

# COMMON SENSE

PUBLISHED BY THE KENTUCKY ENVIRONMENTAL FOUNDATION FOR THE CHEMICAL WEAPONS WORKING GROUP

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## ***Army's Chem Demil Program receives lowest ranking in Bush budget request***

The Bush Administration's budget request of February 4 gave the Army's chemical demilitarization program the lowest possible rating of "ineffective"--a word citizens have used to describe the Army's incineration program for years.

In explaining the basement rating, the document stated, "The Army's program to destroy the U.S. stockpile of chemical weapons is behind schedule. Costs have increased over 60%, from \$15 billion to \$24 billion. These delays are the result of various difficulties, including unrealistic schedules, site safety and environmental concerns and poor planning." The Administration identified precisely the same concerns the Chemical Weapons Working Group (CWWG) has raised for more than a decade.

In Anniston, Alabama, where the Governor recently sued the Army to block incineration until his safety concerns are addressed, CWWG member Brenda Lindell commented, "These weapons need to be destroyed and the Army needs the money to do it. But the requested \$1.5 billion shouldn't go to the Army until they can prove they are acting in the best interests of affected communities and American taxpayers. They need to operate a safe and efficient program and so far they have failed in both categories. Citizens know it, the Bush Administration knows it. It's time for the Army to fess up and abandon incineration in favor of safer alternatives."

## **Alabama Governor sues Army to stop incineration; wants "maximum protection" for affected citizens**

On February 14 Alabama Governor Don Siegelman filed a federal lawsuit to block the start-up of the chemical weapons incinerator in Anniston until safety and preparedness concerns are addressed. When he announced the lawsuit, Siegelman accused the Army and the Federal Emergency Management Agency (FEMA) of "failing to provide the maximum protection necessary for the citizens of Calhoun County."

Included in the lawsuit are the following allegations: the Army's toxicity standards have not been accurately updated; the most accurate software for tracking a chemical plume has not been provided; schools, hospitals, et al., have not been fully protected; medical personnel and first responders have not been adequately trained; a plan for protection of individuals with special needs is lacking; and sufficient protection for all citizens has not been provided. Siegelman has stated that he is "committed to pursue every possible avenue to remedy this situation," including personal involvement in the permit process until these and other safety measures are taken.

### ***County Commissioners support lawsuit***

When Governor Siegelman announced his intention to sue to block incineration start-up, the Calhoun County Commission issued a supporting statement which concluded that the Army and FEMA's refusal to fund and implement agreed-upon safety measures left the Governor "with no other choice."

Exacerbating citizens' concerns about safety, is dismay over the Army's ongoing attempts to repeal the "maximum protection" standards currently mandated by Congress and replace it with "adequate protection" language. According to Army and FEMA statements made in Alabama and at other sites, this would allow citizens to be exposed to these deadly agents and still be considered "protected" if no one dies. This nonchalant attitude flies in the face of recent medical studies which have shown that debilitating effects, including long-term neurological damage and behavior disorders, can result from low-level exposure to chemical warfare agents.

# *Lots of positive news*



## **Washington DC: *KY Senator's amendment mandates analysis of alternate destruction plan***

In December Senator Mitch McConnell attached an amendment to the 2003 Department of Defense spending bill directing the Secretary of the Army to report to Congress by mid-March on the risks citizens face by waiting on the Army's incineration program to destroy warfare agents stockpiled in their communities. The amendment requires a review of the increased risk in light of the 9-11 attacks and the Army's new disposal schedule which shows that incineration could take as long as 15 more years to destroy the stockpile.

McConnell's amendment also requires evaluation of an alternative destruction strategy (Advocated by the Chemical Weapons Working Group; see back page.)--disassembly of the munitions and neutralization of the agents. According to the amendment, the Army already has engineering and safety contingency plans in place to deploy this approach and studies by the National Research Council show that disassembly/neutralization would meet international treaty requirements and eliminate the risk of agent exposures to citizens.

## **Arkansas: *Army considering neutralization facility for certain non-stockpile weapons***

In the Army's 2003 budget, \$18.9 million has been set aside to build a second facility to destroy chemical weapons in Pine Bluff, Arkansas, where there is presently an incinerator 65% completed for disposal of stockpiled weapons.

