense

JULY 11, 2024



Management Advisory: Non-DoD Solid Waste Burning At or Near DoD-Occupied Sites

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OFFICE OF INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

July 11, 2024

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Management Advisory: Non-DoD Solid Waste Burning At or Near DoD-Occupied Sites (Report No. DODIG-2024-107)

This final management advisory provides the results of the DoD Office of Inspector General's review of the process for identifying and reporting non-DoD solid waste burning at or near DoD-occupied sites. We previously provided copies of the discussion draft management advisory and requested written comments on the recommendation. We considered management's comments on the discussion draft management advisory when preparing the final management advisory. These comments are included in the management advisory.

The purpose of this management advisory is to inform the Under Secretary of Defense for Acquisition and Sustainment, Deputy Assistant Secretary of Defense for Health Readiness Policy and Oversight, and Defense Health Agency of concerns over the insufficient process for identifying and reporting non-DoD solid waste burning at or near DoD-occupied sites. During our "Audit of the DoD's Management of Air Quality Issues at Camp Lemonnier, Djibouti" (D2023-D000RJ-0155.000), announced on September 25, 2023, we determined that the DoD did not implement sufficient policy to identify and report the exposure of U.S. personnel to non-DoD-controlled burn pits at or near contingency installations. Specifically, DoD officials did not develop policy requiring operational commanders to identify and report non-DoD-controlled burn pits disposing of non-DoD-generated waste to the Combatant Command and Joint Chiefs of Staff J-4 Logistics Directorate. DoD policy only requires the identification and reporting of burn pits that are burning solid waste generated by the DoD. This omission creates the potential for U.S. Service member exposure to burn pit toxins not being captured in their health records. We conducted the work that supports this management advisory from November 2023 through April 2024 in accordance with generally accepted government auditing standards.

The Deputy Assistant Secretary of Defense for Environmental Management and Restoration, responding for the Under Secretary of Defense for Acquisition and Sustainment, partially agreed to address the recommendation presented in the management advisory; therefore, we consider the recommendation unresolved and open. DoD Instruction 7650.03 requires that recommendations be resolved promptly. Therefore, please provide us within 30 days your response concerning specific actions in process or completed on the recommendation. Send your response to either audrgo@dodig.mil if unclassified or rfunet@dodig.smil.mil if classified SECRET.

If you have any questions, please contact Richard B. Vasquez at [REDACTED].

FOR THE INSPECTOR GENERAL:

A handwritten signature in blue ink that reads "Richard B. Vasquez". The signature is written in a cursive style with a large, prominent "V" at the end.

Richard B. Vasquez
Assistant Inspector General for Audit
Readiness and Global Operations

Distribution:

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Insufficient Process for Identifying and Reporting Non-DoD Solid Waste Burning At or Near DoD-Occupied Sites

During our “Audit of the DoD’s Management of Air Quality Issues at Camp Lemonnier, Djibouti,” we determined that the DoD did not have a policy requiring operational commanders to identify and report non-DoD-controlled burn pits disposing of non-DoD-generated waste. Specifically, DoD Instruction (DoDI) 4715.19, “Use of Open-Air Burn Pits in Contingency Operations,” and Under Secretary of Defense for Acquisition and Sustainment (USD[A&S]) Memorandum, “Interim Policy on Solid Waste Disposal Outside the United States,” do not require installation commanders to report non-DoD-controlled burn pits disposing of non-DoD-generated waste in their immediate area.¹ In the process of updating the DoD policy on reporting burn pits, USD(A&S) officials did not include an explicit requirement to report burn pits in which the burned waste is not generated by the DoD. As a result, combatant commanders (CCDRs) may not maintain information about non-DoD-controlled burn pits, preventing the information from being shared with the Joint Staff and Lead Service Component and affecting the accuracy of exposure data in the permanent health records of U.S. Service members (Service members).

We are issuing this management advisory to bring immediate attention and resolution to this health and safety issue, potentially impacting U.S. personnel.

