

EMERGENCY MANAGEMENT AND PREPAREDNESS

HEARING

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY

OF THE

COMMITTEE ON
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

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AUGUST 16, 1999
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EMERGENCY MANAGEMENT AND PREPAREDNESS

MONDAY, AUGUST 16, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY,
COMMITTEE ON GOVERNMENT REFORM,
Hermiston, OR.

The subcommittee met, pursuant to notice, at 9 a.m., in the Hermiston Armory, 900 Southeast Columbia Drive, Hermiston, OR, Hon. Stephen Horn (chairman of the subcommittee) presiding.

Present: Representatives Horn and Walden.

Staff present: J. Russell George, staff director and chief counsel; Randy Kaplan, counsel; Grant Newman, clerk; Jeff Eager, legislative assistant to Representative Walden; and Trey Henderson, minority professional staff member.

Mr. HORN. A quorum being present, this hearing of the House Subcommittee on Government Management, Information, and Technology will come to order.

And I'd like to first welcome and thank Congressman Greg Walden who has been a valued member of this committee. When I am done with my opening statement, he will preside as chairman today. He's shown up at all of our sessions. He asks first rate questions.

Mr. MINTHORN. We can't hear.

Mr. HORN. OK. That's what I asked when we started. Can you hear us in the back row? If you can't, put your hands up.

OK. You are independent Oregonians, so I figure you are not bashful. So just put your hands up. Mr. Walden has been a great addition to this committee.

This is an investigatory committee of the House of Representatives. We hold more hearings than any committee in the House, because we have jurisdiction over the whole executive branch.

And I am going to go through my opening statement, and then Mr. Walden will preside the rest of the day, since he knows all of you and he knows how the committee works.

And I want to thank also at this point the Oregon National Guard for lending us the use of this wonderful facility. I must say, I have been, as an Army Reserve member, I've been into a lot of Reserve and National Guard facilities. I've never seen one as beautiful as this. So whoever did it, you ought to keep that architect in the Federal Government, because some of our facilities are ugly and awful. This is not. So, thank you.

Mr. HORN. The United States possesses more than 31,000 tons of obsolete chemical weapons. This stockpile of weapons is stored at eight sites in the Continental United States and at an additional site on the Johnston Atoll in the Pacific Ocean.

I have landed there a number of times. It's about maybe 10 of these Armories. It's a pretty short runway.

And the stockpile consists of nerve and blister agents stored in rockets, bombs and bulk storage containers.

In an effort to eliminate these weapons, the U.S. Congress passed a law requiring the Department of Defense to develop and implement a plan to destroy its chemical weapons and agents. This law directs the Department of Defense to destroy the U.S. stockpile of lethal chemical weapons while providing maximum protection to the environment, the public, and the personnel involved in disposing of the munitions.

In 1997 the Senate ratified the chemical weapons convention, an International treaty banning the development, production, stockpiling, and use of chemical weapons, commits member nations to dispose of their chemical weapons stockpile by April 29, 2007.

To comply with the mandates of the law and meet the 2007 deadline, the Department of the Army established the Chemical Stockpile Disposal Program. This program is designed to remove the threat posed to nearby communities by continued storage of chemical weapons. The Army projects the program cost will be approximately \$15 billion through the 2007 deadline. Thus far approximately \$8 billion has been appropriated for the program.

Because of the dangers associated with the chemical weapons, both to humans and to the environment, the program has been controversial and has experienced delays, cost increases, and management weaknesses.

At today's hearing we will discuss the management of the Chemical Weapons Disposal Program at the Umatilla Chemical Depot, located a few short miles from where we are today. The Army faces a number of challenges as it begins the process of disposing of the more than 3,700 tons of chemical agents at the Umatilla Depot.

Given the stakes involved in such an endeavor, the Army must ensure that the nearby communities are prepared for any emergency resulting from an accidental leakage of chemical agents. To ensure the safety of local communities, the Army established the Chemical Stockpile Emergency Preparedness Program. The Army shares the management of this program with the Federal Emergency Management Agency [FEMA].

In recent years, there has been concern over the management and implementation of the Emergency Preparedness Program. The General Accounting Office, which is the audit arm both financially and programmatically for the Congress, it's part of the legislative branch, and the General Accounting Office, otherwise referred to as GAO, is our watch dog, and they reported in June 1997 that communities located near the storage sites lacked items critical to responding to a chemical emergency. The General Accounting Office attributed some of the programs' problems to management weaknesses, including disagreement between the Army and the Federal Emergency Management Agency over their respective roles and responsibilities.

Local communities, including communities surrounding the Umatilla Depot, expressed concern that money allocated for emergency services and equipment was never received. Today we will ask what has been done by the Army, what has been done by the Federal Emergency Management Agency, and what has been done by the Oregon Emergency Management agency to ensure the safety of the local communities.

Another challenge faced by the Army is ensuring that the disposal program is completed on time. Two sites, the Johnston Atoll in the Pacific and the chemical disposal facility in Tooele, UT, have begun incineration of their chemical weapons. However, as of March of this year, only 4,259 tons, or 13½ percent of the total stockpile, have been destroyed. It is imperative that these chemical weapons are disposed of in a safe, efficient and timely manner. The longer the weapons sit in storage, the more unstable and dangerous they become. Construction of the disposal facility at Umatilla site has begun. The Army estimates that disposal operations will begin in 2002, and will be complete by 2006. Today we will ask whether this timetable can be met.

Another issue of concern is the disposal program's impact on the local economy. The construction of the incinerator is bringing new jobs to the area. At the same time, however, it is placing increasing demands on government services and the public infrastructure. The disposal facility is scheduled to close down for good once the project is complete. Today we will ask what can be done to assist nearby communities avoid the potential negative impact of this temporary government project.

May I say, I come from a city where everything has been closed down by the U.S. Navy. It was once the headquarters of the Pacific fleet, and had the most productive economic Naval shipyard in the history of the United States. Didn't matter. Closed them all. So I know what you're going through as a possible situation here in terms of unemployment.

At perhaps a cost of \$15 billion, the chemical stockpile disposal project is one of the largest Defense Department programs. Successful completion of this program, in a safe and timely manner, is dependent on proper management. There must also be close cooperation and coordination between the interested partners, including the various Federal, State and local government entities, as well as the local communities.

We have here with us today two distinguished panels of witnesses who will address many of the issues surrounding this project. Panel one includes representatives from the surrounding communities. Panel two consists of representatives from the Federal Government, Army Federal Emergency Management Agency, representatives of the State of Oregon.

And so once again I want to thank Representative Walden and his staff for helping us organize this meeting on such short notice and I now yield to the gentleman from Oregon to preside over and chair this meeting.

[The prepared statement of Hon. Stephen Horn follows:]

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**Oversight Hearing on the Management of the Chemical Stockpile Disposal Project
 at the Umatilla Depot
 Representative Stephen Horn (R-CA)
 Chairman, Subcommittee on Government Management,
 Information, and Technology
 Opening Statement
 Monday, August 16, 1999**

A quorum being present, this hearing of the House Subcommittee on Government Management, Information, and Technology, will come to order. I would like to welcome and thank Congressman Greg Walden for being such a gracious host during the subcommittee's visit to Hermiston, Oregon. I would also like to thank the Oregon National Guard for lending us the use of this fine facility for today's hearing.

The United States possesses more than 31,000 tons of obsolete chemical weapons. This stockpile of weapons is stored at eight (8) sites in the continental United States and at an additional site at the Johnston Atoll in the Pacific Ocean. The stockpile consists of nerve and blister agents stored in rockets, bombs and bulk storage containers.

In an effort to eliminate these weapons, the United States Congress passed a law in 1985 requiring the Department of Defense to develop and implement a plan to destroy its chemical agents and munitions. This law directs the Department of Defense to destroy the U.S. stockpile of lethal chemical weapons while providing maximum protection to the environment, the public, and the personnel involved in disposing the munitions.

The Chemical Weapons Convention, an international treaty banning the development, production, stockpiling, and use of chemical weapons, commits member nations to dispose of their chemical weapons stockpile by 2007.

To comply with the mandates of the law and meet the 2007 deadline, the Department of the Army established the Chemical Demilitarization Program. This program is designed to remove the threat posed to nearby communities by continued storage of chemical weapons. The Army projects the program will cost \$15 billion dollars through the 2007 deadline. Thus far approximately \$8 billion dollars has been appropriated for the program.

Because of the dangers associated with chemical weapons, both to humans and to the environment, the program has been controversial and has experienced delays, cost increases, and management weaknesses.

At today's hearing we will discuss the management of the chemical weapons disposal program at the Umatilla Chemical Depot – located a few short miles from where we are today. The Army faces a

number of challenges as it begins the process of disposing the more than 3,700 tons of chemical agents at the Umatilla Depot.

Given the stakes involved in such an endeavor, the Army must ensure that the nearby communities are prepared for any emergency resulting from an accidental leakage of chemical agents. To ensure the safety of local communities, the Army established the Chemical Stockpile Emergency Preparedness Program. The Army shares the management of this program with the Federal Emergency Management Agency.

In recent years, there has been concern over the management and implementation of the emergency preparedness program. The General Accounting Office, Congress' watchdog, reported in June 1997, that communities located near the storage sites lacked items critical to responding to a chemical emergency. The General Accounting Office attributed some of the program's problems to management weaknesses, including disagreement between the Army and the Federal Emergency Management Agency over their respective roles and responsibilities.

Local communities – including communities surrounding the Umatilla Depot – expressed concern that money allocated for emergency services and equipment was never received. Today we will ask what has been done by the Army, the Federal Emergency Management Agency, and the Oregon Emergency Management Agency to ensure the safety of the local communities.

Another challenge faced by the Army is ensuring that the disposal program is completed on time. Two sites – the Johnston Atoll in the Pacific and the chemical disposal facility in Tooele, Utah – have begun incineration of their chemical weapons. However, as of March of this year, only 4,259 tons, or 13.5 percent of the total stockpile, has been destroyed. It is imperative that these chemical weapons are disposed of in a safe, efficient and timely manner. The longer the weapons sit in storage the more unstable and dangerous they become. Construction of the disposal facility at the Umatilla site has begun. The Army estimates that disposal operations will begin in 2002 and will be complete by 2006. Today we will ask whether this timetable will be met.

Another issue of concern is the disposal program's impact on the local economy. The construction of the incinerator is bringing new jobs to the area. At the same time, however, it is placing increasing demands on government services and the public infrastructure. The disposal facility is scheduled to close down for good once the project is complete. Today we will ask what can be done to assist nearby communities avoid the potential negative impact of this temporary government project.

At a cost of \$15 billion dollars, the chemical stockpile disposal project, is one of the largest Defense Department programs. Successful completion of this program, in a safe and timely manner, is dependent on proper management. There must also be close cooperation and coordination between the interested stakeholders including the various Federal, State and local government entities as well as the local communities.

We have with us today, two distinguished panels of witnesses who will address many of the issues surrounding this project. Panel one includes representatives from the communities surrounding the Umatilla Chemical Depot. Panel two consists of representatives from the Federal Government – including the Army and the Federal Emergency Management Agency – and representatives from the State of Oregon.

Once again, I would like to thank Representative Walden and his staff for helping to organize this important subcommittee hearing. I now yield to Mr. Walden for his opening statement.

Mr. WALDEN. Well, thank you very much, Mr. Chairman. Chairman Horn, I greatly appreciate your willingness to respond to my request to hold this subcommittee hearing here in Hermiston to take a look at these important issues you've outlined and ones that are certainly shared by the community here. I also want to thank everyone who has turned out today for this hearing. I know how busy it is this time of year especially, but I think it shows the interest level surrounding this issue of storage and incineration of chemical weapons at the Umatilla Chemical Depot.

Before I start, I'd like to give special thanks again to Chairman Horn who has come a great deal out of his way during a busy time to bring his unrivaled reputation and expertise in Federal oversight to our corner of Oregon.

I would also like to thank General Burgin and Colonel Caldwell of the Oregon National Guard for providing us with this room and being so helpful in setting it up for this hearing, and certainly Rick Tunstead as well, who is over here, who has helped make everything possible, and my friend and former colleague, Chuck Norris, who is here today, who has been very helpful as well, and for whom this room is named. Chuck of course used to be the Colonel at the Depot.

You've heard already about what is stored out at the Depot, and you know the issues there. One of the primary purposes of this hearing is to oversee how the Federal Government's working with the State of Oregon and local officials to prepare the residents of the surrounding area in case of an accidental chemical release.

In the past several years residents have raised concerns about the Federal Government's use of funds that were appropriated by Congress to fund emergency preparedness around the Umatilla and other chemical weapons storage sites. So I look forward to hearing from local witnesses about the status of the emergency preparedness in this area. The Federal and State witnesses on the second panel can then inform us of their efforts to ensure that local communities are safe from chemical disaster.

Also this morning we will focus on the issue of how the Umatilla project, especially the increased activities surrounding the construction and operation of the incinerator, is impacting the local economy and government services. Community officials have indicated in the past that roads, schools and other services may be overused and strained to the limit for a short period of time and sort of boom/bust economy as the incinerator workers flood the area. Because the Federal Government does not pay taxes on the land it owns, the increased use of public services will not be balanced by an increase in local property tax payments. Then, when the facility is closed in 2006, communities may be left maintaining extra capacity in their services, leaving the local property taxpayers with the bill. This issue of economic impact is one that requires cooperation among the local, State, and Federal officials to ensure that all are aware of the problems faced by local citizens and that a plan can be developed to address these problems.

This morning we will hear from an economist who has done research into the issue of the economic impacts surrounding the Depot as well as local and Federal officials who will express their views on impact aid. I hope that this process will forge a greater

understanding of the options available to communities as they try to cope with the substantial economic changes they are undergoing as a result of playing host to a chemical weapons disposal facility.

A third issue that will be addressed is the fact that the House of Representatives has passed an appropriations bill that would cut some \$388 million out of the Army's Chemical Demilitarization Program. Because I'm concerned about what effects this cut might have for the Umatilla facility, I sent a letter to members of the Appropriations Committee, asking them to fund the program at a level that allows for the timely disposal of chemical weapons that become more and more unstable the longer they are stored. I hope to hear from the Army about what the proposed cuts to the program would mean for Umatilla in terms of increased risk of disaster as well as employment and possible changes to economic impact.

I look forward to a full airing of the information and views surrounding the Umatilla facility. I firmly believe that with Chairman Horn's help, we can do some very effective oversight this morning to bring all interested parties together to focus on the challenges that remain to ensure the chemical weapons disposal process is carried out safely, timely, and with a sensitivity to the needs of the citizens of the communities that surround Umatilla County.

[The prepared statement of Hon. Greg Walden follows:]

**Congressman Greg Walden
Umatilla Chemical Weapons Depot Hearing
Subcommittee on Government Management, Information, and
Technology
Opening Statement**

August 16, 1999

Thank you, Mr. Chairman. Thank you everyone for coming out on this Monday morning. I know you're all very busy, so your willingness to come here for a couple hours is indicative of your strong interest in the issue of storage and incineration of chemical weapons at the Umatilla Chemical Depot just a few miles west of where we sit right now. Before I start, I would like to give special thanks to Chairman Horn, who has come a great deal out of his way to lend his unrivaled reputation and expertise in federal oversight to this corner of Oregon. I have enjoyed working with Chairman Horn and his staff in preparing for this hearing. They have proven a quick study of the many complex issues that surround the Depot. I would also like to thank General Burgin and Colonel Caldwell of the Oregon National Guard for providing us with this room and being so helpful in setting it up for this hearing. Thanks as well to my friend Chuck Norris for helping to choose this site and being helpful, as always, in this endeavor.

The Umatilla Chemical Weapons Depot houses some 3,700 tons of nerve gas. These chemical agents, contained in rockets and other containers, were placed in storage in the facility between 1962 and 1969, and constitute almost 12% of the total stockpile remaining in the U.S. The Army, as part of its Chemical Demilitarization program, is currently constructing an incineration facility that is scheduled to begin burning these chemicals in 2002. The incineration is scheduled for completion in 2006, at which time

the site will be sanitized and destroyed. Obviously, the fact that the agents stored at the Depot are extremely deadly if released presents a federal management problem of the highest magnitude. Related issues of the economic impact on the surrounding area as well as the funding level of the program are also important and will be discussed this morning.