The 2003 funding is for construction of a plant--possibly neutralization--to destroy "non-stockpile" chemical weapons: materiel left over from Army testing which continues to be uncovered in numerous states across the nation. Some of this materiel originated from testing at Pine Bluff and some was shipped to the Arsenal, primarily from states east of the

Mississippi. An Army schedule given to U.S. Senator Tim Hutchinson indicates a neutralization facility would be built by 2005 and the weapons would be destroyed by 2007. The project is dependent upon final environmental studies.

Hutchinson said neutralization is a preferred method to destroy certain non-stockpile weapons that cannot be safely incinerated. "It's a safety issue," he said. It certainly is. Maybe decision-makers can take the leap from a superficial understanding that incineration is unsafe for some weapons to a deeper realization that it's unsafe for all weapons.

"Common Sense" is published by the Kentucky Environmental Foundation (KEF), the non-profit lead organization of the Chemical Weapons Working Group (CWWG), a coalition of grassroots organizations in the U.S., the Pacific and Russia working toward the safe disposal of chemical weapons. CWWG site contacts are listed below. KEF distributes newsletters on a quarterly basis; please call the KEF office at 859-986-0868 for submission deadlines. Suggestions are welcome.

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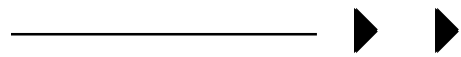
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## **Colorado: *Neutralization advocates gain powerful allies***

February 25 Colorado Governor Bill Owens joined U.S. Senator Wayne Allard and a broad-based coalition of citizens and organizations in support of using neutralization to destroy the 2,600 tons of mustard agent stockpiled at the Pueblo Depot. In a letter to Undersecretary of Defense Pete Aldridge, Owens urged him to honor the community's preference for neutralization followed by biodegradation. When Allard learned in January that a technology decision for the Pueblo stockpile would be pushed back from January to May, he "strongly encouraged" the Army to use the time to consider the community's choice, which he also supports. February 13 the Colorado State Senate approved a resolution introduced by Senate Majority Leader Bill Thiebaut which urges the Army to select a water neutralization-biodegradation alternative to incineration.

## **Oregon: *State Supreme Court upholds lower court ruling: Citizens will have their day in court***

After years of attempts to present evidence in a "trial-like" atmosphere before the Oregon Environmental Quality Commission, only to be repeatedly denied, community groups opposed to incinerating the chemical weapons stored at the Umatilla Depot will finally get their day in court. In mid-January the Oregon Supreme Court upheld a Circuit Judge ruling that plaintiffs had been denied such an opportunity and have a right to make their record in court. It is a big win for Oregon community groups and individuals who have been frustrated with the seemingly cavalier attitude on the part of state regulators concerning the risks of incineration. "I am relieved that at last we, the plaintiffs, will be heard. I am confident that justice will prevail within the court and the permits will be revoked," stated GASP co-founder Karyn Jones.

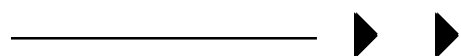
## **Utah: *In settlement of legal action, Army agrees to stop certain experimental incineration practices***

In mid-February the Army and the State of Utah settled a lawsuit filed against them by CWWG, FAIR, VVAF and Sierra Club who alleged that operating conditions had been illegally approved which allowed the incineration of undrained munitions in a manner that was never intended and under conditions that had never been tested.

The Tooele incineration permit called for the separation of liquid nerve agent and explosives from the munitions casings so that each component could be treated in a different furnace under very specific operating conditions. However, the warfare agents have gelled in many of the weapons and can no longer be drained. The Army asked the State for permission to feed fully loaded GB rockets containing agent,

explosives and propellants into the deactivation furnace, which was designed only to burn explosives and a very small amount of residual agent. According to Jason Groenewold, FAIR director, "This experiment with undrained GB rockets led to the first admitted nerve agent release from the Tooele main smokestack in May 2000. In 1998 burning an undrained bomb led to a major toxic chemical release that the Army asserted was not GB but has yet to identify."

In the settlement, the Army agreed to stop the burning of undrained GB rockets using the challenged method and gave assurances that if any gelling problems are encountered in the rest of the GB campaign, they plan to neutralize the agent instead of trying to incinerate it.