Open-Air Burn Pits

An open-air burn pit (burn pit) is an area designated for disposing of solid waste by burning it in the outdoor air. According to the Department of Veterans Affairs, the use of burn pits is a common waste disposal practice at military sites outside the United States. Exposure to burn pits has been associated with a number of adverse health issues, including respiratory conditions and various cancers.

Exposure to burn pits has been associated with a number of adverse health issues, including respiratory conditions and various cancers.

DoDI 4715.19 and the USD(A&S) Interim Policy Memorandum provide policy on the use of burn pits. According to DoDI 4715.19 and the USD(A&S) Interim Policy Memorandum, the DoD allows the use of burn pits only as a short-term solution during contingency operations when no alternative disposal method is feasible.

¹ DoDI 4715.19, “Use of Open-Air Burn Pits in Contingency Operations,” November 13, 2018. Under Secretary of Defense for Acquisition and Sustainment (USD[A&S]) Memorandum, “Interim Policy on Solid Waste Disposal Outside the United States,” October 13, 2022.

When used, burn pits must be operated in a manner that prevents or minimizes risk to human health, such as being sited downwind of the prevailing wind direction and at least 2,000 meters away from any living, dining, or work areas. This prohibition covers the use of burn pits for disposal of all solid waste generated from DoD sources, whether the burn pits are operated by U.S. forces, contractors, multinational forces, or allied country forces.

Additionally, the USD(A&S) Interim Policy Memorandum requires operational commanders to:

- identify any DoD or non-DoD burn pits burning DoD-generated waste up to 4,000 meters from U.S. personnel living, dining, or work areas; and
- report monthly to the CCDR about the: (1) location; (2) number of U.S. personnel affected; and (3) distance to personnel of the burn pit.

The CCDR reports this information monthly to the Joint Chiefs of Staff J-4 Logistics Directorate (J-4). The J-4 compiles this information into a Watch List of known burn pits (Watch List). J-4 provides this information to the Office of the Deputy Assistant Secretary of Defense for Environment and Energy Resilience to share with other Executive and Legislative Branch entities, as needed. Additionally, DoDI 4715.19 and the USD(A&S) Interim Policy Memorandum require CCDRs to prepare health risk assessment reports for the Secretary of Defense for each burn pit location, as well as conduct periodic air sampling tests at the affected sites.

DoD Toxic Exposure Tracking

The DoD is responsible for maintaining records for toxic exposures experienced by Service members. The Honoring our PACT Act of 2022—a law expanding health benefits for veterans exposed to toxic substances—mandates the presumption of toxic exposure of U.S. Service members for any claim of a service-connected disability related to toxic exposure documented in the DoD’s exposure tracking

The DoD is responsible for maintaining records for toxic exposures experienced by Service members.

record system.² Additionally, if no record exists in the DoD’s exposure tracking record system for the Service member, the presumption of toxic exposure should be based on the “totality of the

circumstances of the service” of the Service member. Within the DoD, creation of exposure tracking records involves assessing the occupational and environmental conditions of DoD installations, recording those assessments in a system of record, and applying the identified exposure information to the individual records of Service members.

² Public Law 117-168, “Honoring our PACT Act of 2022,” section 302, “Presumptions of toxic exposure.”

Occupational and Environmental Health Site Assessments

DoDI 6490.03, “Deployment Health,” requires DoD Components to conduct deployment health activities at all locations outside the United States where U.S. personnel deploy for more than 30 days.³ The required deployment health activities include conducting safety, occupational, and environmental health risk assessments; implementing mitigation strategies for identified risks; and communicating identified risks to all personnel at the impacted location. DoDI 6490.03 cites Occupational and Environmental Health Site Assessments (OEHSAs) as the Occupational and Environmental Health (OEH) assessment used to identify hazardous exposure agents with complete, or potentially complete, exposure pathways that may affect the health of deployed personnel. For example, OEHSAs may document the existence of burn pits and other air quality hazards in the area and assess the potential for them to affect deployed personnel. An OEHSA for Camp Lemonnier, Djibouti (CLDJ), documented OEH data related to air quality, noting the air quality hazards in the area, including the installation’s incinerators and open-air burning from a local dump.⁴