One of the primary purposes of this hearing is to oversee how the federal government is working with the State of Oregon and local officials to prepare the residents of the surrounding area in case of an accidental chemical release. In the past several years, residents have raised concerns about the federal government's use of funds that were appropriated by Congress to fund emergency preparedness around Umatilla and other chemical weapons storage sites. I look forward to hearing from local witnesses about the status of emergency preparedness in their area. The federal and state witnesses on the second panel can then inform us of their efforts to ensure that local communities are safe from chemical disaster.

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the facility is closed in 2006, communities may be left maintaining extra capacity in their services, leaving local property tax payers with the bill. This issue of economic impact is one that requires cooperation between local, state, and federal officials to ensure that all are aware of the problems faced by local communities and a plan can be developed to address these problems. This morning we will hear from an economist who has done research into the issue of the economic impacts surrounding the Depot as well as local and federal officials who will express their views on impact aid. I hope that this process will forge a greater understanding of the options available to communities as they try to cope with the substantial economic changes they are undergoing as the result of playing host to a chemical weapons disposal facility.

A third issue that will be addressed is the fact that the House of Representatives has passed an appropriations bill that would cut some \$388 million out of the Army's chemical demilitarization program. Because I am concerned about what effects this cut might have for the Umatilla facility, I sent a letter to members of the Appropriations Committee, asking them to fund the program at a level that allows the timely disposal of chemical weapons that become more and more unstable the longer they are stored. I hope to hear from the Army about what the proposed cuts to the program would mean for Umatilla in terms of increased risk of disaster as well as employment and possible changes to economic impact.

I look forward to a full airing of the information and views surrounding the Umatilla facility. I firmly believe that with Chairman Horn's help, we can do some very effective

oversight this morning to bring all interested parties together to focus on the challenges that remain to ensure that the chemical disposal process is carried out safely and with sensitivity to the needs of the communities that surround the Umatilla Depot.

Thank you, Mr. Chairman.

Mr. WALDEN. At this time I would like to ask unanimous consent of the committee to insert in the record comments from Senator Gordon Smith. He has submitted written testimony for our concern, and without objection, I would ask that that be inserted in the record. So ordered.

[The prepared statement of Hon. Gordon H. Smith follows:]

**Statement of Senator Gordon H. Smith
Submitted for the Record**

Before the

**House Subcommittee on Government
Management, Information, and Technology**

Concerning

the Chemical Demilitarization Program

August 16, 1999

I would like to thank Congressmen Stephen Horn and Greg Walden for convening this hearing and giving me the opportunity to comment on the Chemical Demilitarization Program (CDP). This gives me hope that others share my commitment to safely and effectively disposing of our chemical weapons stockpile within the April 2007 deadline, and ensuring that the CDP is implemented without causing undue hardship on Umatilla and Morrow counties.

I appreciate the Subcommittee's interest in the Program and its recognition of the importance of listening to the local communities' concerns. This hearing marks what I hope will be the beginning of greater understanding between Congress, the Army, and the communities affected by the CDP--a program which has been rife with controversy since its inception. I am optimistic that this hearing will help Congress and the public evaluate the progress of the CDP and the federal government's responsiveness to the needs of those most directly affected by the Program.

Oregon is one of eight states storing chemical weapons that are awaiting destruction, as required by the Chemical Weapons Convention. I share the concerns of the local communities surrounding the Umatilla Depot about the pending demilitarization program. Most importantly, the safety of the local population and the impact that destroying 3700 tons of chemical agent will have on our local communities.

There is some controversy concerning the CDP and its budget. A dispute over the Army's management of the CDP budget has resulted in substantial cuts (\$388 million dollars) in the House version of the Fiscal Year 2000 Defense Appropriations Bill. The dispute also resulted in cuts of \$95 million dollars in the Military Construction Appropriations (MCA) conference committee. I think most of us here today are deeply concerned that cuts of this magnitude could have serious negative consequences for communities with demilitarization sites and could impair U.S. efforts to implement the CDP. I, along with many fellow Oregonians,

believe the House cuts could ultimately escalate negative and dangerous impacts on communities surrounding chemical demilitarization sites, imperiling those communities' emergency response capabilities, as well as hindering U.S. efforts to meet the disposal completion date of April 2007. I am committed to doing all I can to ensure that Umatilla and Morrow counties--communities bearing the burden of assisting the federal government in this national effort--are in no way harmed by budgeting decisions made by some in Washington, DC.

In addition, I am committed to finding a solution to the economic impact of the effort to destroy 3,700 tons of chemical munitions on communities surrounding the Umatilla Depot. This effort will require the influx of nearly one thousand workers to build and operate the destruction facility over a period of eight years. These workers will require the communities to provide facilities, infrastructure and services to accommodate them. This effort comes at no small cost to Umatilla and Morrow counties, and I am concerned that the economic impact of this effort will be a huge drain on the local communities. Many of my colleagues in Congress are also concerned that, while there may be a considerable impact on the local communities, there has not been adequate attention given to this issue by the Department of Defense.

There are indeed serious concerns to be addressed by the Army, FEMA, and the Congress, and, most importantly, the communities at destruction sites. I am confident that Oregonians are committed to working with the Army and the Chemical Demilitarization Program to meet our nation's treaty obligations. And I trust that the Army is committed to working with the affected communities. The future success of the Chemical Demilitarization program will depend on the communication we enter into and the cooperative solutions that we produce at this hearing, and in the coming months and years. This is a very challenging program, I look forward to working with all parties involved to ensure that the citizens of Umatilla Morrow counties are protected while we safely and efficiently implement the CDP.

Mr. WALDEN. Now, then if I could have the witnesses stand, it is the policy of the Government Reform and Oversight Committee to swear in all witnesses who testify, and if you have staff people with you who you think you may call, they should stand at this time, as well, and take an oath for the committee. If you would raise your right hands.

[Witnesses sworn.]

Mr. WALDEN. Thank you. I would also like to suggest that we do have your full written statements, and so if you are willing to summarize your remarks in the 5 minutes or so allotted for each one, then we will have more time for the Q and A. And we have asked questions of each panel, and we will ask all members of the panel to offer their completed remarks.

We will also be circulating note cards into the audience from the committee's staff for any audience members who want to submit a question to be asked, as well. I must point out that in most congressional hearings that is not something that's offered up. So I commend the chairman for his willingness to open it up to the public to submit questions from the audience that we will then pose to the committee members. And just so everyone knows, the timeline, I believe we are supposed to be wrapped up by 11:30 so that you can get back in time to catch a flight back to your district.

So, with that, I will get the list here. Where is the witness list? And we will start with the mayor of the city of Stanfield, the Honorable Tom McCann. Good morning and welcome.

**STATEMENT OF THOMAS McCANN, MAYOR, CITY OF
STANFIELD**

Mr. MCCANN. Good morning. Chairman Horn, Mr. Walden, members of the subcommittee.

My name is Thomas J. McCann. And I am honored to represent the mayors of the city of Boardman, Irrigon, Echo, Hermiston, Stanfield, and Umatilla. We appreciate your coming here to facilitate these proceedings and to listen to our concerns.

The cities of western Umatilla County and north Morrow County are primarily concerned with the safety our residents in the event of an incident at the Umatilla Chemical Depot that would cause the release of toxic agents. While FEMA and the State of Oregon has received large funding amounts and are probably ready to handle an emergency from a management and oversight standpoint, it is the local communities, in conjunction with our respective counties, that will be the first line of defense for area citizens. Even the local Chemical Stockpile Emergency Preparedness Program has most of the resources in place, from a command and control perspective, to function at their level in the event a release at UCD. What is lacking in all of this is direct funding to the cities of Stanfield, Echo, Hermiston, Umatilla, Irrigon, and Boardman. There are a number of areas of ongoing concern that I would like to discuss with you today.

First and foremost is the lack of capacity in these small rural communities to deal with the enormity of the issues we are faced with due to the disposal project at UCD. Without any help from the Federal Government in the form of impact aid, our small towns have or are preparing to build the infrastructure needed to service

the increase in population that is a direct result of the construction and operation of the disposal facility. These commitments from the local communities include new water systems, waste water systems, road improvements, and new school facilities. The total fiscal impact on these six communities for capital and operating cost is estimated to be at \$30.7 million. These costs are directly attributable to UCD. The cost to local taxpayers for these improvements will go on long after the Depot has closed down and those residents associated with this project have left, typically for a total of 20 to 30 years. This means that the remaining residents will bear this burden for the Federal Government for many years after this facility has ceased operations.

In a setting where local governments and citizens are already taxed beyond what is fair, we still have a large number of safety concerns that need to be addressed before incineration operations can begin. It is important to all of us that this project not be delayed any longer than necessary, as there are 105,000 rockets alone stored at UCD that get more unstable with each day. No one can quantitatively determine how long it will be before these reach a point of total instability. But before we can feel comfortable about beginning incineration at UCD, there are a number of safety-related issues that must be addressed.

The most critical of these safety issues is our lack of adequate police and fire personnel to respond in the event of an emergency. FEMA, the State of Oregon, and CSEPP have tried to place responsibility on the local governments to perform a number of needed actions, without supplying the necessary funding, training and equipment. A primary example is the expectation that local police will provide security for the school buildings that are over-pressurized, aid in the orderly evacuation of residents where required, and man local traffic control points. There are approximately 103 full-time and reserve officers in our area. Due to vacations, sick leave, training out of the area, we could expect a maximum of 30 officers to be on duty at one time to cover the six cities and two county areas that would be affected. It is unreasonable to assume that these officers could provide the needed security at their school sites, aid in evacuation, and man several traffic control points. In addition, the chemical protection suits that are proposed have proven to be woefully inadequate in local field trials. These same types of problems confront the local fire districts that depend primarily or in some cases solely on volunteers. How can these small departments be expected to respond to the chemical emergency, aid in the evacuation of homebound residents, and handle all other calls that are sure to surface in the face of a major disaster? To compound this problem is the issue of civil disobedience that often follows in the footsteps of any large emergencies. Who will be left to protect the lives and property in our towns if they are all off performing other duties? There are possible solutions to many of our concerns, but due to time constraints I will not go into detail. I could provide this information on request.

We, the communities most at risk feel the Federal Government, through FEMA, the State of Oregon and the local CSEPP need to look at where their budget dollars have been spent to date, and why more attention has not been focused on the local jurisdictions

that will be the first responders in the event of a disaster at the Depot. The large emergency infrastructure that has been developed will be great for information dissemination and strategic command, but little to nothing has been spent on the local agencies that will be expected to face the reality of a chemical emergency directly. Without proper manpower levels, training, equipment and environmentally safe local command centers, how will FEMA, the State and CSEPP deal with an emergency of this magnitude? Thank you very much.

[The prepared statement of Mr. McCann follows:]

Committee on Government Reform's Subcommittee
on Government Management, Information & Technology

Testimony to be presented on behalf of the cities of Boardman,
Irrigon, Umatilla, Hermiston, Stanfield and Echo

Presentation to be made by Mr. Tom McCann, Mayor of Stanfield

Chairman Horn and Members of the Subcommittee:

My name is Thomas J. McCann. I am honored to represent the mayors of the cities of Boardman, Irrigon, Echo, Hermiston, Stanfield and Umatilla. We appreciate you coming here to facilitate these proceedings and to listen to our concerns.

The cities of western Umatilla County and north Morrow County are primarily concerned with the safety of our residents in the event of an incident at the Umatilla Chemical Depot (UCD) that causes the release of toxic agents. While FEMA and the State of Oregon has received large funding amounts and are probably ready to handle an emergency from a management and oversight stand point, it is the local communities, in conjunction with our respective counties, that will be the first line of defense for area citizens. Even the local Chemical Stockpile Emergency Preparedness Program (CSEPP) has most of the resources in place, from a command and control perspective, to function at their level in the event of a release at UCD. What is lacking in all of this is direct funding to the cities of Stanfield, Echo, Hermiston, Umatilla, Irrigon and Boardman. There are a number of areas of ongoing concern that I would like to discuss with you today.

First and foremost is the lack of capacity in these small rural communities to deal with the enormity of the issues we are faced with due to the disposal project a UCD. Without any help from the federal government in the form of impact aid, our small towns have or are preparing to build the infrastructure needed to service the increase in population that is a direct result of the construction and operation of the disposal facility. These commitments from the local communities include new water systems, wastewater systems, road improvements and new school facilities. The total fiscal impact on these six communities for capital and operating costs is estimated to be \$30.7 million. These costs are directly attributable to UCD. The costs to local taxpayers for these improvements will go on long after the Depot has closed down and those residents associated with this project have left, typically for a total of 20-30 years. This means that the remaining residents will bear this burden for the federal government many years after this facility has ceased operations.

In a setting where local governments and citizens are already taxed beyond what is fair, we still have a large number of safety concerns that need to be addressed before incineration operations can begin. It is important to all of us that this project not be delayed any longer than necessary, as there are 105,000 rockets alone stored at UCD that get more unstable by the day. No one can quantitatively determine how long it will be before these reach the point of total instability. But before we can feel comfortable about

beginning incineration at UCD, there are a number of safety related issues that must be addressed.

The most critical of these safety issues is our lack of adequate police and fire personnel to respond in the event of an emergency. FEMA, the State of Oregon and CSEPP have tried to place responsibility on the local governments to perform a number of needed actions without supplying the necessary funding, training and equipment. A primary example is the expectation that local police will provide security for the school buildings that are over pressurized, aid in the orderly evacuation of residents (where required) and man local traffic control points. There are approximately 103 full time and reserve officers in our area. Due to vacation, sick leave and training out of the area, we can expect a maximum of thirty officers to be on duty at one time to cover the six cities and two county areas that would be affected. It is unreasonable to assume that these officers could provide the needed security at their school sites, aid in an evacuation and man several traffic control points. In addition, the chemical protection suits that are proposed have proven to be woefully inadequate in local field trials. These same types of problems confront local fire districts that depend primarily or in some cases solely on volunteers. How can these small departments be expected to respond to the chemical emergency, aid in the evacuation of homebound residents and handle other calls that are sure to surface in the face of a major disaster? To compound this problem is the issue of civil disobedience that often follows in the footsteps of any large emergency. Who will be left to protect the lives and property in our towns if they are all off performing other duties? There are possible solutions to many of our concerns, but due to time constraints I will not go into detail. I can provide this information on request.

We, the communities most at risk, feel that the federal government, through FEMA, the State of Oregon and the local CSEPP need to look at where their budget dollars have been spent to date, and why more attention has not been focused on the local jurisdictions that will be the first responders in the event of a disaster at the Depot. The large emergency infrastructure that has been developed will be great for information dissemination and strategic command, but little to nothing has been spent on the local agencies that will be expected to face the reality of a chemical emergency directly. Without proper manpower levels, training, equipment and environmentally safe local command centers, how will FEMA, the State and CSEPP deal with an emergency of this magnitude?

Mr. WALDEN. Thank you, Mayor. Let's go down to Mr. Terry Tallman, who is a Morrow County commissioner. Good morning and welcome.

**STATEMENT OF TERRY TALLMAN, MORROW COUNTY
COMMISSIONER**

Mr. TALLMAN. Good morning. I want to thank you very much for coming to the town of Hermiston letting us speak our concerns. I have with me staff from Morrow County, Casey Beard, our emergency director, Emergency Management director, Tamara Mabbott, our planning director, and Bill Myers, an attorney for special projects for Morrow County. My name is Terry Tallman. I am the Morrow County judge, a member of Morrow County Court.

I want to thank you for taking the time to hear our concerns and for coming out to Eastern Oregon, a very distinct and unique part of the great Northwest. Today I'm here to express concerns and ask for your help as the communities of Morrow and Umatilla County deal with the impact the Umatilla Chemical Depot incinerator project has on this region.

There are many contentious issues associated with the depot, the chemical stockpile program, the Emergency Preparedness Program, and alternative technologies. I will focus my comments today on the socioeconomic and fiscal impacts the program has on our communities.

Many of the things that I'm saying here probably will be somewhat redundant. I hope you will not be offended by my reiterating some of your comments.