## ***But on the negative side***

### ***In Alabama Army plans to burn entire rockets, 30-35 per hour, without ever having proved it can be done safely***

If incineration of chemical weapons is ever started in Alabama (See story page 1.), the Army plans to begin the burn with an experimental and dangerous strategy. Knowing that GB agent is gelled in at least 30% of the M-55 rockets and can't be drained, the Army wants to just throw whole rockets, including agent, propellant, explosives and metal casings into one furnace at a rate of 30-35 per hour--an untested strategy not included in the incinerator's permit. A similar experiment in Utah, where regulators allowed only one gelled rocket to be burned per hour, resulted in the first confirmed agent release from the main smokestack. The 75,000 residents living within close proximity to the Anniston Depot are being set up as guinea pigs while Army officials attempt to force the incineration technology to do what it was not designed to do.

## **CDC and EPA :**

# ***Army's agent exposure standards--both chronic and acute--need to be more protective***

Recent actions by two federal agencies make clear that the Army's past and current exposure standards for chemical warfare agents are not adequately protective. The Centers for Disease Control (CDC) recently released recommendations to lower (make more protective) chronic ("low dose" repeated over months or years) chemical warfare agent exposure standards for workers and the general population.

The U.S. EPA likewise recently proposed new acute (single dose short term) exposure levels for chemical warfare agent. Both agencies' recommendations would require the Army to adjust its standards and practices at chemical weapons stockpile sites and other operations in order to increase the level of protection for workers and the public.

While 3 to 10 times more protective than past Army standards, the new standards may not be protective enough. The CDC admitted that it did not propose the VX exposure standard required to be protective based on the available science but instead proposed a less protective standard because currently available technology is unable to detect VX at the pro-

TECTIVE level. CDC's logic is puzzling. It makes better sense to propose an adequately protective standard whether the agent can be detected at that level or not. Then ensure that the Army find or develop an appropriately sensitive detective technology.

The EPA acute exposure levels will impact the emergency response zones in which significant levels of injury and fatalities would be expected from an agent release incident at the stockpile sites, including the Army's operating incinerator at Tooele, Utah, and should increase the level of worker protection.

The extent to which the new standards actually do improve worker and public safety, however, will depend entirely on the integrity with which they are implemented by the Army. Given prior Army efforts to downplay worker exposure and agent release incidents at the Tooele facility, the Army's efforts in implementing the new standards in terms of workplace monitoring and emergency response air modeling will require careful scrutiny.

## **Kentuckians observe non-incineration technologies**

In February a delegation of Kentucky citizens travelled to Aberdeen Maryland to observe non-incineration technology demonstration units. The group witnessed up close the neutralization of mustard agent in warm water and AEA's Silver II process, which uses silver nitrates to treat chemical agent--two of the disposal technologies proven viable for chemical weapons disposal through the Assembled Chemical Weapons Assessment (ACWA) program. Since the trip, interest by local leaders in the benefits of these technologies has increased.

The Army will make a final technology decision for Kentucky sometime this summer. Given a decade of expressions of incineration concerns by thousands of local residents, city and state elected officials, three Governors and Kentucky's U.S. Congressional delegation, a non-incineration choice is the only win-win solution for the Army.

## ***Update on JACADS Closure***

In February Region 9 EPA received comments on the final permit modification for closure of the Army's Johnston Atoll Chemical Agent Disposal (JACADS) incinerator in the Pacific. Incineration of chemical weapons stored on the Island, roughly 800 miles southwest of Hawaii, began in 1990 and was completed in November 2000.

Now the Army is responsible for decontaminating, dismantling and destroying the facility and any remaining contaminated materials. Previous versions of the closure modification, including the ecological and health risk assessments,

were so incomplete that EPA ordered a complete revision. CWWG's primary concerns included the continued use of incineration during closure activities, the lack of multi-chemical agent monitoring and flawed risk assessment assumptions. The final modification did correct some of these items, however incineration remains the default technology for cleanup activities.

CWWG comments on the JACADS closure modification are available on the CWWG website <[www.cwwg.org](http://www.cwwg.org)> or by calling Elizabeth at 859-986-0868.

