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Chemical Warfare Disposal

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The United States and 161 other countries have committed to eliminating chemical warfare materiel. For the most part, this materiel is stockpiled in nine locations throughout the United States. The Pueblo Army Depot is one of the nine locations housing 2,611 tons of chemical materiel. Additional chemical warfare materiel, referred to as non-stockpile materiel, is buried in many states. Non-stockpile materiel has been found at the Pueblo Army Depot and the Rocky Mountain Arsenal. This issue brief provides background information regarding chemical warfare disposal, discusses the Army's chemical warfare disposal program, and discusses issues that might be raised regarding the disposal of chemical materiel at the Pueblo Army Depot.

Background

Two primary events led to the United States' chemical warfare disposal effort. The first event occurred in 1985, when the United States Congress directed the Army to destroy its stockpile of lethal chemical agents and munitions. Lethal chemical agents and munitions include rockets, bombs, projectiles, spray tanks, and bulk containers containing nerve and mustard agents. The Pueblo Chemical Depot houses assembled weapons containing mustard agent, a gas that blisters the skin and, in extreme cases, causes death.

The second event occurred in 1997, when the United States ratified the Chemical Weapons Convention. The treaty, signed by 162 nations and ratified by 106, prohibits production and use of chemical warfare materiel and requires nations to destroy all such materiels, including non-stockpile materiels, by 2007.

The original plan for destroying the weapons was to burn them in high-temperature incinerators, a method endorsed by the National Research Council. However, in 1996, citizen opposition to incineration resulted in a congressional mandate to the Army to evaluate alternatives to incineration and to submit its findings to Congress.

Chemical Warfare Disposal

The United States chemical warfare disposal effort is managed by the Army and consists of four programs: the stockpile program, the alternative methods program, the non-stockpile program, and the emergency preparedness program. The primary considerations related to the disposal of chemical warfare materiels are public concerns over the safety of incineration, transportation of chemical materiel, and compliance with federal and state environmental laws and regulations. One or more of these factors affect each of the four chemical warfare disposal programs.

The stockpile program. The chemical stockpile disposal program involves the destruction of the nation's chemical warfare materiel at stockpile sites and is estimated to cost \$12.4 billion. The Army intends to destroy chemical weapons, either by incineration or an alternative technology, at each of the nine locations. To date, only two

incinerators are operational, one on Johnston Island off the coast of Hawaii and one in Utah. An incinerator has been approved by the state of Oregon. Currently, only four percent of the nation's stockpile has been destroyed.

Environmental and citizens' groups have slowed the implementation of the disposal process by waging campaigns in opposition to various elements of the chemical warfare disposal process. Some groups are also concerned that incinerators will not be removed from the site after the chemical materials are destroyed but will remain as permanent hazardous waste disposal facilities.

The alternative methods program. Public concern about the safety of incineration resulted in a mandate to the Army to examine alternative methods of destruction. The alternative methods program was designed to carry out this task and directly affects Colorado. In 1994, the Army began investigating, developing, and testing alternative destruction technologies at stockpile sites in Maryland and Indiana. Under federal law, the Army cannot designate any funds to construct incineration facilities in Colorado and Kentucky until 180 days after the Secretary of Defense reports to Congress on alternative methods available. According to the Army, the final report is scheduled to be presented in Spring, 1999. Congress will then determine whether incineration or alternative methods are appropriate for destruction of the chemical weapons in Colorado and Kentucky. Regardless of the nature of the destruction method recommended by Congress, the Army will have to comply with existing federal and state environmental laws (e.g., air pollution, hazardous waste, and water quality laws).

The non-stockpile program. The non-stockpile program is responsible for the destruction of chemical weapons and related materials (e.g., buried vials of chemical agent) that have not been stockpiled at one of the nine locations. The Army estimates that non-stockpile chemical materials exist in 38 states and territories of the United States. Non-stockpile material is buried at the Pueblo Army Depot and the Rocky Mountain Arsenal.

Because non-stockpile material is located in various areas throughout the United States, the Army must either use a mobile destruction system to destroy chemical material on site or move the material to an appropriate facility for storage and destruction. States' permitting processes and public concern about the mobile systems used to treat or transport non-stockpile materials will affect the schedule and cost of disposal.

The emergency preparedness program. The emergency preparedness program is intended to protect civilians during storage, handling, and destruction of the U.S. chemical weapons stockpiles by improving state and local governments' preparedness for the accidental release of a chemical agent.

The Federal Emergency Management Agency and the affected states are responsible for supplying emergency items such as decontamination equipment to the communities affected by the chemical materials destruction program. Many of the affected states still do not have most of the critical supply safety items in place and are in various stages of completing the program. According to the General Accounting Office, states receive funding for integrated communications systems, personal protective equipment and decontamination equipment, siren systems, and tone alert radios. Of these items, only the integrated communications system and siren system are fully functional at the Pueblo Army Depot.

Issues for Colorado to Consider

The destruction of chemical material has raised public concern about human health, agriculture, and the environment. It has also raised questions about the role of state legislatures in the chemical weapons destruction process.

In Pueblo, the Army has conducted public meetings, issued press releases, and built partnerships with citizens of Pueblo regarding chemical weapons destruction. According to the Army, public involvement is important to the success of the chemical weapons disposal process. Nevertheless, in states such as Utah, Alabama, and Kentucky, environmental and citizens groups have accused the Army or the state's regulatory agency of not meeting environmental and civil responsibilities in their chemical weapons destruction efforts. For example, a legal complaint has been filed with the Environmental Protection Agency against the State of Alabama alleging that a proposed incinerator will disproportionately harm people of African-American ancestry and low-income families living near the facility.

Currently, two states have passed legislation regarding chemical weapons disposal. Utah and Oregon enacted legislation requiring the Army to pay fees to affected counties to mitigate any social and economic effects of the chemical weapons destruction process. In coming years, the Colorado General Assembly may be faced with questions about whether current laws and regulations address citizens' and communities' concerns regarding chemical weapons destruction.

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