Since the early 1960's the U.S. Army has stockpiled some 12 percent of the Nation's most deadly chemical weapons at the Umatilla Chemical Depot, which does lie within the borders of both Umatilla and Morrow Counties. Of those weapons, 70 percent, including nerve agents and blister agents as you have mentioned, are in Morrow County. Literally the back yard of the most populated region of our county.

What has the attitude of our residents been toward these chemical weapons being placed at the Depot? One might expect to hear complaints and outcries about the chemical weapons, but history has proven to the contrary. They are extremely patriotic and dutiful in their role as hosts. Local residents have been remarkably supportive of the Depot, tolerance of the presence of deadly chemical weapons and trusting of the Army, even though many people work just across a wire fence from the Depot. Our communities have been exemplary for their tolerance and hospitality. And I am proud to represent those citizens of Morrow County today.

Residents of Morrow and Umatilla Counties were never asked permission to store these weapons, and never protested or even questioned the Army's actions. The Army never informed local communities of a danger from these chemical weapons, and the majority of citizens were not even aware of any potential harm. Storage was characterized as a relatively safe situation, safe enough in fact, that communities were told that there wasn't any need to acquire emergency or safety equipment.

As the need for these weapons changed and we came into the international chemical weapons treaty and an order was signed by

Congress ordering the Army to eliminate those chemical weapons, we supported that treaty and the attendant disposal program. Our communities have actively participated in the CSEPP program and are preparing our communities for any potential accident at the Depot. It was through our participation in this federally mandated CSEPP program that we began to notice how our communities were impacted. Elected and appointed officials began to see dramatically increased personnel hours dedicated to the program. Police and fire departments as has been mentioned particularly had drastically increased equipment and staffing needs with many of these needs being met completely by volunteer forces. While CSEPP slowly began to fund most of these Emergency Preparedness Program costs, we also began to recognize other costs that were not reimbursed.

One of the most insidious costs is the form of population growth and the bust and boom impact it has on an economy, as Congressman Walden mentions. The short-term increase in workers on the project is actually a cost rather than a fiscal asset to our county. Being transient, construction workers tend to rent rather than own. But all of the workers do send their children to our schools and our roads and use our infrastructure. Most of the longer term and higher level management employees for this project actually live in the tri-county Washington area, where they are participating as more permanent residents in that local economy.

In Morrow County we have seen very little benefit of that growth. We have minimal industrial or commercial sectors that could benefit from direct, indirect or induced spending. We have found numerous studies which corroborate the experience of a negative impact to local governments and economies. These studies show the negative impact to be compounded in rural economies.

The impact of this incinerator project is accentuated by the fact that the Army pays no property taxes, no corporate taxes, and no local income taxes. The State and Federal Governments on the other hand do receive revenues from income taxes. And in addition to these foregone tax revenues the Army and its contractors were exempt from local land use permits, which is the typical forum for levying and collecting impact funds or other mitigation moneys.

We have worked diligently over the past several years, my predecessors in this county have worked diligently to develop a solution to this problem of local taxpayers underwriting a Federal project. To put it bluntly, our experience with the Army has been frustrating at best. The Army has delayed and sometimes misinformed.

And I know these are strong words to use against the Army, but a few examples illustrate my point by saying, that one Army official told my predecessor and some staff, there is a way for you to get money, but I can't tell you how. In 1997, a Congressman, a national Congressman, proposed legislation that would address the problem and set aside impact money for affected communities, but withdrew the legislation after meeting with Army officials who convinced him to drop the legislation because we are working on that problem.

At our request, the 1997 Oregon legislature unanimously approved a law that allowed counties to charge a fee for storage and handling of the wastes. The Army refused to comply with the law,

citing Federal sovereignty, which is ironic, since a similar law was honored in Tooele County, UT. In essence, the Army claims to be exempt from all of the traditional tools for taxing growth, to underwriting community services and infrastructure, such as roads, sewers, water systems and schools.

One other item I would like to mention. Our primary concern is with the negative socioeconomic impacts of the demilitarization project, but we do want to express grave concerns with the CSEPP funding process. Federal officials have imposed a process called a life cycle cost estimate, which dramatically underfunds preparedness activities. This life cycle cost estimate process is flawed. The counties have never agreed to these estimates, but now they are being imposed upon them. Nor has these estimates been revised to reflect current needs and realities and prior years have been seriously underfunded. If allowed to stay, projected budget limits will prevent the achievement and maintenance necessary to allow adequate emergency preparedness at the county level for demilitarization facility.

In concluding, I would like to ask for your help in compelling the Army and other Federal agencies to provide appropriate compensation for the costs and impacts our citizens have tolerated. Incineration of chemical weapons is not a local problem, it is a national problem. Morrow County taxpayers are not looking for a windfall. We don't see the Army as the golden goose who lays the golden egg. We simply want to bear our fair share, but we only want to bear the fair share of the cost. We believe Federal action confers Federal responsibility and Federal impact requires Federal compensation.

[The prepared statement of Mr. Tallman follows:]

August 12, 1999

Testimony before the U.S. House of Representatives,

Committee on Government Reform

Subcommittee on Government Management, Information and Technology

August 16, 1999

Presented by Morrow County Judge Terry K. Tallman

at the Hermiston, Oregon Field Hearing

Good morning. My name is Terry Tallman. I am the Morrow County Judge, a member of the Morrow County Court. I want to thank you for taking time to hear our concerns and for coming out to eastern Oregon, a very distinct and unique part of the Great Northwest. Today I am here to express concerns and ask for your help as the communities of Morrow and Umatilla County deal with the impact of the Umatilla Chemical Depot Incinerator Project. There are many contentious issues associated with the Depot, the Chemical Stockpile Program, (CSEPP) the Emergency Preparedness Program and alternative technologies but today I will focus my comments on the socio-economic and fiscal impacts the program has on our communities.

Since the early 1960's the United States Army has stockpiled 12% of the nations chemical weapons at the Umatilla Depot, which lies within the borders of both Umatilla and Morrow Counties. Seventy percent of those deadly weapons, including nerve agents (GB and VX) are blister agents (HD or mustard gas) are in Morrow County, literally the backyard of our most populated region of the county.

What has the attitude of our residents been towards these chemical weapons being placed here? One might expect to hear complaints and outcries but history has proven the contrary. Our citizens are extremely patriotic and dutiful in their role as hosts. Local residents have been remarkably supportive of the depot, tolerant of the presence of deadly chemical weapons and trusting of the Army, even though many people work just across a wire fence from the Depot. I myself farmed potatoes for many years within a stone's throw of the depot. Our communities have been exemplary in their tolerance and their hospitality and I am proud to represent the citizens of Morrow County today.

Residents of Morrow and Umatilla Counties were never asked permission to store these weapons and never protested or even questioned the Army's action. The Army never informed local communities of a danger from the chemical weapons and the majority of citizens were not aware of any potential harm. Storage was characterized as a relatively safe situation, safe enough in fact, that communities were told there was no need to acquire emergency and safety equipment.

As the need for these weapons changed & the International Chemical Weapons Treaty was signed in 1986, congress ordered the Army eliminate all chemical weapons. We supported the Treaty and the attendant disposal program. Our communities have actively participated in the CSEPP Program and in preparing our communities for any potential accident at the Depot. And it was through our participation in the federally mandated CSEPP program that we began to notice how our communities were impacted. Local officials saw dramatically increased personnel hours dedicated to the program. Police and fire departments had drastically increased

equipment and staffing needs with many of those needs being met by volunteer forces. While CSEPP slowly began to fund most of those new emergency preparedness program costs, we also began to recognize other costs that were not reimbursed.

One of the most insidious costs is in the form of population growth and the boom and bust impact it has on an economy. The short term increase in workers on the project is actually a cost rather than a fiscal asset to the county. Being transient, construction workers tend to rent rather than own. But all the workers send children to our schools, use our roads and infrastructure. Most of the longer term and higher level managerial employees for the project live in the tri-county Washington area, where they are participating as more permanent residents in that local economy.

In Morrow County we have seen very little benefit of the growth. We have minimal industrial or commercial sectors that could benefit from direct, indirect or induced spending. We have found numerous studies that corroborate the experience of a negative impact to local governments and economies. In those studies too, we found that the impact is compounded in rural economies.

The impact of this incinerator project is compounded by the fact the Army pays no property taxes, no corporate taxes and no local income taxes. The state and federal governments on the other hand receive revenues from income taxes. In addition to foregone tax revenues, the Army and its contractors were exempt from local land use permits, which is the typical forum for

levying system development charges or other mitigation monies.

We have worked diligently over the past several years to develop a solution to this problem of local taxpayers underwriting the federal project. To put it bluntly, our experience with the Army has been frustrating at best. The Army actions have been to delay and disinform. Now these are strong words to use against the Army but a few examples illustrate my point. In 1996, one Army official told us, 'there is a way for you to get money, but I can't tell you how.' In 1997, a Congressman proposed legislation that would set aside impact money for affected communities, but withdrew the legislation after Army officials convinced him to drop the legislation. At our request, the 1997 Oregon Legislature unanimously approved a law that allowed counties to charge a fee for storage and handling of the waste. The Army refused to comply with the law, citing federal sovereignty, which ironic since a similar law was honored in Tooele County, Utah. In essence, the Army claims to be exempt from all of the traditional tools for taxing growth to underwrite community services and infrastructure such as roads, sewers, water systems and schools.

Although our primary concern today is the negative socioeconomic impacts of the demilitarization project, we must express our grave concern with the CSEPP funding process. Federal officials have imposed a process called the Life Cycle Cost Estimate which dramatically under funds preparedness activities. The Life Cycle Cost Estimate process is flawed, has not been revised to reflect current realities and has been seriously under-funded in prior years. The counties have never agreed to these estimates. If allowed to stay, projected budget limits will

prevent the counties from achieving and maintaining an adequate state of emergency preparedness necessary to allow operation of the demilitarization facility.

Conclusion:

In concluding, I would like to ask your help in compelling the Army and other federal agencies to provide appropriate compensation for the costs and impacts our citizens have tolerated.

Incineration of chemical weapons is not a local problem it is a national problem. Morrow

County taxpayers are not looking for a windfall. We don't see the Army as the goose that laid the golden egg. We simply want to bear our fair share, but only our fair share of the cost. We believe federal action confers federal responsibility and federal impact requires federal compensation.

Mr. WALDEN. Thank you, Judge. Let's go now to Umatilla County commissioner, Mr. Dennis Doherty. Good morning and welcome.

**STATEMENT OF DENNIS DOHERTY, UMATILLA COUNTY
COMMISSIONER**

Mr. DOHERTY. Mr. Chairman, good morning. My name is Dennis Doherty. I live in Hermiston, inside the Depot IRZ. That's the "immediate response zone." I am one of three Umatilla County Commissioners. Chairman Emile Holeman and Commissioner Bill Hansell are the others. I speak my own thoughts today. They were completed just last night, so my colleagues have not previewed them.

There are four component parts of the chemical demilitarization program: Continued safe storage, emergency preparedness, destruction of the chemical agents, and program support, which necessarily includes impact aid to the local communities.

When the Army was given the chemical demil mission in 1986, Congress added explicit direction that the program provide for maximum protection of the environment, the public and the Depot workers.

CSEPP was established by the Army in 1988. The stated purpose was to help the communities near the stockpile enhance their existing emergency management and response capabilities. To this day, 13 years later, we don't have a reliable comprehensive warning system. The first responders cannot go into a risk area. Insofar as I know, the Army does not have a plan for the 1,300 to 1,500 workers now onsite other than to evacuate them, which then makes them our responsibility.

Mr. Chairman, management from the county, the State capitol, FEMA Region 10 in Seattle and FEMA Headquarters in Washington, DC, may or may not help if we ever do have a real accident. But one thing is for sure. Those people, in their safe havens many miles away, won't be able to do any on-the-ground response during the emergency. That will be left to our small towns, schools, rural fire protection districts and the people who are in harm's way.

It's a sad but true fact that a CSEPP program which promised to enhance local emergency management response capability has delivered so little and taken so long to do even that.

Maybe you've heard this homily: If you go on doing things the way you've always done them, you will go on getting the results you have always gotten.

Our citizens deserve better than they've gotten. We don't want hype, we need Congress to require Army and FEMA to simply deliver maximum protection as they were told to do in 1986. If they can't, then give the money to the local communities to do their own enhancement.

Regarding impact aid, please remember that we've been down this path before. When the Depot was constructed in 1941 and 1942, workers needed homes. They hauled ammo boxes off and built houses out of them. They hauled pallets off for building materials. They built where and what they could afford. They dozed out homesites and roads in the sand. We didn't have the time or the resources to build nice planned towns. We still, to this day, have miles of unimproved streets, both inside and outside of town. You don't build communities in the 21st century cheaply. To a large de-

gree, that's because of State and Federal requirements. Improved streets cost \$150 to \$200 per running foot. Water systems, waste water systems and schools cost millions.

We know. Umatilla, a city that had only a \$95 million tax base at the time, bonded itself for well over \$15 million recently for these infrastructure improvements. Hermiston voters recently approved a \$40 million bond for school upgrades. We have concerns that these community debt obligations may overwhelm us if we then experience a bust economy when the Depot jobs disappear, as they will by 2007. Mr. Chairman, I will conclude with these statements for the record, directed at the impact aid issue. It's the Army's nerve gas and the Army's incinerator. Raytheon is the Army's contractor and the Raytheon workers are doing the Army's disposal job. The Army could be housing these workers and picking up the tab directly. They're not. We're doing that for them. The Army needs to pay its share of our bills for this. That means impact aid, either from money already appropriated or from new appropriations. There won't be a healthy and vital chemical demil program until Congress has cured that problem.

Denial of the responsibility to pay impact aid is not defensible. The status quo is not acceptable. Doing nothing is not an option. The impact bills are due. This incinerator is the Army's baby. It's time for the Army to face up to its responsibilities and pay support.

Thank you, Mr. Chairman. Your presence with us today is an honor. We appreciate the opportunity this hearing presents for us.

[The prepared statement of Mr. Doherty follows:]

August 16, 1999

Testimony of Dennis D. Doherty, Umatilla County Commissioner

Given at hearing in Hermiston, Oregon, to Congress of the United States, House of Representatives, Committee on Government Reform, Subcommittee on Government Management, Information, and Technology, the Honorable Stephen Horn, Chairman, Presiding

Mr. Chairman: My name is Dennis D. Doherty. I am presenting today on behalf of the three (3) Commissioners who preside over the business and affairs of Umatilla County, Oregon, and all of our 67,000 constituents; and especially the estimated 28,000 men, women and children who live near the U.S. Army Umatilla Chemical Depot, and the 4 towns, the 4 school districts, and the 4 rural fire protection districts in that same proximity. From all of us, thank you for coming to our community to hold this hearing; and, for myself, thank you for the invitation to appear and testify before your subcommittee.

Mr. Chairman, I will do four things in this written statement. I will briefly explain who and what we are here in Umatilla County. In connection with the Depot I will then provide my observations on how we came to the point we're at, what I think is most important to us at this stage, and what I believe Congress should do as we look ahead from now.

The points that I make in this testimony are supported by the accompanying materials that I am submitting for the record. These are listed at the end of my written statement.

My oral testimony will be a summary of my written statement, so that I can stay within the 5 minutes allotted to me. Appearing with me are Dennis Olson, who is the Emergency Management Director for Umatilla County; Jim Stearns, who is the Fire Chief of the Hermiston Rural Fire Protection District; and Bruce Peet, Umatilla County Economic Development Officer and a resource person regarding our request for impact aid.

Umatilla County encompasses 3231 square miles. This translates to 20.7 persons per square mile. These are good hard-working people, including our significant Hispanic and Native American populations. You would be proud to have people of this quality in your own Congressional District.

Historically, Umatilla County's economy has been livestock, agriculture, and natural resource dependent. In general, we haven't had the luxury of a highly skilled workforce, high-paying jobs, and the upscale tax base that would follow. Consequently, we haven't had the level of sophistication, the level of government services, and the level of public infrastructure that we see in many other locales.

Of our total land area, 19.6% is in federal ownership. Both our tax base and our economy are vulnerable to federal policies that apply to these federal lands. Our county has already taken hits as a result of policy and management changes affecting fish, wildlife and the federal forests. We are waiting to see what the toll will be from rivers and dams initiatives that are in process.