Defense Occupational and Environmental Health Readiness System–Industrial Hygiene

The Defense Occupational and Environmental Health Readiness System–Industrial Hygiene (DOEHRS-IH) is the DoD’s comprehensive, automated information system that covers industrial hygiene and environmental health.⁵ The DOEHRS-IH environmental health module stores and tracks deployed OEH exposure data by location. DOEHRS-IH provides information needed by Occupational Health staff and command surgeons for reporting options to commanders regarding the reduction of health threats. Preventive medicine personnel are responsible for uploading OEHSAs to the DOEHRS-IH, the system of record for OEHSAs, which creates an exposure profile of all OEH hazards assessed for the installation. DOEHRS-IH serves as the data source for the Individual Longitudinal Exposure Record (ILER) in which OEH assessments of deployment sites are tracked and ultimately applied to individual Service member records. For example, the DOEHRS-IH environmental health module for CLDJ stores the OEH data from all OEHSAs completed and uploaded to the system.

³ DoDI 6490.03, “Deployment Health,” June 19, 2019.

⁴ OEHSA Survey Report for CLDJ, December 15, 2018.

⁵ DOEHRS is a comprehensive, automated information system for assembling, comparing, using, evaluating, and storing environmental health surveillance data, occupational personnel exposure information, workplace environmental monitoring data, personal protective equipment usage data, observation of work practices data, and employee health hazard educational data.

Individual Longitudinal Exposure Record

The ILER is a web-based application that provides the DoD with the ability to link Service member and veteran data to known OEH exposures. The ILER creates a complete electronic historical exposure record that documents Service member OEH exposures over the course of their career.

The ILER is a joint effort between the DoD and the Department of Veterans Affairs to create individual longitudinal exposure records. Within the DoD, development of the ILER is led by personnel from the Defense Health Agency and Office of the Deputy Assistant Secretary of Defense for Health Readiness Policy and Oversight. The ILER uses environmental assessments and personnel reports to develop an individualized profile for each Service member, capturing their exposures to OEH hazards at each assigned duty station. To accomplish this, the ILER uses the installation's exposure profile from the DOEHRS-IH and matches it to theater personnel reports. If the DOEHRS-IH exposure profile specifies that a given installation had an active burn pit, the ILER will reflect this exposure on the profile of each Service member present at that installation during the relevant period. For example, for Service members deployed to CLDJ, the ILER would identify the individual deployed Service member from the theater personnel reports and match that to the DOEHRS-IH exposure profile of the installation. As a result, the ILER will display all documented OEH hazards that the individual Service member was exposed to during their deployment to CLDJ.

Gaps Exist in Policy for Identifying and Reporting Exposure to Non-DoD-Controlled Burn Pits

The DoD has insufficient policy for identifying and reporting the exposure of U.S. personnel to non-DoD-controlled burn pits at or near DoD-occupied sites.

The DoD has insufficient policy for identifying and reporting the exposure of U.S. personnel to non-DoD-controlled burn pits at or near DoD-occupied sites. Specifically, the DoD did not have a policy requiring operational

commanders to identify and report non-DoD-controlled burn pits disposing of non-DoD-generated waste to the CCDR and J-4. DoD policy only requires the identification and reporting of burn pits that are burning solid waste generated by the DoD, even though those are not the only burn pits that could have deleterious effects on the health and safety of U.S. personnel.

Specifically, DoDI 4715.19 and the USD(A&S) Interim Policy Memorandum require strict reporting within the DoD of the use of and exposure to burn pits. However, the USD(A&S) Interim Policy Memorandum excludes burn pit "sites where

individuals are burning solid waste generated by non-DoD sources.” Therefore, installation commanders have no requirement to report non-DoD-controlled burn pits disposing of non-DoD-generated waste in their immediate area. The lack of an explicit reporting requirement allows CCDRs to exclude non-DoD-controlled burn pits disposing of non-DoD-generated waste from the Watch List and creates the potential for Service member exposure to burn pit toxins without capturing the exposure in their health records.