# Army announces accelerated mustard neutralization for Maryland; looking at similar plan for VX in Indiana

In January the Army announced a modified disposal plan for the stockpile in Aberdeen, Maryland, which, it is estimated, will have the mustard agent destroyed by the end of 2002--three years ahead of schedule and at a savings of approximately a quarter of a billion dollars.

The new approach, which calls for a three-step process to dispose of Aberdeen's mustard agent, is the result of an evaluation of disposal methods initiated by the Army after the September

11 attacks, to determine how stockpile risk could be reduced. The Army's three-step plan for Maryland is:

- ◆ Drain or pressure wash the mustard out of the ton containers;
- ◆ Neutralize the mustard; and
- ◆ Ship the non-agent process wastes to a permitted commercial biological treatment facility.

In 1996 the Army bowed to citizen demands and agreed to on-site neutralization and biological treatment rather than incineration of Maryland's stockpile of bulk mustard. The modified plan eliminates the need for the large complex of buildings originally called for. Instead the Army will use a much smaller facility which does not include a secondary waste treatment plant. Once the agent is neutralized, the risk of agent exposure to the community from terrorist attacks is eliminated.

In formulating the plan, the Army worked closely with Maryland state officials, the local community and the U.S. Environmental Protection Agency in order to reach consensus on an approach which could be initiated quickly and still be well within environmental regulations.

In Indiana, where the Army also agreed to citizens' demands to neutralize the stockpile of bulk VX agent rather than incinerate it, the Army is investigating a similar modified plan to reduce the destruction timetable. The supercritical water oxidation plant planned for secondary waste treatment in Indiana might be eliminated.

Over 60% of the national chemical weapons stockpile consists of various agents in ton containers, like those in Maryland and Indiana. Ton containers of bulk agent can also be found in Oregon, Utah, Alabama and Arkansas, where incinerators are under construction or operating. Affected citizens in these states question the disparity between sites with incinerators and those with safer technologies.

Evelyn Yates, resident of Pine Bluff, Arkansas where an incinerator is more than half completed, stated at CWWG's 2001 Conference, "Over 80% of the Pine Bluff stockpile is bulk mustard just like in Maryland. Our community deserves the same right to safe, fast agent disposal as those communities with non-incineration technologies. Why not us?"

## Army to test VX neutralization in Utah in interest of national security

VX nerve agent stored in ton containers at the Tooele Chemical Depot in Utah will be neutralized by mixing it with water according to a public notice released by the Army February 12.

The notice stated, "This testing is being conducted in the interest of national security and to establish the efficacy of this treatment process for use with VX ton containers."

### **Why Not?**

***Since the Army has decided accelerated neutralization of bulk mustard is the best way to reduce citizen risk in Maryland and . . .***

***Since the Army is looking at a similar accelerated plan for bulk VX in Indiana and . . .***

***Since the Army plans to test neutralization of bulk VX in Utah, in the interest of national security . . .***

***Why not afford the same opportunity for safe and quick agent destruction to citizens in Oregon, Arkansas and Alabama where there are also ton containers of the same agents?***

# CWWG NATIONAL CONFERENCE--NOVEMBER 2001



## ***At annual Conference--this time in Anniston, AL--CWWG members reach consensus on call for expeditious agent destruction, post September 11***

Focusing on recent Pentagon reports that show the Army's current incineration program will take an additional 7 to 15 years to dispose of the nation's stockpile of dangerous warfare agents, CWWG members, after three days of reviewing Army documents, called on President Bush to give immediate attention to the risk of continuing to store these agents in light of the September 11 terrorist attacks.

In a November 19 letter, CWWG members asked the President and Congress not to wait on the Army's existing incineration program to eliminate the threat of these deadly chemical weapons. Instead they urged an assessment of a quicker and safer strategy--disassembly of the munitions followed by agent neutralization. In support of this accelerated process, CWWG members cited Army engineering design plans, the Pentagon's Safety Contingency Plan for risk reduction and a neutralization strategy approved by the National Research Council (NRC).

NRC reports, Army designs and the Pentagon's own contingency plan all point to safer and quicker agent destruction using the disassembly/neutralization strategy than using incineration.

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***Why not?***