Today, though I want to focus not on those issues, but on the U.S. Army Umatilla Chemical Depot. This facility was established in 1940-41. Like our county, one of our cities, and the "river that runs through us," this facility was named after the Umatilla Indian Tribe. It sits on the county line, partly in Morrow County and partly in Umatilla County, more than 19,000 acres in all.

Clearly, this facility has been a major presence in the area. Both counties were proud to assist in the national defense effort when the Depot was established. From that genesis we have continued to be willing hosts to the Depot, even after the mission changed in the 1960's from munitions and general supply to storage of chemical munitions and agents.

When the chemical munitions were received here, we were told that they could be safely stored and presented no unmanageable risk. We accepted that.

We also accept the Chemical Weapons Treaty, by which our nation committed itself to destroying the entire national chemical stockpile by 2007. This treaty set off a series of events that have affected Umatilla County ever since, because our Depot stores 12% of that stockpile. Since then:

- *There has been on-going controversy over the methodology which would be used for disposal. The Army's preferred method is incineration. We have accepted that, for the most part.

- *There has been on-going controversy over risk factors, driven by competing claims. The "we can store it safely" message became "the chemicals are becoming unstable and the risk of storage is greater than the risk of incineration."

- *In 1986 Congress directed the Department of Defense to destroy the U.S. stockpile, and directed that the disposal program provide for maximum protection of the environment, the public, and the personnel involved in disposing of the munitions.

*In 1988, the Chemical Stockpile Emergency Preparedness Program (CSEPP) was established. Ostensibly, the mission was to help the communities near the Depot enhance their emergency management and response capabilities in the event of a chemical stockpile accident. In our case, "communities" would mean the two counties, the 6 towns (tiny by Washington D.C. standards) and the unincorporated areas that are within the proximity of the Depot. My best estimate is that together we have more than 25,000 and not more than 30,000 persons residing in that proximity.

*Between 1988 and 1998 Congress poured in the money. I have no idea how much, and have never found anyone who could or would say.

My personal impression is that Army and FEMA passed the CSEPP ball back and forth, but basically moved sideline to sideline and didn't get very far downfield. FEMA partnered up with Oregon Emergency Management (OEM). Together, during this time, they used CSEPP to enrich their organizational structure and emergency management capacities and goals, more than to enhance the emergency management and response capabilities of the communities. The communities sensed this and concluded that CSEPP was not really about them. I agree with the sentiments long expressed at the community level. Despite constant agency hype, I don't believe that CSEPP was what Congress intended nor what the communities deserved during those years.

*In June of 1997, construction started on the incinerator. This had three effects.

First, Army and FEMA finally accepted the fact that they had to move the CSEPP ball downfield. Prodded by a GAO report and other forces they got behind a restructuring of responsibilities and finally started working at what they were supposed to have been doing all along - - maximum protection, which is their responsibility per the Congressional dictate when the Chemical Demilitarization direction was given in 1986; and enhancement of local emergency management and response capabilities, which was their responsibility since CSEPP was established in 1988.

Second, those opposed to disposal by incineration were re-energized. Their concerns continue unabated. They still harbor hopes that incineration will not happen.

The third effect was that the construction project produced jobs, which attracted workers, who need places to live, who have wages to spend, which create demand, which created new housing and a flood of other new business to supply the demands, all of which created immediate pressure for additional police, fire, school and general government services ranging from planning to

water to sewer, to roads and so on.

*The communities knew that the disposal mission would bring these kinds of changes; that they would have to contend with new growth and service demands; that these could potentially overwhelm them; that their main funding resource was the local property tax; that the incinerator would be exempt from this tax, so they would have to either look elsewhere for resources to fulfill their governmental responsibilities, or go into debt, hoping that the short-term boom sustained itself long enough for the debt to be paid off.

The communities knew that when the disposal mission is completed the facility would be disposed of, the jobs would be ended, many of the workers will relocate, the economic cycle described above would be reversed, and the short-term economic benefits might then translate into a local recession or depression.

The communities also knew that their counterparts in Utah (Tooele) had and were receiving land, facilities and cash payments that amount to impact aid, regardless of how they are characterized by the Army.

So, well before construction began, spokespersons for the local communities presented these concerns to the Army and to the federal government in general. The expectation was that the Army or the federal government would assist the local communities here, as was done in Tooele, Utah. Though no agreement was reached, representations were made that led local officials to believe that impact aid would be forthcoming. We accepted that. But impact aid has not materialized, even though it is needed now, while the local communities are struggling to service the new demands on them..

Many local officials are now questioning whether we have accepted too willingly, and been too naive, too trusting, for too long; whether we would have accepted certain decisions if we had known that impact aid might not materialize; and whether we can adequately represent our constituents' interests, as is our duty, and continue at the same time to accept at face value what Army, FEMA, OEM, State and other jurisdictional bodies tell us.

As of this date, the incinerator is 55% completed. The contractor's (Raytheon) workforce is peaked (probably) at 1300-1500 employees on and offsite, including subcontractors. FEMA and OEM have made CSEPP progress beginning in 1998, but not to the extent that is needed. FEMA and OEM are positioning the CSEPP program to produce an emergency readiness determination that will enable incineration to get underway when construction is completed. The local emergency responders remain under-prepared and overtaxed by CSEPP demands on their time, which is often on top of their regular jobs. Counties and cities are experiencing the new demand for infrastructure and services, just as they anticipated; and there continues to be no

financial assistance to the local governments to help offset the demands generated by CSEPP and disposal programs.

Speaking just for myself on this point, I expect that Raytheon will go forward with construction, the ARMY will go forward with incineration, and the FEMA-OEM team will go forward with emergency preparedness pretty much on their own terms, because to date the counties and cities haven't had a lot of impact on them or on the direction they take. But they have monumental impact on us. . That's the point! That's why the counties and cities continue to press for impact aid. That's what is most important at this time.

We believe that we've made the case for impact aid. No one has come out, at least not out in the open, and said that we don't have these impacts; or that they're not the direct result of the Chemical Demilitarization program; or that we are unjustified; or that the nation doesn't benefit from disposal; or that the locals should just suck it up and absorb these impacts on behalf of taxpayers everywhere else; or that the federal government can't afford to pay their way, even though we keep hearing about the huge surplus it expects, part of which will come from the major income tax payments from Raytheon's payroll. The federal government's income tax receipts from Raytheon employees on this project, over its life cycle, will far exceed the impact aid that we are requesting.

Mr. Chairman, there are four component parts of the Chemical Demilitarization program at the U.S. Army Umatilla Chemical Depot. The first is continued storage. The second is emergency preparedness, which is required by the mere presence of the nerve agents so long as any agent remains on site. The third is disposal, whether by incineration or by one of the 3 alternative technologies that have been studied at a cost of \$40 million, or by one of the additional 3 alternative technologies that are yet to be studied at the cost of a further \$40 million. The fourth component is impact aid.

These four components are totally connected and inter-related. But for the chemical agents, you wouldn't need CSEPP or the incinerator, and we wouldn't have the impacts that they impose on us. The four components may be analogized to a 4 strand rope. A crucial strand remains missing - - the impact aid strand. If I was writing a simplistic letter to Congress it would go like this:

“Dear Congress: Where can Umatilla and Morrow Counties go to get the impact aid issue dealt with?

We've met with Tooele County; with the Program Manager for Chemical Demilitarization; with the Deputy Assistant Secretary of the Army for Chemical Demilitarization. We've made our case. We've gained the support of our Congressman and our United States Senators. We've gained the support of our Governor and State Legislature. We've got the support of every local jurisdiction that is affected. We have consensus support from the local media.

We have furnished the facts and figures. We've made our case for the \$30 million requested by Umatilla County and the \$20 million requested by Morrow County.

We've been patient, worked within the system, so to speak. We've put off those people who have told us over and over that you'll never get anything from the Army by being nice.

We need your help now.

Please direct Department of Defense to pay the requested impact aid out of the Chemical Demilitarization budget. Tell DOD that you are going to withhold their nice pay raise until they have settled up with Umatilla and Morrow Counties; or that you're going to close a few of their golf courses; or, if you prefer, give DOD a line item appropriation and the direction to pay it out to the counties, with no strings.

While you're at it, could you please direct FEMA to get us our CSEPP budgets within 30 days of when the federal fiscal year begins; and to explain what the five CSEPP-funded FEMA employees in Region X do in Seattle, and why it wouldn't be more productive for them to be stationed full time on site; and to pay the counties at least 9% interest on the money that they advance to pay CSEPP bills; and to explain to me what the OEM and FEMA response and outcomes are to the FEMA IG financial compliance audit of September 30, 1998.

Lastly, our local communities, especially our rural fire protection districts, devote an awful lot of their time and resources, both on and off duty, to supporting FEMA, OEM and the counties in the CSEPP program. It is long overdue for the CSEPP program to assist these local providers. This can be done by funding a CSEPP coordinator in each of the four local fire departments, by paying their volunteers a stipend for things like taking CSEPP training on their off-duty time, etc. FEMA and OEM probably think they're being good stewards of your money by not doing these things. I think they're spending your money on things and in ways that are not best for us. I'd like to know what Congress thinks. Thank you very much."

To conclude, Mr. Chairman, I'd like to again thank you for coming here, and thank you for your attention and consideration. God bless America, now and forever.

Mr. WALDEN. Thank you very much, Commissioner. Let's go now to Mr. Armand Minthorn, who is a member of the Board of Trustees of the Confederated Tribes of the Umatilla. Good morning, welcome.

**STATEMENT OF ARMAND MINTHORN, BOARD OF TRUSTEES,
CONFEDERATED TRIBES UMATILLA**

Mr. MINTHORN. Good morning, Mr. Chairman. And members of the committee.

Mr. WALDEN. You may want to make sure that microphone is a little closer and turned on. Thank you.

Mr. MINTHORN. My name is Armand Minthorn. I am a member of the Board of Trustees of the governing body of the Confederated Tribes of the Umatilla Indian Reservation.

Thank you for the opportunity to identify some of our concerns regarding the proposal to incinerate over 3,700 tons of mustard and nerve agents, all weapons of mass destruction.

I'd like to first welcome you to the homeland of the three Columbia Basin plateau Tribes that comprise the CTUIR, including the Cayuse, Walla Walla, and Umatilla. The three Tribes signed the treaty of 1855 with the U.S. Government that outlined a territory of approximately 6.4 million acres of ceded land where treaty reserve rights are retained, including fishing, hunting, gathering of plants and pasturing livestock. These rights extend throughout today's Northeast Oregon and Southeast Washington state. In addition, the treaty of 1855 established the Umatilla Indian Reservation 8 miles east of Pendleton where our thriving economy is now recognized as the largest in Umatilla and Morrow Counties.

The CTUIR issued a letter to Governor Kitzhaber in February 1996 requesting that he deny the Army's permit request until certain conditions are met, and those conditions are outlined in your handout. I would like to continue to express concerns and technical concerns the tribe has, and they are as follows: No. 1, Emergency Preparedness and transportation. No. 2, environmental and health monitoring. No. 3, carbon filter. No. 4, dunnage incinerator. And last, impact aid.

Emergency preparedness. The tribe continually presses at the national and local level on a variety of emergency response concerns, including preparedness under the Chemical Stockpile Emergency Preparedness Program. Although there is progress, it is not at the pace acceptable to the tribe. Initially the tribe was not consulted on emergency response issues because, some thought, the diminished Reservation boundary is outside the 50 kilometer emergency planning zone, a myth now reversed.

The CTUIR Fire Department is recognized as an essential component for regional emergency preparedness activities, at the Depot and at other facilities such as Hanford.

The Tribes' issues regarding communications and notification are slowly progressing. For instance, other entities and fire department plans are further along in the development of their communication plans. The reason why is because CSEPP has not sufficiently followed through with their pledge to upgrade the communication systems of the Tribal Fire Department. We shouldn't have to coordi-

nate with counties but should be dealt with directly for resources and/or services.

Environmental and health monitoring. The Tribes' treaty reserved rights and culture are based on the use of natural and cultural resources throughout the ceded lands and at usual and accustomed sites. As an example, the Tribes re-established salmon runs after 70 years of extinction in the Umatilla River.

The State required the Army, through the permit process, to develop a comprehensive monitoring program. The program is set to sample air, soil, water, flora and fauna in the three zones located in Oregon and Washington States.

While the State and tribe have cooperated in developing the comprehensive monitoring program for the environment, there is no human health monitoring. In terms of human health monitoring the agents as an example organophosphates are neurological disrupters, their original design. The Depot also in the middle of some of the richest farm land in the area and low-level exposure through food stuff or workplace occupations over an extended period of time should be investigated to ensure our communities that no risk is confirmed. This should include both resident and economic customers of our products. Therefore, human monitoring should be instituted immediately.

The CTUIR feels that it is essential that mitigation be a factor to address threats to our treaty resources. One of the main attempts of the comprehensive monitoring program is to establish baseline environmental monitoring before, during and after incineration, and in the event there is a deviation from that baseline, there should be mitigation. Without human health monitoring, it will be difficult, if not impossible, to identify mitigation measures and remediation actions.

Carbon filter. As a permit condition, the State of Oregon Environmental Quality Commission required carbon filters for the incinerators. The filters changed the efficiency of the operation of the incinerator and because of lack of operation at JACADS or Utah, there is no experience or operational readiness that the Army can use to demonstrate the effectiveness of carbon filters.

Dunnage incinerator. The Army and the State should submit for Tribal review a storage plan for waste that was scheduled for the dunnage incinerator. This plan should include volume types and length of stay for these wastes as well as potential receptor facilities. In addition and in concert with the CTUIR the Army should coordinate any transportation plans because of the majority of the waste it is projected will be transported across the most dangerous route in Oregon, the Blue Mountains, and the Umatilla Indian Reservation. Any proposed permit modification is a serious concern.

Finally, impact aid. The CTUIR supports the efforts of the counties and cities in their request for impact aid.

And in conclusion, these areas that have been cited as concerns with the Tribes, this will only continue the transportation, the emergency preparedness, environmental and health monitoring. I thank you for your time today.

[The prepared statement of Mr. Minthorn follows:]

Testimony of Armand Minthorn, Member of the Board of Trustees

Confederated Tribes of the Umatilla Indian Reservation

Before the U.S. House of Representatives Committee on Government Reform

Subcommittee on Government Management, Information, and Technology

August 16, 1999 at the Hermiston, Oregon National Guard Armory Field Hearing

Good morning Mr. Chairman and members of the committee. My name is Armand Minthorn and I am a member of the Board of Trustees, the governing body of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Thank you for the opportunity to identify some of our concerns regarding the proposal to incinerate over 3700 tons of mustard and nerve agents, all weapons of mass destruction.

I'd like to first welcome you to the homeland of the three Columbia basin Plateau tribes that comprise the CTUIR including the Cayuse, Walla Walla, and Umatilla. The three tribes signed the Treaty of 1855 with the U.S. Government that outlined a territory of approximately 6.4 million acres of ceded land where treaty-reserved rights are retained include fishing, hunting, gathering of plants and pasturing livestock. These rights extend throughout today's Northeast Oregon and Southeast Washington state. In addition, the Treaty of 1855 established the Umatilla Indian Reservation eight miles east of Pendleton where our thriving economy is now recognized as the largest in Umatilla and Morrow counties.

The CTUIR issued a letter to Governor Kitzhaber in February of 1996 requesting that he deny the Army's permit request until the following conditions are met.

- 1) The Army has conducted an analysis of the comparable risks, costs and benefits of continued storage, transportation, alternative disposal methods and incineration.
- 2) The appropriate agencies have coordinated to produce effective plans for responding to chemical agent releases from the depot.
- 3) The appropriate agencies have established an effective human and environmental network that measures contaminant levels before, during and after the disposal of chemical weapons.
- 4) A proper government relationship has been established between appropriate federal and state agencies and the CTUIR. A relationship that recognizes the important stake the CTUIR has in Depot actions.

I'd like to state for the record that the Board of Trustees (BOT) has not taken a formal position regarding incineration at the Umatilla Depot. As with any community facing these serious decisions, our members are divided with no clear consensus yet the issues remain at the forefront of discussions. I hope to share these with you today.