For example, in June 2023, personnel from the Combined Joint Task Force–Horn of Africa (CJTF-HOA), a subordinate command of U.S. Africa Command, discovered the use of burn pits operated by non-U.S. personnel in Somalia while the CJTF-HOA personnel performed other duties. United Nations (UN) forces deployed to the installation in Somalia used the burn pit as their primary waste management method. CTJF-HOA J-4 (Logistics) stated that UN forces situated the burn pit about 800 meters away from where U.S. personnel live and work.⁶ According to the CTJF-HOA J-4, the only course of action was to appeal to UN forces to cease burn pit operation.⁷ Additionally, the CJTF-HOA J-4 noted that they did not have assurance of complete information on non-DoD-controlled burn pit exposure on other installations with a U.S. military presence in their area of responsibility.

Despite being within 2,000 meters of where U.S. personnel live and work, the nearby installation commander did not report the exposure to the CCDR or the J-4. Although we did not have the opportunity to interview the commander, we believe that the commander did not report the burn pit because DoD policy on reporting burn pits excludes sites where the DoD does not generate the burned waste.

Due to the unreported burn pit, the CCDR did not maintain information about the burn pit on the Watch List, preventing the information from being shared with the Joint Staff and Lead Service Component to evaluate environmental data in the surrounding area. The Lead Service Component uses the Watch List to collect data in and around the reported areas and to evaluate burn pit effects on those surrounding areas, including wind pattern studies and air, soil, or groundwater samples. The USD(A&S) Interim Policy Memorandum requires Military Departments to track this information for determining any potential future health concerns. Without accurate environmental assessments in the DOEHRS-IH, Service member exposures at these locations will not be captured in their permanent health record in the ILER unless Service members document their exposures by other means, such as seeking treatment at an Expeditionary Medical Facility.

⁶ The USD(A&S) Interim Policy Memorandum requires DoD-controlled burn pits to be managed in a manner that minimizes the risks to the health and safety of U.S. personnel, including being sited downwind of the prevailing wind direction and at least 2,000 meters from any living, dining, or work areas.

⁷ According to the CJTF-HOA J-4, UN forces ceased operation of the burn pit in approximately August 2023.

According to USD(A&S) officials, the exclusion of sites burning waste not generated by the DoD was an unintended consequence of the updated policy. USD(A&S) officials explained that the purpose of updating the policy through the USD(A&S) Interim Policy Memorandum was to comply with a presidential directive to place stricter requirements on DoD-controlled burn pits, requiring higher level waivers for their use. Therefore, in response to the presidential directive, USD(A&S) drafted the Interim Policy Memorandum, which, according to USD(A&S) personnel, was only intended to change policy on what the DoD could control, rather than non-DoD burn pits. However, USD(A&S) officials explained that any interpretation that burn pits not burning DoD-generated waste do not need to be reported was not the intent of the updated policy. USD(A&S) officials also added that the USD(A&S) Interim Policy Memorandum does not preclude operational commanders from going beyond the policy requirements and reporting such burn pits up their chain of command. However, the policy specifically excludes a requirement for operational commanders to report such burn pits. Specifically, the USD(A&S) Interim Policy Memorandum requires operational commanders to identify and report burn pits up to 4,000 meters away, but also includes a definition of burn pits which “excludes sites where individuals are burning solid wastes generated by non-DoD sources.” Because this definition specifically excludes burn pits not burning DoD-generated waste, operational commanders could conclude that they should not, or are not required to, report non-DoD burn pits disposing of non-DoD-generated waste.

The omission of an explicit reporting requirement in the USD(A&S) Interim Policy Memorandum creates an opportunity for installation commanders to exclude non-DoD-controlled burn pits disposing of non-DoD-generated waste from the Watch List. Therefore, as the proponent of the policy, the USD(A&S) should revise DoDI 4715.19 and the USD(A&S) Interim Policy Memorandum to require operational commanders to report to the appropriate CCDR all burn pits up to 4,000 meters away from U.S. personnel living, dining, or work areas, including non-DoD-controlled burn pits disposing of non-DoD-generated waste.

