June 16, 2009

The Honorable Robert M. Gates
Secretary, U.S. Department of Defense
The Pentagon
Arlington, Virginia

Re: Body Armor Testing for U.S. Army Soldiers

Dear Secretary Gates:

ACIL\(^1\) is writing to express our deep concern about the issue of current U.S. Army body armor testing and the significant delays which are occurring in getting new body armor tested and to soldiers in the field.

There are currently three body armor laboratories in the United States certified by the National Institute of Justice ("NIJ") to perform body armor testing. These companies have uniquely skilled, trained workers who have performed thousands of body armor tests over the past 50 years. They have conducted many of these tests for the U.S. Army. Much of the armor they have tested has entered the field and has saved soldiers from injury or death.

Despite this stellar record, the U.S. Army recently unilaterally issued a February 9, 2009 Directive moving all of the Army's body armor testing work from the private labs to the in-house Army Testing Center ("ATC") in Aberdeen, Maryland. The private labs were never consulted about this decision, nor given the opportunity to address any Army concerns. It is our understanding that they have tried to meet with the Army to discuss this issue, but have been rebuffed.

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\(^1\) ACIL is the national trade association representing independent scientific laboratory, testing, consulting, product certifying, and R&D firms; manufacturers' laboratories; and consultants and suppliers to the industry. ACIL defines an independent testing firm as a commercial entity engaged in analysis, testing, inspection, materials engineering, sampling, product certifying, research or development, and related consulting services for the public. An independent laboratory is not affiliated with any institution, company or trade group that might affect its ability to conduct investigations, render reports, or give professional counsel objectively and without bias. Some of ACIL member are NIJ accredited laboratories and are engaged in body armor testing for the armed services as well police and fire departments.

AMERICAN COUNCIL OF INDEPENDENT LABORATORIES
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Furthermore, the Army has scheduled an "industry day" to discuss this issue on June 24, 2009. We feel that this is premature because there have been no discussions between the Army and the laboratories on this issue. As a result of this lack of discussion, we believe that this "industry day" should be postponed a few weeks to allow the laboratories to meet with appropriate Army representatives.

The private labs have proven to be very capable of conducting state of the art body armor testing for the Army. The private labs helped develop the first ever body armor standard. They are ready, willing and able to conduct body armor testing for the Army based on whatever standard the Army decides to use, but the Army must work to inform them about the standard it selects.

The Army's decision to suddenly transfer this body armor testing from the private labs to ATC does not appear to have been made in good faith and is inconsistent with the prior cooperative working relationship between the private labs and the Army. This is especially disconcerting due to the recent changes being made to the Requests for Proposal designating the ATC as the only source for body armor testing. In contrast, the other military services have made it clear that they will continue to use private laboratories to perform this testing.

In the approximately four months since the Army Directive it is our understanding that ATC has caused serious delays in body armor testing, to the detriment of body armor manufacturers and our troops. The General Accounting Office ("GAO") will soon release a report which we are told may be critical of the testing quality and practices at ATC.

ACIL believes the private labs can continue to perform the testing quicker and more cost effectively than the Army. And, to add insult to injury, because ATC is using outside contractors to perform some of the body armor testing, the Army has really just transferred the work from singularly focused and competent private body armor testing labs to other private contractors who do not appear to be singularly focused or qualified to perform body armor testing.

We ask that you immediately intervene in this issue and encourage the Army to return to working with the private labs to get U.S. Army body armor testing done in a timely, cost effective and high quality manner.

We would be happy to meet with you to further discussion this issue and we appreciate your attention to it. We can be reached at 202-887-5872.

Sincerely

John Molloy, P.E.
President