Let me discuss some of the technical concerns the tribe has. They are:

- 1) Emergency Preparedness and Transportation Issues;
- 2) Environmental and Human Health Monitoring;
- 3) Carbon Filters;
- 4) Dunnage Incinerator; and
- 5) Impact Aid.

The issues being discussed today need to be placed within the framework of the Memorandum of Agreement signed by the Army and the CTUIR in October of 1996. This agreement, we believe, is the first of a kind for the Army but not for the Tribe. Our leadership on this may help the Army develop an appropriate government to government relationship with other tribes in the nation. Many of the issues in today's testimony were identified in the MOU. The tribe is regional player on a number of fronts including salmon recovery efforts, the Umatilla Basin Project, and the Hanford Nuclear Reservation. These examples at regional planning efforts are all based on the treaty reserved rights in the ceded area. The Depot represents risks to personnel and facilities owned, operated or managed by the CTUIR.

First, Emergency Preparedness and Transportation Issues

The tribe continually presses at the national and local level on a variety of emergency response concerns including preparedness under the Chemical Stockpile Emergency Preparedness Program (CSEPP). Although there is progress, communication issues are not at the pace acceptable to the tribe. Initially the tribe was not consulted on emergency response issues because, some thought, the diminished reservation boundary is outside the 50 kilometer emergency planning zone, a myth now reversed. The CTUIR Fire Department is recognized as an essential component for regional emergency preparedness activities, at the Depot and at other facilities such as Hanford.

Recently Steve Myron and Bryan Hopkins, with the Oregon Health Division, are providing training for emergency response, monitoring, and decontamination. The training should be

completed by the end of October. The Tribes issues regarding communications and notification are also slowly progressing. For instance other entities and fire departments are further along in the development of their communication plan. The reason why is because CSEPP has not sufficiently followed through with their pledge to upgrade the communications system of the Tribal Fire Department. We shouldn't have to coordinate with the counties but should be dealt with directly for resources and/or services.

Second, **Environmental and Health Monitoring**

The Tribes' treaty-reserved rights and culture are based on the use of natural and cultural resources throughout the ceded lands and at usual and accustomed sites. As an example, the tribe reestablished salmon runs after 70 years of extinction in the Umatilla River.

The State required the Army, through the permit process, to develop a Comprehensive Monitoring Program. The Program is set to sample air, soil, water, flora and fauna in three zones located in Oregon and Washington states. The State in concert with the CTUIR implemented the plan with six locations on the Reservation proper to be sampled on a quarterly basis. This is an example of a successful partnership between the Tribes and the State.

While the state and the tribe have cooperated in developing the Comprehensive Monitoring Program for the environment there is no human health monitoring. In terms of human health monitoring the agents are organophosphates and are neurological disrupters, their original design. The Depot also is in the middle of some of the richest farmland in the area and low level exposure through foodstuffs or workplace occupations over an extended period of time should be investigated to ensure our communities that no risk is confirmed. This should include both

resident and economic customers of our products. Therefore human monitoring should be instituted immediately.

The CTUIR feels that it is essential that mitigation be a factor to address threats to our treaty resources. One of the main attempts of the Comprehensive Monitoring Program is to establish baseline environmental monitoring before, during and after incineration and in the event there is a deviation from that baseline there should be mitigation. Without human health monitoring it will be difficult, if not impossible, to identify mitigation measures and remediation actions.

While our concerns are focused on our treaty reserved resources, we have tribal members and Tribal staff working at Wanakat Wildlife Refuge, at the Three Mile Dam facility, and at McNary Dam all located within the Immediate Response Zone (IRZ). This extends our interests and responsibilities outside of the diminished reservation boundary and the seat of Tribal government.

Third, the **Carbon Filter**

As a permit condition, the State of Oregon Environmental Quality Commission required carbon filters for the incinerators. As I currently understand, the filters were installed at the Tooele Facility in Utah but not used. The state of Utah apparently denied the use of the carbon filter based on design impacts yet little information has been released to Tribal staff regarding their application and use. The filters change the efficiency of the operation of the incinerator and because of the lack of operation at JACADS or Utah, there is no experience or operational readiness that the Army can use to demonstrate the effectiveness of the carbon filter units.

While the concept of carbon filters is attractive as a mitigation effort for inefficient removal of incineration byproducts, the unproven technology along with disposal of the filters' waste stream remain unidentified or unaccounted for in a disposal plan. This appears as unproven technology but a cornerstone to regional support for incineration of the chemical weapons.

Fourth, the **Dunnage Incinerator**

The Dunnage incinerator is one of five incinerators to be installed at the Umatilla Depot yet the Army is proposing not to install this incineration unit and will propose an alternative technology. There are three issues including a storage plan if the waste is not transported, a transportation plan for waste products if the dunnage incinerator moves forward and finally a disposal plan for all waste streams expected from the Depot.

The Army and State should submit for tribal review a storage plan for waste that was scheduled for the dunnage incinerator. This plan should include volume, types, and length of stay for these wastes as well as potential receptor facilities. In addition and in concert with the CTUIR the Army should coordinate any transportation plans because the majority of the waste, it is projected, will be transported across the most dangerous route in Oregon, the Blue Mountains and the Umatilla Indian Reservation. Any proposed permit modification is a serious concern regarding this new proposal.

Finally, Impact Aid

The CTUIR supports the effort of the counties and cities in their requests for impact aid. While the requests are dismissed there are other examples where impact aid is applied including at Hanford and at the Tooele facility. Real impact aid addresses an actual cost associated with development and staff and with those costs are perceived impacts to counties including roads, services and schools. Local non-federal economic development is required to pay its cost to the county and the Army should not be different. We should not ask our local taxpayers to foot the bill for what is essentially a national problem. The Armed Services Committee cut impact aid for Umatilla and Morrow Counties after Senators Wyden and Smith both submitted requests that the budget be maintained. The Tribes support the Counties' and the Senators' efforts.

Conclusion

In conclusion, in 1996 when the Tribes requested a one-year moratorium on construction it brought attention to incineration at the Depot and progress to meet some goals is fully recognized and appreciated. Other areas that represent challenges include emergency preparedness and transportation concerns; environmental and human health monitoring; carbon filters; Dunnage incinerator; and impact aid. I welcome future exchanges and I am prepared to answer any questions you may have regarding the CTUIR. Thank-you.

Mr. WALDEN. Thank you for your testimony. Appreciate it.

Now for our final witness on this panel, I'd like to turn to Dr. Fred Obermiller of the Department of Agriculture and Resource Economics from Oregon State University. Dr. Obermiller, good morning, thank you for coming.

STATEMENT OF FRED OBERMILLER, DEPARTMENT OF AGRICULTURE AND RESOURCE ECONOMICS, OREGON STATE UNIVERSITY

Mr. OBERMILLER. Thank you for inviting me, it's a pleasure to be here, Congressman, Congressman Horn. Thank you for the opportunity.

A little while ago John Snyder said, Dr. Obermiller, what are you doing here? You are normally talking to us about public lands issues.

But I have another area of expertise, and that is regional economic impact analysis, and have done a study recently dealing with the structure of the Morrow County economy.

Because of that, the county planning director and commissioners in Morrow County asked if I would help them take a look at the local economic impacts of this incineration project a year ago, which we've done, and there's not really enough time to talk about it in-depth this morning, and I won't try to do that, and I won't try to repeat what were I thought eloquent comments that the mayors and commissioners made earlier.

What I will have to say deals largely with Morrow County. But I want you to know this, that in an absolute sense, the largest community level impacts are going to be felt in northwestern Umatilla County. In a relative sense, given the very small size of the communities and tax base, the relatively largest impacts are going to be felt in Morrow County, northern Morrow County.

I would say that in generic terms you're probably looking at a 12 to 15 percent population increase with attendant increase in demand on an already inadequate community infrastructure over the duration of the project.

A couple of things about the Morrow County economy may explain why the relative impact is going to be as large as it is going to be, is already being in Morrow County. Morrow County, which is the 27th incorporated county in Oregon, split off from Umatilla County in 1885. It was a farming and ranching county. And all the infrastructure that developed in Morrow County, small as it is, centered around those two dominant industries.

So then when the Federal Government came in with a series of major projects, like the Army Depot, the Navy Bombing Range, McNary Dam complex, there was not an infrastructure in Morrow County to support it. And so consequently you had short-term population increase, increase in demand for services, but there wasn't much of a secondary effect.

Now, when we did this Morrow County study, we came up with, among other things, multipliers. County level multipliers normally are in the range of about two to three, meaning that for every \$1 spent in the county, you will get an additional \$1 or \$2 in re-spending.

That's not the way it is here. From that study I pulled out what some of the multipliers are in Morrow County. And I'll just quickly summarize them. The household income, say, wages being spent, multiplier is 1.57 from this study. So for every \$1, you get another 57 cents, not another \$1 to \$2. And it gets worse. Construction, 1.28. Automotive sales and services, 1.30.

One of the major non-Federal developments in northern Morrow County has been the advent of those big center pivot systems, since the mid 1970's. There is no infrastructure to support it. The multiplier for the center pivot irrigation systems is 1.29. An additional 29 cents for every \$1 that's spent.

So the point is that Morrow County is an economic wind funnel. It's a colony almost of Umatilla County, which is in an economic sense what it started out being, and to a very large extent what it still is.

So, for those reasons, when you get an additional 500 to 600 people, including kids, living in Irrigon and Boardman primarily as a consequence of this project, there really is no boom. We call it a boom and bust. It's just basically a bust and bust. There's a short term increased demand for community services, and somehow or another the services have been provided. When the incinerator project is over and the workers leave, the locals are left bearing the costs.

Here's a quick number for you. If the Army Depot had not been built and that land had remained on private property rolls, the amount of property taxes collected over time would have been about \$3 million, which gives you an example of foregone local revenue as a consequence of the Federal project.

I know my time is up. I want to make a couple of comments quickly. I think that there are both statutory and also negotiated precedents for mitigation in the current case. We have the Payments In Lieu Of Taxes Act, 31 U.S.C. 6901. We've got 42 U.S.C. 3374, which deals with the acquisition of property at or near military bases, which have been ordered to be closed. We have a parallel statute which says that the Department of Defense will pay fair market value for private grazing permits taken for war or national defense purposes. And of course we have the Tooele settlement.

So, to me it's a moot point as to whether or not mitigation is feasible. I think it is feasible. It's just a matter of negotiating what's fair. Thank you.

[The prepared statement of Mr. Obermiller follows:]

Mitigating the Adverse Local Community Impacts of the Umatilla Chemical Depot Project

**Testimony Presented to the
Subcommittee on Government Management, Information, and Technology
Committee on Government Reform
U.S. House of Representatives
106th Congress, 1st Session**

**Field Hearing at Hermiston, Oregon
August 16, 1999**

Chairman Horn, Congressman Walden, Members of the Subcommittee—I am honored to testify on the matter of probable community impacts in Morrow County, Oregon, stemming from the construction, operations, and ultimate closure of the Umatilla Chemical Agent Disposal Facility, otherwise known as the incinerator project. My comments address the issue of precedence for federal mitigation of those impacts as well.

A year ago, the Morrow County Court asked for my assistance as an Oregon State University professor in assessing the probable costs to the county associated with the construction and subsequent operations of the incinerator facility. My knowledge of the county and its economy had been gained in my role as project leader for two extensive studies of the structure of the local economy. Specifically, primary data “input-output” models had been developed and applied to various scenarios such as the construction and operation of a coal-fired power plant, changes in agricultural activity, etc. The most recent of the OSU studies was presented as a lengthy written report to the Morrow County Court in September 1995, and is entitled The Structure of an Agricultural Economy: Morrow County, Oregon.

Background

In 1885, the remote and lightly inhabited western half of Umatilla County separated and incorporated itself as Morrow County, Oregon’s 27th county. Farming and ranching were the sole economic activities in the new county. In fact, were it not for major federal development projects and the advent of center pivot irrigation system technology in the northern half of Morrow County, Oregon, today the county would in all probability still be a very sparsely populated area with a small but stable economy based on the production and export of wheat, cattle products, and limited quantities of wood products.

Prior to these federal and technological developments, Morrow County had a stable population of about 3,000 persons split almost equally between communities and scattered farms and ranches in the northern and southern halves of the county. Today, most of the 10,000 county residents live in northern Morrow County, particularly in the communities of Boardman (2,800) and Irrigon (1,300) in the northeast portion of the area.

Over the past six decades federal development projects in northern Morrow County including construction of the Army Ordnance Depot, the Navy Bombing Range south and west of

Boardman, and federal dams, especially McNary along the Columbia River, have destabilized the local economy causing “boom and bust” cycles usually associated with, for example, mining-dependent communities. The construction phases of these projects did result in local benefits, primarily jobs, although typically new residents lived, shopped, and paid property taxes in neighboring Umatilla County. When the projects were finished, Morrow County incurred both monetary and intangible costs including removal of land from its tax base, lost opportunities to attract other industry due to the presence of chemical weapons, declining population, and deteriorating temporary worker housing.

History now repeats itself. Morrow County is and will be impacted by the construction, operation, and dismantling phases of the Umatilla Chemical Agent Disposal Facility in northwestern Umatilla County, a plant that will incinerate chemical warfare agents stored in the northeastern Morrow County portion of the Army Ordnance Depot. As before, Morrow County will be left with its local communities bearing a disproportionate share of the economic and possibly environmental costs for federal projects that will benefit all Americans.

General Economic and Community Impacts

The primary impacts on Morrow County from the project will be the result of population increase, because some of the workers and their families will choose to live in Morrow County. Secondary impacts will encompass other local households whose jobs and livelihoods are indirectly created by the project and by its workers’ spending activities, e.g. additional temporary service jobs.

These secondary impacts, or local benefits, will be minimal however. Increased spending by project families will result in little additional or induced local spending because Morrow County’s retail sector is very thin, resulting in a very low household income ‘multiplier’ of 1.57, i.e., for every \$1 spend in Morrow County by a project worker or family member, respending results in just another 57¢ in local economic activity. (Obermiller 1995).

Furthermore, because Morrow County is primarily agricultural in nature, and has little in the way of industrial or commercial sectors that could benefit from contracts or other transactions with the Umatilla Chemical Agent Disposal Facility, little indirect or induced spending and job-creation outside of the service sector can realistically be expected. Applicable sectors of the local economy have extremely low multipliers, e.g., construction and related services (1.28), manufacturing/ transportation/utilities (1.58), automotive sales and service (1.30).

In short, Morrow County is an economic “wind funnel” meaning that increased economic activity in Morrow County generates additional economic activity—not so much in Morrow County—but primarily in neighboring Umatilla County. (Obermiller 1995). In this respect, little has changed since 1885.

As you know, the construction of the incinerator is underway and is slated to be completed and begin operations in 2001. Operations will continue through March 2005, and the incinerator will be dismantled by March 2006. The construction work force was expected to number 864 workers (but 1,300 are currently employed), and the projected operations workforce is 815.

Although some workers have been and will be hired from the existing local labor pool, most of the new incinerator project employees will relocate to the area because there is not a local hiring preference. One of the greatest impacts will be the construction of single and multi-family housing in Irrigon, Boardman, and other small communities in northeastern Morrow County to meet the demand for temporary worker housing. Land, and housing costs, are less expensive in Morrow County than in neighboring Umatilla County.

Even a portion of such a large work force is difficult for a rural economy to absorb in a short period of time, especially one like Morrow County with limited infrastructure, and facing other current social and demographic challenges due in part to high rates of Hispanic employment in the agricultural production and food processing employment sectors. To exacerbate the situation, the new incinerator project is creating temporary jobs—not permanent ones. The project will create a temporary population boom followed by a loss of permanent jobs, out-migration, short-term demands for significant local investment in city and county infrastructure, and negative longer-term impacts on local government finance and infrastructure maintenance.

The infrastructure development for new residential and business settlement will require significant up-front capital investment, which the small community governments do not have the capacity to finance. The situation in Irrigon particularly is exacerbated by the existence of aged sewer and water systems with high per capita replacement costs.

The Local Costs of the “Federal Supremacy” Doctrine

In addition, there are several factors that compound the severity of the revenue deficits facing local governments in Morrow County. The federal government doesn’t pay taxes on the incinerator facility or on the land occupied by the Army Ordnance Depot. Unlike National Forest lands, for example, the United States does not provide PILT payments to Morrow or Umatilla Counties. Thus, there is no federal substitute for private property taxes that would otherwise have been received had the land area used by the agency been in private ownership.