Conclusion

Without a requirement for CCDRs to identify and report the existence of and exposure to non-DoD-controlled burn pits disposing of non-DoD-generated waste, the DoD risks Service member exposures going unreported, putting the long-term health of those Service members at risk. Environmental assessments not capturing all burn pit exposures will lead to inaccuracy in the ILER system and exposures by Service members will not be captured in the Service members’ permanent health record unless the individual documents their exposures by other means, such as seeking treatment at an Expeditionary Medical Facility.

Recommendation, Management Comments, and Our Response

Recommendation

We recommend that the Under Secretary of Defense for Acquisition and Sustainment revise DoD Instruction 4715.19, “Use of Open-Air Burn Pits in Contingency Operations,” and Under Secretary of Defense for Acquisition and Sustainment Memorandum, “Interim Policy on Solid Waste Disposal Outside the United States,” to require operational commanders to report to the appropriate Combatant Commander all open-air burn pits up to 4,000 meters from U.S. personnel living, dining, or work areas, including non-DoD-controlled burn pits disposing of non-DoD-generated waste.

Under Secretary of Defense for Acquisition and Sustainment Comments

The Deputy Assistant Secretary of Defense for Environmental Management and Restoration, responding for the USD(A&S), agreed with the recommendation and stated that the Office of the Assistant Secretary of Defense for Energy, Installations, and Environment will clarify the language in the upcoming revision of DoDI 4715.19, with an expected completion date of FY 2025.

Our Response

Comments from the Deputy Assistant Secretary of Defense for Environmental Management and Restoration partially addressed the recommendation. Therefore, the recommendation is unresolved. The Deputy Assistant Secretary of Defense for Environmental Management and Restoration agreed to revise DoDI 4715.19 to include an explicit requirement for CCDRs to identify and report the existence of and exposure to non-DoD-controlled burn pits disposing of non-DoD-generated waste. However, the Deputy Assistant Secretary of Defense for Environmental Management and Restoration did not provide a response regarding whether they will revise the USD(A&S) Interim Policy Memorandum while they work to complete an update to DoDI 4715.19 in FY 2025. Therefore, we request the USD(A&S) provide additional comments to address their plan to revise the USD(A&S) Interim Policy Memorandum within 30 days of the final management advisory.

Management Comments

Under Secretary of Defense for Acquisition and Sustainment



ENERGY, INSTALLATIONS,
AND ENVIRONMENT

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
3400 DEFENSE PENTAGON
WASHINGTON, DC 20301-3400

MEMORANDUM FOR DOD OFFICE OF INSPECTOR GENERAL, READINESS AND
GLOBAL OPERATIONS

SUBJECT: Response to Department of Defense Inspector General Draft Management
Advisory: Non-Department of Defense Solid Waste Burning at or Near Department
of Defense -Occupied Sites. (Project No. D2023-D000RJ-0155.002)

I am providing the response to the general content and recommendation contained in the
subject report on behalf of Office of Secretary of Defense Acquisition and Sustainment (A&S) as
requested.

Department of Defense (DOD) Inspector General Recommendation:

We recommend the Under Secretary of Defense for A&S revise DoD Instruction 4715.19, "Use
of Open-Air Burn Pits in Contingency Operations," and Under Secretary of Defense for A&S
Memorandum, "Interim Policy on Solid Waste Disposal Outside the United States," to require
operational commanders to report to the Combatant Commander all open-air burn pits up to
4,000 meters from U.S. personnel living, dining, or work areas, including non-DoD-controlled
burn pits disposing of non-DoD-generated waste.

Response:

Concur, Office of Assistant Secretary of Defense Energy, Installations and Environment will
clarify the language in the upcoming revision of DODI 4715.19, which we expect to complete in
FY25.

Please contact [REDACTED] if
additional information is required.

TICKLE, RONALD.
E [REDACTED]

Ronald E. Tickle
Deputy Assistant Secretary of Defense
Environmental Management and Restoration

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U.S. DEPARTMENT OF DEFENSE

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