According to estimates provided in a June 1, 1998, letter to Morrow County Planning Department Director Tamra Mabbott by County Assessor Greg Sweek, the foregone property taxes for which PILTs would have substituted, had such PILTs been made, range from \$210,000 to \$250,000 per year in current prices. Capitalizing that foregone property tax income stream at its opportunity cost (to the county) of 7.5 percent per annum yields a mid-range value of just over \$3,000,000. This is an estimate of the present value of local property tax revenues foregone due to the construction and many years of operation of the Army Ordnance Depot, the incineration of chemical weapons stored at the Depot, and ultimately the closure of the facility.

Costs Precede Revenues

There is a lag time between the collection of tax revenues from and fee payments by new residents and businesses by local and state governments. Schools, community services, and local agencies experience demands and incur costs before tax and fee revenues are received. Because of the timing of the project and the relatively short length of its operation phase, it is unlikely that sufficient infrastructure development revenues from taxes, fees, special development charges,

and utility payments will be available during the peak development spurred by the incinerator project. If local governments pass bonds measures to finance project they will be left with excess capacity in infrastructure and fewer tax paying residents when the project is finished and the associated induced population declines.

Other limitations inherent in Oregon Revised Statutes cripple local governments' fiscal abilities to deal with growth: no requirements for impact or mitigation fees; no provisions for pre-payment of taxes from corporations and developers to assist with local community impacts; limitations on taxation by local governments due to state property tax initiatives. Local governments cannot tax the primary project contractor (Raytheon Demilitarization Co.), its subcontractors, or their employees who live in Washington or Umatilla County, but create transportation and public safety impacts when they enter Morrow County to reach the site.

A Closer Look at Population Growth Impacts

According to the HUES Growth Impact Study: Western Umatilla County report on the Umatilla Chemical Agent Disposal Facility project for western Umatilla County, the temporary "worker capture" factor for northeastern Morrow County will be 15 percent, or 130 project employees during the construction phase (195 given current worker numbers), declining to 122 such employees during the subsequent operations phase. (Beckendorf Associates 1998). The corresponding increase in population, at 3.3 persons per household—the household size in northern Morrow County from the last census—will be 426-640 new residents during the construction phase and 400 during the operations phase. An August 12, 1998 letter with attachments provided by the Umatilla Community Outreach Office to Morrow County Planning Department Director Tamra Mabbott supports the 15 percent capture factor based on known living locations of all military and civilian employees associated with the project as of June-July 1998.

The Umatilla Chemical Agent Disposal Facility project "worker capture" by northeastern Morrow County is in addition to on-going capture attributable to three other major development projects in western Umatilla County: the Two Rivers Correctional Institution, Union Pacific Railroad Engine Repair Facility and Wal-Mart Distribution Center. Applying the 15 percent capture factor to these three additional developments implies another 73 construction workers in 1998, 62 in 1999, and 31 in 2000. Operations phase workers at these same facilities, again using the 15 percent factor, account for another 68 Morrow County residents in 1998, 105 in 1999, 130 in 2000, 177 in 2001, and 196 thereafter. At 3.3 persons per household, total new *non-incinerator project* population in northeastern Morrow County increases over 1997 levels by 462 in 1998, 548 this year, finally stabilizing at 643 in 2002.

In short, additional regional developments lead to a 100-150 percent population increase over the course of the 1997-2002 time period relative to the population increase attributable solely to the project. Collectively these increases lead to an estimated 26 percent jump in the population of Irrigon and Boardman by the year 2002, doubtless concentrated in Boardman, Irrigon, and nearby unincorporated areas due to their proximity to all four of the new developments. But, as the incineration project closes down in 2006 and its operations workers leave, induced local population numbers decline from their peak of 1043 to 643 with a corresponding increase in surplus local government infrastructure. Such is the nature of a boom and bust economy.

Mr. WALDEN. Thank you, Dr. Obermiller. Now we will move into the question phase. The staff will be circulating some cards out into the audience. If you have a question you'd like the panel to ask. Yes, Mayor.

Mr. HARDENRIDER. Mr. Walden, could I—

Mr. WALDEN. If you are going to, you have to be sworn.

Mr. HARDENRIDER. I was sworn in.

Mr. WALDEN. Then you need to come up to the microphone.

Mr. HARDENRIDER. I am Mayor Frank Harkenrider. I will just take a few minutes of your time.

Welcome to Hermiston. The watermelon capital of the world.

A couple of things. What really concerns me more, all these people are right. You have 105,000 M-55 rockets located at the Umatilla Army Depot. The National Research Council was appointed either by Congress or the President of the United States. The best scientists in the world. They have told us for the last 14 years they are the most dangerous. Please do not cut the budget at \$380 million out here. Let's get rid of those rockets. If you delay and cut this budget, that delays the incineration of the rockets.

Remember, the risk of storage is greater than the risk of incineration. And it's on your shoulders, if one of those takes off and explodes, it's going to be terrible for this whole community and the surrounding areas.

And I thank you for coming to Hermiston. Don't forget those rockets. Thank you very much.

Mr. WALDEN. Thank you, Mayor. I want to start with some questions for our two county commissioners on the panel, and others if they want to weigh in, in terms of the financial impact of the Depot on your counties so far.

Have you quantified what that is? What have you spent so far?

Mr. DOHERTY. Mr. Chairman, let me address that first. Umatilla County has done a two part study quantifying impacts. One of the things that you have to understand about the incinerator is the timing.

The incinerator came just at the same time that the Wal-Mart distribution center, the railroad expansion and the State prison in Umatilla came. So we have a compression of the impact because of the advent of not one but four major projects in the area.

And so what we did was we formed a group in West County called the Hermiston-Umatilla-Echo-Stanfield Study Group. The cities and county together put up approximately \$65,000, and they did a quantification impact study of the impact of all four together.

Then in the second phase we put up approximately another \$25,000 to do a study of just the impacts that could be extrapolated from the Depot itself. And from that study we identified the impacts on infrastructure and general government services. And from that study we then quantified our impact aid request at \$30 million. That's what we have been requesting and what we continue to request.

Our neighbor to the west, Morrow County, has approached it a little bit differently, and it amounts to the same thing, and we support their request, which is \$20 million.

I defer now to Commissioner Tallman, I should say Judge Tallman, because in Morrow County they have a county judge.

Mr. WALDEN. Judge.

Mr. TALLMAN. Yes. With some of the study that Dr. Obermiller has mentioned, that number is approximately \$20 million, probably just a little bit less than that, but approximately \$20 million.

We do not have the dollars to spend on the studies that Umatilla County did, and we did it more with an in-house type of study, and some with the help then of OSU, and we came up with that figure of roughly \$20 million.

Mr. HORN. If I might, I'd be curious on the projects you mentioned. Has that provided jobs for the people in the counties affected? And if so, do you have a labor shortage here, or an unemployment situation?

Mr. DOHERTY. We do have severe work force limitations in the area. We don't have the kind of history where going into these four projects we had a highly skilled work force available.

Let me just speak to the prison. The prison project was announced just a matter of months before the announcement was made that the incinerator project would go ahead.

When the prison project came in and in the city of Umatilla, you're talking about a community of 3500 people with a total tax base of \$95 million. Then comes the State prison, which has a budget of \$150 million, way more than the entire value of the town, bringing with it construction and operating workers in the range of 600 to 800. And each of them bring families. I shouldn't say each of them bring families. But the ones that are settling there bring families, children who have to go to school, et cetera.

Now, the work force that's supplying those jobs is going to draw not just from Umatilla, but it's going to draw from the other communities, it's going to draw from the Tri-Cities up in Washington, possibly Walla Walla, other parts of Umatilla County.

Mr. HORN. Well, to what extent was there an attempt made by the State? What attempt was made to train and provide apprentice jobs and so forth to people in the area so that during the construction phase they would have some employment?

Mr. DOHERTY. Congressman Horn, I don't think there was time, once this thing was on us, to really do that kind of training, because it was announced in January 1997, it was under construction just months after it. It's on a fast track just like the incinerator is.

The State is doing some things. And in fairness to the State of Oregon on that project, I would like to also emphasize that the State is contributing in other ways to help mitigate the impacts. They're doing some road work. They're doing some other things in the community of Umatilla. In our case, with the incinerator, there isn't anything being done to my knowledge to mitigate that part of the total impacts that is attributable to just the incinerator.

Mr. HORN. Yeah. When that panel comes, we certainly want them to explain. Do they have programs such as that? Because that's just common across the country in terms of base closure, to, one, talk about options of other bases, and, two, to give personnel development that would enable people to hold jobs. And let me move from that to the impact aid. I assume we're talking about the law, Public Laws 874 and 815 on aid to schools.

Now, has that money come here as a result of the Army's presence here?

Mr. DOHERTY. To my knowledge, it has not. Commissioner Tallman, do you know anything about that?

Mr. TALLMAN. No.

Mr. HORN. No impact aid. OK.

Mr. Tallman. I would just like to say in terms of our unemployment figures, the State average for the State of Oregon I think I just heard the other day on the radio is about 5.5, 5.6, something like that. The figure for Morrow County is 9.3.

So, even though we do have some spillover in some jobs from some of these other sites, our unemployment rates are still very, very high in Morrow County.

Mr. HORN. I see we don't have your public health people here. Are there surveys within the impacted area here which show either forms of cancer out of proportion to other areas or what do we know on public health factors and the possible situation when we don't know what's either loose or how well it's contained.

We'll ask the second panel that. But what do we know about it from you as the public officials side?

Mr. TALLMAN. From what I've heard, the ongoing search for that kind of information does impact us because of Hanford. And that is a question, you know, that has been very contentious, ongoing, and there have been studies that have been released and there are famous downwinder studies, and they say there is absolutely no problem.

I have no documented evidence to indicate one way or the other, you know, what we really know in our county. It has always been our contention that we believe that there is more of a problem than has been stated by these studies that come out of these agencies like this.

Mr. HORN. Now, has the State Department of Public Health ever done a study here? That's their responsibility for the State.

Mr. TALLMAN. Not that I'm aware of are.

Mr. DOHERTY. Congressman, let me expand a little bit on that. I, like Judge Tallman, don't think that such a study has been done.

But the concern here is not any impact that we may have had up to now. I think the chemicals have been pretty well stored. The Commanders out at the depot, the civilian employees who are working out there, I think they've done a good job.

We're not so much concerned about the storage issue as we are about once the incineration gets underway, and this chemical is being burned, it's going to be emitted into the air. And from that point forward, from that point forward there might be some things that would concern my friend, Mr. Minthorn, for instance. And that maybe should be monitored very closely.

But at the time being, no, we're not looking backward and seeing a problem that I know of.

I would like to also caution the subcommittee in this sense. Let's not fall into the trap that I think a lot of people have fallen into. Boom, the incineration project comes. Boom, jobs come. Boom, workers come. This is a boom. This produces money that's in circulation.

These short-term economic benefits people think are just great, we ought to be satisfied to just have them.

We're trying to look beyond that. We're trying to look at the cost to government, which is associated with that, the cost to the taxpayers themselves when they go on servicing that long-term debt that's incurred. Those factors are very important to us. And I think they would be to you because of your experience with the closure of the Naval base. They do impact us. I know that you're aware of that.

Mr. TALLMAN. I would just like to add, I do know that our Emergency Management Director, Casey Beard, has asked, I have been at meetings where he has asked and made a statement that it would be good if we could do some health studies to establish these baseline numbers that I think that Armand was talking about. But of course those studies do take money, and I'm sure that the Oregon Health Division would be very interested in helping us with that. But I know over the past several years that their budget has always been one of the first to be cut in the State of Oregon. So they just do not have the money or the manpower to conduct that kind of study. But it has been asked, but nothing has ever been done about it.

Mr. HORN. One of the members of the audience has said, and it's a good question, have the communities received any aid from the so-called BRAC closure, which is the Base Realignment and Closure Act, and any programs. We sort of fished for it in various points.

Mr. TALLMAN. I would allow my planner to, county planner, to discuss that with you. This is Tamara Mabbott.

Ms. MABBOTT. Thank you, Senator Horn, for asking that question, and since you are a host to a large community in Lakewood, I thought this might ring home for you.

Actually the communities have not received impact aid so to speak from the BRAC, Base Realignment and Closure Program.

For the past 8 years approximately there has been something called the local reuse authority appointed by Congress made up of the two counties and two members from the Confederated Tribes. So we are studying the reuse of the facility. And we've spent a very frustrating 2 years most recently trying to figure out ways to generate revenue from interim leasing.

So the Army has said, we will allow you to generate some revenue off of those properties, very limited number of acreages, that are outside what they call the 1 percent lethality zone, which means everything that's within the 1 percent lethality zone is doomed if there is any accident out there.

To date we have not generated any revenues. We had submitted a grant application through the BRAC program to receive funds to study impact aid. And the BRAC program, as you probably are well aware, is structured to address job loss, not job and economic growth. So we are in sort of a catch-22 situation. So with regard to impact aid, it has not been beneficial.

Mr. HORN. Well, I think you're absolutely correct. And one of my problems with the Department of Defense over my 6 years in Congress, especially going through these base closures in our area, is that they keep the environmental money, and if the Deputy Assistant Secretary of the Army when he testifies can straighten us out if we are wrong on this.

And, frankly, it is the slowest agency in Washington, DC, as far as I'm concerned, and how you prod them into doing something, I'll never know. It's very bureaucratic and very slow.

We're still sitting around waiting for the U.S. Navy to convey surplus property when we gave it to them for \$1 during the second world war. And it's just unbelievable. I regard them as the most laggard, even behind the Department of Defense.

But I'd appreciate it very much if the Deputy Assistant Secretary could educate us on what that situation is. We give them the money out of the Armed Forces authorization and appropriations. Talk about trickle down. It has dropped down, you know, a few here and a few there. But definitely there ought to not only be Defense involvement, there ought to be HUD involvement in terms of housing and other things.

The administration ought to get a focus on this where they would have, and HUD has been very supportive with economic development. Department of Justice and the President's cops program. That has its ups and downs, but you should apply for it, because it certainly happened to our agriculturally oriented counties in California. And I think in a way I feel like this is where I grew up in California, just looking at the farming and the trees and small populations.

But they can pull that together at the national level, and they should, and we'll try to help them.

Mr. TALLMAN. Thank you.

Mr. HORN. We have another one, Mr. Chairman, I don't quite understand part of it, so maybe the Colonel can tell us. It's the recent radio ads assure residents that the children will be safe in over-pressurized schools. What about those communities whose schools are not over-pressurized? Does that also imply that those of us who are not in over-pressurized buildings are not safe? Will the Army fund the cost of over-pressurization in school buildings or safety shelters? And we probably ought to ask that of the Army when they come up. But maybe somebody here has a perception on this.

Mr. DOHERTY. We have a couple of resource persons present who can address that.

Mr. HORN. Why don't you identify yourself and position.

Mr. BEARD. I am Casey Beard, the emergency management director for Morrow County. And the question is one that raises a great deal of concern to us in the Emergency Management community here locally.

Recently we believe we've had some breakthroughs in dealing with our State and Federal counterparts to address this very concern. Some years ago we made a decision based on several studies and application of common sense and local perspective that many of the schools that were closest to the Depot just did not have time to allow for a safe evacuation.

So we became the Nation's leader in a project called over-pressurization, so that all of the schools essentially that are within 5 to 7 miles have been over-pressurized.

Mr. HORN. Could you explain that for me? Pardon my ignorance. What do you mean by over-pressurization?

Mr. BEARD. Basically, we have a series of filters that are located outside the school, and the potentially contaminated air is pumped

through those filters and all of the nerve or mustard agent is removed through the filtering process. The clean air is then pumped into the enclosed part of the facility at an air pressure that's higher than the ambient air pressure outside.

So since some of these are older buildings that they are retrofitting, there are always going to be some leaks and cracks. Because the air pressure with the purified air is higher inside, if there is leakage, it is from inside out. Also if you have an emergency, a window were broken or a door was accidentally opened, the pressure is sufficient so that it would accommodate those accidental penetrations of the over-pressurized facility.

The concern is that we made that decision because of time. But if you were further away, you had the luxury of more time, but if you don't have the transportation assets, buses, and more importantly, the people to drive those buses, you would squander that opportunity that you have because you're further away.

And some schools, particularly Stanfield and Echo, have recently received buses so that they have enough on hand and the staff trained that are immediately at the facility to get the children in, drive them away.

The most contentious remaining issue is the town of Boardman which is located west of the area. And we believe we have reached a resolution through an innovative way, the schools, the local communities, Mid-Columbia Bus, are working together to lease purchase some buses at a reduced cost for the life of the program, and that's included in our Federal budget supplies for the year 2000, and if we are successful in achieving that funding, we believe that we will have addressed this particular issue.

And it's one of those things that we're glad that it's happening now but it's taken us a very long time to get it resolved. And it's very important to us because if you can prove to the people in the community you can keep their children safe, then they will be far more willing to participate and do the things that we ask them to protect themselves.

Mr. HORN. Well, that's an excellent point. I'm glad that question was asked. Thank you.

Mr. TALLMAN. Mr. Chairman, I think there is some concern, maybe someone who does want to talk about this, there is some concern that there might be some places in the town of Umatilla that haven't been over-pressurized yet. I know that they are working on that, and all of that, and some of that may have been submitted late. But I think that may have been, if that person is from Umatilla, I would suspect that's what that question is asking, questioner is asking about. So there is still some work to be done on the over-pressurization.

Mr. WALDEN. Mr. Chairman, this one, I don't know if it is necessarily directed at the panel, perhaps as much for us to consider, especially since we also serve on the committee that has oversight over the census. It is from the mayor of Irrigon, which says, Irrigon is a bedroom community which in the past has relied on grants heavily with the census in 2000. This growth as a result of the Umatilla Army chemical disposal will greatly impact us not only because of the population increase but also the higher income level caused by the wages paid at the Depot.

So, in other words, they are going to have this influx of higher paid people that would not normally be here, they will get counted, counted as if they are a higher wage, therefore they won't qualify for some of the traditional funding they will get for their economic status, and that will have a tail of 5 to 7 years. And I don't know if there is a way to address that or not within the census process.

Mr. HORN. That's a temporary use of people. But it isn't a long-term solution to the unemployment.

Mr. WALDEN. And in fact works against them in the long-term, because it sets the standard for their income level for the community, because they happen to be here right in that turnaround time.

There's another question from an audience member, perhaps not to the panel, what economic impact, if any, would changing from incineration to another disposal technology have on the local economies? Does anyone want to address that on this panel? Dr. Obermiller.

Mr. OBERMILLER. Well, the issue would be, if you shifted to another technology, what would be the employee work force profile and associated wages.

Other than that, if there was some sort of buy locally, if at all possible, directive that was associated with the change in technology, that could make a difference.

Mr. TALLMAN. It has always been our position that we support getting it burned with this incinerator. That has been our position.

We realize that there is other technology out there and there are people that have those questions that that's the best way to do it.

We haven't been presented with any information yet that we know of that indicates that that's really true.

The main thing, just like the mayor of Hermiston has already said, let's get them burned. That's what we're most concerned about. And we'd like to get that done. And that's the way that we're pushing. But we don't want to do it at the cost of safety.

Mr. HORN. Let me ask you a couple of points. Are community sewer systems used by the Army Depot, and when you think of infrastructure, is there a problem there in terms of waste going through those sewer systems?

Mr. TALLMAN. No, sir.

Mr. HORN. So it isn't a problem?

Mr. MCCANN. Mr. Chairman, I think I can address that from the community level.

What our concerns are, are not so much with any of this material coming from the Depot into our public utility systems. It's the increased population into our communities as a result of the procedures at the Depot. Nothing directly from the Depot would come into our community utility systems.

Mr. HORN. In other words, it's just the normal infrastructure needed when a town expands.

Mr. MCCANN. Yes, sir.

Mr. HORN. There's usually fire agreements between fire departments in cities, counties, State in an area. Now, I noticed coming in, they obviously correctly have their own fire units there. But I would think there would be a need to call upon surrounding ones if you had a major problem.

And I guess I would ask the question, do the fire people that are not in the Army Depot area but are in your cities, counties, State, do they know and have the procedures and the training if something really happened there to be up to speed on it?

Mr. McCANN. It's a slow process, and we're not there yet. Chief Stearns might have something to say about that.

Mr. WALDEN. Chief, if you could come and take a microphone, so everyone could hear you. And we will under our rules need to swear you in, as well.

Mr. STEARNS. I already did that.

Mr. WALDEN. So you are taken care of.

Mr. STEARNS. We do have multiple aid contracts throughout the Umatilla Morrow County, and that includes Umatilla Chemical Depot as a player on that.

And, yes, in times of emergency, be it chemical event or the routine fire out there, we are called upon to interact with them. Training and preparation is an ongoing issue with us.

We are all primarily volunteer organizations in this area. I have the luxury of having the largest fire department in the area and a few paid staff. We are still a combination of paid and volunteer. The other departments around are primarily volunteer organizations.

The training has been slow in coming, but I think we're headed there, we're getting it. The equipment to equip our personnel to be able to deal with an event in the community is coming. We're not there yet, but there's a light at the end of that tunnel as well.

Mr. HORN. Well, have there been exercises of the Army and the county and the city at the same time?

Mr. STEARNS. There have been exercises. We have been limited in what we have been able to do in those exercises, because of the limitations on training and equipment. The volunteer organizations here have a fairly large turnover in personnel, so training is going to be an ongoing issue. We have fire departments to run and emergency ambulance services to provide. Trying to squeeze the Depot training in on top of that is a challenge to us. We have personnel limitations.

And of course we have an impact as all others do with the increased people in the area, the demand from out there, and no tax revenue coming to us to support those services. So it is certainly a challenge.

Mr. HORN. I have a card where someone in the audience has talked about the status of first response units.

We've talked about the fire department. You've mentioned the ambulances. Is there anything else where training is needed, part of a plan where you have all of those interacting with each other?

Mr. STEARNS. Yes, there is.

Mr. HORN. Including the police, obviously.

Mr. STEARNS. Including the police. There are traffic control points. And there is also decontamination of the public. We have decon units that we're intended to man at central points located, so in the case of emergency we can provide decon.

All of those things require personnel to staff them. We provide hazardous materials response services, fire response, ambulance response, and decon. We do all of those with the same core group of

people. We can do one of those missions pretty well. We don't have the personnel to staff all of those in time of emergency.

Mr. HORN. Thank you very much, Chief.

Mr. WALDEN. I will followup on that with Mr. Minthorn as well.

Could you describe what the Tribes have in terms of equipment and personnel to be able to assist in this effort and what needs you might have?

Mr. MINTHORN. The Tribes, and I would share the frustration with the other counties, originally the Tribes were not even included in emergency management. We weren't even considered. But that is beginning to change, very slowly, and I would share the other counties' concerns with the slowness.

But the Tribes are now beginning to network with local emergency managers. It's beginning to happen. The equipment, as far as what the Tribes have in their capabilities are now being strengthened to network with local responders, but I would again cite the frustration that is still there because of the progress and how slow the progress is.

Mr. HORN. On that point, if I might, Mr. Chairman, to just go down the row, one of our basic questions of this panel was, does each of you feel that your communities are sufficiently equipped to handle a chemical emergency.

And, Mr. Minthorn, I think you'd say no to that answer. Would you?

Mr. MINTHORN. Yes.

Mr. WALDEN. And then Mr. Doherty?

Mr. DOHERTY. Mr. Chairman, I would say no, and I want to add this observation. I don't know if it came through in Jim Stearns' testimony, but in this area, our rural fire protection districts are our first responders. They're the pick, axe and shovel people on the ground. They have HAZ-MAT responsibilities, ambulance responsibilities, a lot more than just fighting fires. And they don't have any direct resources that I know of from CSEPP.

I have suggested in my written statement that CSEPP should fund a position in every one of those six fire departments. That's Hermiston, Umatilla, Echo, Irrigon, and Boardman, so that the limitations that Jim Stearns was talking about will be mitigated to some extent.

Mr. WALDEN. Mr. Tallman, Mr. McCann.

Mr. TALLMAN. Yes. Presently I'd have to say no. We know that improvements are being made, but presently we would not be able to respond 100 percent as we would really like at that maximum protection as the mission statement says.

Mr. WALDEN. Mr. McCann.

Mr. MCCANN. As far as the communities are involved, I would have to also say no.

Mr. HORN. Well, I'm going to assume, but I don't want to put words in your mouth, have the local emergency response teams been issued all the necessary equipment, given the training needed to handle a chemical emergency?

Mr. MCCANN. I would have to defer that question again to Chief Stearns. Is he still here?

Mr. STEARNS. And the answer is no, simply.

Mr. HORN. OK. Thank you, Chief.

Any other comments? I think you're feeling that way certainly.
 Mr. MINTHORN. Yes. Just as a final comment, Mr. Chairman, I know that the Tribes, we do have an agreement with the Department of Defense we entered into in 1996, and it is a first. I understand that there are no other Tribes that have an agreement such as ours.

We continue, Mr. Chairman, to cite in many forms and in many manners the Tribes' sovereignty, but in particular the sovereignty that we have is because of the resources, our traditional resources. My lifestyle is dependent on those resources. Right now I consider my resources at risk. Therefore, my lifestyle is at risk.

I ask you, Mr. Chairman, to fully consider what you have heard here today. I have a life way that has sustained my ancestors for over 10,000 years. We are continuing to practice and maintain our cultural way of life, even though there is a Federal Government, even though there are Federal laws, there still needs to be an effort and an acknowledgement of my way of life through the treaty of 1855 and my lifestyle.

I ask you, Mr. Chairman, to fully consider what you've heard today.

Mr. HORN. Thank you very much. I appreciate that.

Any other questions we have from the floor? If not.

Mr. WALDEN. We will move on to the next panel. I'd like to thank this panel for your presentations. They have been most insightful and helpful in our process here. We will call up the next panel of witnesses, then, if you will take your seats. And if I could ask each member of the panel and any staff you have to make comments stand and take the oath, as well. If you will raise your right hands.

[Witnesses sworn.]

Mr. WALDEN. Thank you. Please be seated. We will lead off on panel two with Dr. Theodore Prociv, who is the Deputy Assistant Secretary of the Army for Chemical Demilitarization, Department of the Army.

Good morning. Welcome. Thank you for being here.

STATEMENT OF THEODORE M. PROCIV, DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR CHEMICAL DEMILITARIZATION, DEPARTMENT OF THE ARMY

Mr. PROCIV. Good morning. Thank you. And thank you for the invitation. We are pleased to be here to discuss this very important program.

What I'm going to do is read a very short oral statement but submit a longer statement for the record.

Mr. WALDEN. That will be fine.

Mr. PROCIV. Thank you. Thank you again for the opportunity to speak with you about the U.S. Chemical Demilitarization Program and its role in the communities of Umatilla and Hermiston.

I am grateful for your interest and continued support of this very important national program. Our overall mission is to safely destroy the U.S. inventory of chemical agents and munitions and related non-stockpile while providing enhanced emergency preparedness and response capabilities to the communities where the stockpiles are maintained and will be destroyed.

Mr. Bacon, the Program Manager for Chemical Demilitarization, will provide you a detailed overview of the program, and Mr. de Courcy from the Federal Emergency Management Agency [FEMA] will provide you with an overview of the Chemical Stockpile Emergency Preparedness Program.

I want to use my time here to give you sort of an overview and a view of the vision where we're going with this program. The Chemical Demilitarization Program was really begun to remove a threat caused by continued storage of these chemical weapons. The youngest of these weapons is about 40 years old. They were never meant to be stored that long and it is imperative that we get on with removing these.

In addition, the program also inspires a worldwide commitment to the elimination of a complete class of weapons of mass destruction.

So we're an integral part of a chemical weapons convention and a much more global program that will help the world rid ourselves entirely of the chemical weapons. They originally consisted of over 31,000 tons of chemical weapons at military depots in eight states and Johnston Island in the Pacific. The non-stockpiled part of this, and we use that term non-stockpiled, is basically the material that was not declared under the treaty, which consists of remnant munitions that have been dug up from training rounds, old equipment, training kits, even some of the facilities that we used to manufacture the chemical agents in. So that's also a sizable part of the program. This material is potentially at 99 suspect sites in 38 States. So it's a very large program.

In Umatilla the chemical weapons stockpile consists of 3,717 tons of chemical agent, which is about 12 percent of the U.S. stockpile.

It's important to eliminate these weapons because the stockpile serves no useful defense purpose, but poses real and now unnecessary risk of accidental release of hazardous material. The U.S. military has determined that chemical weapons are no longer a part of our tactical strategy, have no real effect on giving us an advantage at the battlefield, and therefore it's time for us to get rid of these weapons.

The chemical demilitarization program is not a traditional Army mission. The Army traditionally doesn't build chemical plants, but the Army has been given this job to be executive agent which we will do it to the best of our ability while we take care of the No. 1 issue, which is safety and maximum protection to the public.

The communities, States, the environmental corporations are all stakeholders and play a very significant part in this program. All stakeholders share the same mission of safe destruction. They somehow differ as to the best course of achieving this, and we heard some of this in prior testimony. However, the goal of the program continues to be integration of every approach that we feel is safe in destroying the stockpile. Again, striving for maximum protection.

Members of the community surrounding the Umatilla Army Depot have long supported the chem demil program. Their involvement has been critical, and we thank them for that.

As we said earlier, these weapons were not put here to defend Oregon nor Umatilla. They were put here to defend the Nation,

and the Nation owes them a debt of gratitude for taking care of that. The program's mission, objectives, and timelines are clearly established by U.S. law and international treaty, mandating the destruction of the entire stockpile by 2007. Absent a change in the law, we believe we can finish this program on time.

In summary, the chem demil program is moving forward with a renewed focus and momentum. The studies and scrutiny of the past couple of years have provided a necessary examination of our focus. Our work toward implementing change in reaching our objectives is fueling that momentum. The momentum is very important to us in light of the treaty, in light of the timing that we have to achieve at this point.

The issue of impact funding has come up numerous times here. We've been working very hard over the last few years trying to determine what the position on impact funding is. To date we have been unable to find any legal authority for us to provide impact funding. We have gone through general counsel, we have gone through the various legal offices, the Office of Secretary of Defense and the Secretary of the Army. And at this point there is no legal basis for the Department to pay under, and the Office of General Counsel continues to work with any community that wants to work with them.

I do have one page that I can either read or put into the record later during Q and A that talks about the position, the general counsel's position on impact funding and on the Tooele situation which was mentioned.

Mr. WALDEN. I think it's fine if you want to submit them for the record, and perhaps give us copies, as well.

Mr. PROCIV. All right.

Mr. HORN. Do have copies with you?

Mr. PROCIV. Yes. We can manufacture a few more if you need.

Therefore, the continued commitment, full support of this program will allow us to complete our mission of destroying the U.S. chemical weapons and munitions and related material while ensuring the safety and protection of the communities surrounding the stockpile, the demilitarization work force and the environment.

I also want to thank you for your support for restoring our budget and keeping it up to the levels that we can achieve our goals. Thank you very much.

Mr. WALDEN. Thank you, Doctor, and without objection, your comments and your full testimony and the white paper you referenced will be entered into the official record of the subcommittee.

Mr. PROCIV. Thank you.

[The prepared statement of Mr. Prociv follows:]

Written Statement

Dr. Theodore M. Procriv

House Committee on Government Reform

Subcommittee on Government Management, Information and Technology

August 16, 1999

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to speak with you about the U.S. Chemical Demilitarization Program (Program) and its role in the communities of Umatilla and Hermiston. I am grateful for your interest and continued support of this very important National program. Our overall mission is to safely destroy the U.S. inventory of chemical agents and munitions and related (non-stockpile) materiel while providing enhanced emergency preparedness and response capabilities in the communities where the stockpile is maintained and will be destroyed. Mr. Bacon, the Program Manager for Chemical Demilitarization, will provide you an overview of the Program and Mr. de Courcy, from the Federal Emergency Management Agency, will provide you an overview of the Chemical Stockpile Emergency Preparedness Program. I want to use my time here today to lay out for you my vision of the Program on its path into the final decade.

(PAUSE)

The Chemical Demilitarization Program was begun, and exists today to remove the threat posed by continued stockpile storage to nearby communities, and to inspire a world-wide commitment to the elimination of a complete class of weapons-of-mass-destruction.

The Program has a fifteen-year history as a Congressionally-funded program and is currently budgeted for a life-cycle cost of approximately \$15 billion. The Program is comprised of three major programmatic areas:

- ◆ **Chemical Stockpile Disposal** – a \$12.3 billion project which includes the destruction of the chemical weapons stockpile inventory at nine locations;
- ◆ **Non-Stockpile Chemical Materiel Disposal** – a \$1.4 billion project which includes the destruction of former production facilities, binary munitions, recovered chemical warfare materiel; and chemical material at hundreds of military and non-military locations throughout the United States. And,

Chemical Demilitarization Program

- ◆ **Chemical Stockpile Emergency Preparedness (CSEPP)** – a \$1.2 billion project which provides the Federal government's support to communities located near the stockpile storage sites to facilitate their preparation and response to potential releases of chemical agent from the stockpile inventory.

The Chemical Stockpile Disposal Project, which started in 1984, is in a mature status. The Non-Stockpile Disposal Project is beginning to reach real momentum with achievements in destruction of facilities that once were used to manufacture chemical weapons and with the development and testing of several mobile destruction technologies. The Emergency Preparedness program was generated by our commitment to provide maximum protection to neighboring communities as directed by Congress. Chemical Emergency Preparedness will cease after the stockpile inventory is destroyed. The Chemical Demilitarization Program will continue until the Army and Department of Defense certify to Congress that all chemical warfare materiel has been appropriately destroyed. The Army recognizes the contingent liability associated with the potential burial sites.

(PAUSE)

The chemical weapons stockpile originally consisted of over 31,000 tons of chemical agent stored at military depots in eight states and at Johnston Island in the Pacific. The non-stockpile warfare materiel includes the potential for materiel at 99 suspect sites in 38 states.

In Umatilla, the chemical weapons stockpile consists of 3,717 tons of chemical agent. This equates to approximately 12 percent of the U.S. stockpile.

For the Chemical Demilitarization Program, the past is prologue. The extensive work over the past 15 years has brought us to the long awaited final decade. The Program has accumulated a history of significant accomplishments and now has a clear vision of the path forward to completion.

Over its history, the Program, by virtue of the magnitude of the stockpile, lethality, age, and threat to neighboring communities, has become the focus of significant attention. Much of this outside attention has been negative, causing phenomenal successes of the Program to be overshadowed instead of being viewed as it should be -- as a Program to rid this country and the world of the potentially harmful and obsolete chemical weapons.

It is important to eliminate these weapons because the stockpile serves no useful defense purpose, but poses a real and now unnecessary risk of an accidental release of hazardous material. It is also important to eliminate these weapons to set an example to the international community of our Nation's commitment to the ratified Chemical Weapons Convention.

Chemical Demilitarization Program

Title X of the U.S. Code spells out the war-fighting missions of the Departments of Defense and the Army. Chemical demilitarization is not one of those traditional missions, but Congress chartered the Army as the executive agent for this important task. The long-term benefit that results from the elimination of the stockpile are:

- ◆ Eliminating public risk and the related emergency preparedness budget of almost \$70 million per year;
- ◆ Eliminating the requirements to protect and maintain the stockpile inventory-saving approximately \$80 million per year; as well as
- ◆ Saving approximately \$1 billion per year for stockpile disposal operations.

For corporations worldwide it is a \$1 billion per year marketplace where traditional and emerging technologies compete for business.

For environmentalists worldwide it is a venue to debate concerns and to exercise strategic and tactical agendas.

Most importantly, for the states and communities storing and maintaining the stockpiles it is a means of eliminating the chemical stockpile menace in their backyard.

Communities, states, environmentalists, and corporations are all stakeholders and do play significant roles in the Program. All stakeholders share the same vision of safe destruction of the stockpile, but they sometimes differ on the best course of achieving that goal, resulting in competing approaches. However, the goal of the Program continues to be integration of these approaches to succeed in safely destroying the stockpile.

Members of the communities surrounding the Umatilla Army Depot have long supported the Chemical Demilitarization Program. Your involvement has been critical to the successful implementation of the demilitarization program in Umatilla.

The Program's mission, objectives, and timelines are clearly established by U.S. law and international treaty, mandating the destruction of the entire stockpile by 2007. Absent a change in the law, the Program will finish the destruction on or before April 2007.

Our management responsibility is to finish the work safely, and as efficiently and economically as possible. The past fifteen years of the Program have made it clear that chemical destruction is difficult, complicated and a politically charged task. Nevertheless, we must continue to make the Program resilient and flexible. Our commitment to the safe destruction transcends changes in political leadership, multiple changes in its management structures, repeated challenges to its image and reputation, its permitting and contractual negotiations, and in its schedule and cost.

At the end of 1998, 13 percent of the original U.S. chemical agent stockpile had been destroyed, and the cost of the Program rose to \$15 billion. But these are

Chemical Demilitarization Program

problems that have been ameliorated already and are increasingly being solved. As we move forward to finish these tasks, we know a great deal more about how to proceed with both safety and dispatch. Ninety percent of the chemical agent in the stockpile is now under contract for destruction. More importantly, the demilitarization sites under construction and contract today will benefit from the lessons learned to date; lessons that will increase safety while reducing costs and speeding construction.

Still, in the final decade we will encounter challenges. Bringing this enormous program to completion will take renewed organization and energy.

We began the renewal in 1998 that resulted in a more focused responsibility for execution; improvements in program management; and acceleration of program progress and performance in essential areas. Program management responsibilities have been realigned and more clearly focused to achieve program objectives; for example,

- ◆ The Program is organized to increase its effectiveness in managing the three "product lines" of stockpile elimination by thermal destruction; stockpile destruction by chemical treatment; and non-stockpile munitions elimination.
- ◆ The Program is diversifying its use of technology alternatives to optimize the processes used to destroy the chemical stockpile stored at each site. Those technologies include:

Thermal destruction – five sites, 81 percent of inventory;
 Chemical treatment destruction – two sites, 9 percent of inventory; and
 To be determined – two sites, 10 percent of inventory

We will continue to make safety the single highest priority in the Chemical Demilitarization Program. The historical safety record of the Program is measurably excellent by any industry standard. However, the renewal actions and initiatives have accelerated the progress in activities that will bring the Program to completion, for example:

- ◆ The Tooele, Utah thermal destruction plant is operating, destroying the largest single stockpile inventory in the Nation;
- ◆ The Anniston, Alabama and Umatilla, Oregon thermal destruction plants are approximately 50 percent construction complete;
- ◆ The Pine Bluff, Arkansas thermal destruction plant is 5 percent construction complete; and
- ◆ The Aberdeen, Maryland and Newport, Indiana chemical treatment plants have started with the initial design-build action.

Mr. WALDEN. Mr. Bacon.

**STATEMENT OF JAMES L. BACON, PROGRAM MANAGER FOR
CHEMICAL DEMILITARIZATION, DEPARTMENT OF THE ARMY**

Mr. BACON. Chairman Horn, Mr. Walden—

Mr. WALDEN. You may want to get that, if it is possible, a little closer to your mouth. You have to work these rather closely. When we are done, you can do radio.

Mr. BACON. Thank you. Chairman Horn, Mr. Walden, chairman of the committee, good morning. I am pleased to be here this morning in the great State of Oregon to represent the Chemical Demilitarization Program. I want also to thank the citizens of Oregon and Morrow County and Umatilla County and the surrounding areas for their longstanding support to the Army and particularly to the Umatilla Chemical Depot.

In my role as program manager, I am directly responsible for the execution of the destruction of this Nation's chemical weapons stockpile, as well as the non-stockpile material that Mr. Prociv mentioned.

To accomplish this mission, I oversee three separate programs; the chemical stockpile disposal program, the 31,000 tons, to include alternative technology sites in Maryland and Indiana; the non-stockpile project that Dr. Prociv referred to; and also support the Russian Federation in their destruction of their chemical weapon stockpile called the Cooperative Threat Reduction Program, and there we are in the process of building a pilot facility to assist the Russians. All of these are under my purview.

As Dr. Prociv noted, this program is not new. We have had these projects in place for a number of years and they have positioned the United States as the world leader in chemical warfare material destruction. In fact, we have surpassed the first destruction milestone established by the chemical weapons convention, and are working to stay on track to meet or exceed the next two milestones of 20 percent and 45 percent complete, established for the years 2002 and 2004 respectively.

Dr. Prociv also mentioned that the business of disposing of this Nation's chemical weapons stockpile has received significant, and unfortunately sometimes not always favorable attention, but that our successes have been also overshadowed at times. But this morning I'd like to shed some light on some of those successes in the status of the program.

First, we are getting the job done and doing it safely and doing it well. By operating the two facilities at Johnston Island in the Pacific and Tooele, UT, over the last 3 years, these two programs have reduced the weapons by over 4,000 tons. And our rate of disposal is going to increase dramatically within the next 3 to 4 years, as we bring on the facilities currently under construction here in Umatilla, in Alabama and in Arkansas; and also bringing on pilot facilities with the alternative technologies in Indiana and Maryland. That is 90 percent of our stockpile destruction well underway.

And while we're working on these five additional sites, we're working on a plan of action to close the Johnston Atoll facility. And that is a significant milestone, provides the pioneering efforts for not only the Johnston Atoll facility but all the followon facilities,

including here at Umatilla. This facility provides us an excellent opportunity to create a model for closure—the first time it's ever been done. And we will apply that to the followon facilities. In achieving these disposal results that I mentioned, we have not sacrificed either the health of the environment or the safety of our workers and the public. The Johnston Atoll chemical agent disposal facility coexists with the national wildlife refuge on Johnston Atoll, and we are partnering there with the U.S. Fish and Wildlife Service to assure the protection of the Atoll's unique wildlife and natural environment.

At the Tooele chemical agent disposal facility, which is our first facility in the Continental United States, we are celebrating our third anniversary of safe operations, and a significant milestone of 50 percent of the nerve agent GB, or sarin, that is stored there has been destroyed. To reach such milestones, we have had to take this program from an initial research and development phase to actual operations and maintenance. A process that, I would admit, has been extremely complex in scope.

To establish the mature program that we have today, we engage in a constant assessment of our approach, continually seeking out the best practices necessary to accomplish the mission safely, cost effectively, and within the timeframes set by the international treaty. We perform this assessment at both technical and programmatic levels.

Through our lessons learned program we have been able to capture and share the technical history and the problems that we've uncovered. This enables the programs that we're installing today to build on these past successes. Streamlining the environmental processes has resulted in successful and timely permit issue resolution in the States where we have chemical weapons stored and will be building disposal plants.

Through an independent assessment of our program's cost and scheduled risk, we were able to identify areas where proactive changes were needed and in fact which we have now instituted and are paying significant dividends. We are continuing to review our ongoing management practices, look at ways to implement best business practices within our current management and budget framework.

And through all of these ongoing evaluations, we are developing approaches that will meet our future challenges and enable us to overcome the obstacles of the past. One challenge in particular has been the need to communicate effectively and meaningfully with our stakeholders, particularly those citizens living in the communities surrounding our stockpile locations. Our efforts to identify and address community concerns are an integral part of the PMCD's missions.

Key actions to date include opening and operating outreach offices in each of the stockpile communities, upgrading our publicly accessible website, and planning and conducting comprehensive surveys. This survey will provide us not only with the information on how we're doing with public involvement, but also with information on the path we need to take as we move forward. I cannot stress enough how important it has been to the program to have the people on the ground in each of the site communities speaking

with, listening to, and receiving feedback about our mission of safe and effective destruction of the stockpile that is stored here and elsewhere.

In the process of communicating with our stakeholders, we have looked closely at how we are doing, particularly in terms of cost and schedule, and most importantly, in those nonnegotiable areas of safety and protection of the environment. It is important, though, to understand that the life cycle cost figures are not just for research and development, or acquisition, or operations and maintenance. Our budget needs to cover everything from community health studies, cost of partnering with organizations such as FEMA for CSEPP, to cooperative agreements with the States.

And because of these many funding commitments, I'm especially concerned about the impacts that budget cuts may impose. For example, recent budget analysis by my resource management office personnel have shown that the proposed budget cuts will adversely affect all of our demil program sites, including the one here in Oregon.

Our analysis clearly indicates a significant budget reduction in fiscal year 2000 could create delays in the disposal of our stockpiles as well as the non-stockpile material; and result in the breach of the Chemical Weapons Convention date of April 2007; but more importantly it could increase the cumulative risk to the public from the continued storage of these weapons; and significantly increase the program life cycle cost estimate by more than \$400 million.

For the program manager, the overall driver for establishing our disposal schedule, is the reduction of the cumulative risk to the public from an extended storage of the stockpile. A secondary driver is meeting the chemical weapons convention deadline. My goal is to reduce this risk at all sites; striving to meet the treaty deadline will also allow us to accomplish that goal.

The particular demands of our safety culture dictate we approach disposal with extreme care. As Dr. Prociv mentioned, this is a 15 year old program and many of those 15 years have been spent testing and evaluating safe disposal technologies and processes. When we factor in the work of our colleagues that are safely operating the chemical agent munitions disposal system, at the Deseret Chemical Depot in Utah for 20 years, it is clear our approach to chemical weapons elimination has been delivered with safety always the priority.

As a citizen and a resident living near one of the nine stockpile locations, I would not want our program's history to look any different. I'm committed to a future that is built on our record of making sure we have it right before we move forward. And this approach has served us well. We're now positioned to accelerate the disposal schedule in the coming years, based on this history of demonstration.

As program manager, I feel confident about our capability to operate multiple facilities simultaneously, built on the solid and safe foundation that we are standing on here today.

I want to thank you for this opportunity to highlight these successes. I would like to reiterate my personal commitment and that of our fine work force to continue operating in a fiscally responsible

manner, to use the best proven technologies, to eliminate the risk posed to our communities, while being protective of public health and the environment. My staff and I stand ready to provide you with any additional information you desire.

[The prepared statement of Mr. Bacon follows:]

James Bacon
Program Manager for Chemical Demilitarization

Good morning, I'm pleased to be here to represent my office, the Office of the Program Manager for Chemical Demilitarization. In my role as Program Manager, I'm directly responsible for the mission of disposing of this nation's chemical weapons stockpile, as well as our non-stockpile chemical warfare materiel.

To accomplish this mission, I oversee three programs: the Chemical Stockpile Disposal Project, the Alternative Technologies and Approaches Project, and the Non-Stockpile Chemical Materiel Project. In addition, our program to support the Russian Federation in the destruction of its chemical weapons stockpile — the Cooperative Threat Reduction program — also is under my purview.

As Dr. Procvic noted, these are not new projects — they have been in place for a number of years and have positioned the United States as the world leader in chemical materiel destruction. In fact, we have surpassed the first destruction milestone established by the Chemical Weapons Convention and are working to stay on track to meet or exceed the next two milestones of 20 percent and 45 percent complete, established for 2002 and 2004 respectively.

Dr. Procvic also mentioned that the business of disposing of this nation's chemical weapons has received significant, and not always favorable, attention — that our successes have often been overshadowed. This morning, I'd like to shed light on many of those successes.

First and foremost, we're getting the job done and done well. By operating just two facilities — and those operations have been concurrent only over the last three years — we've reduced the lethal chemical stockpile by more than 4,000 tons. And our rate of disposal is going to increase dramatically within the next three to four years, when the three facilities currently under construction in Alabama, Arkansas, and right here in Oregon come on line. In three years, we'll also be in the pilot phase in Indiana and Maryland.

While we're working on getting started at five additional sites, we're also working on a plan of action for closing the facility on Johnston Atoll. Based on our mandate from Congress, our goal has always been to decommission these facilities once the stockpile is eliminated at each location. JACADS' position as our prototype facility is providing us with an excellent opportunity to create a model for closure that we can apply to the other facilities down the road.

In achieving these disposal results, we haven't sacrificed either the health of the environment or the safety of our workers and the public. The Johnston Atoll Chemical Agent Disposal System, our first facility, co-exists with a national wildlife refuge at Johnston Atoll, where we're partnering with the U.S. Fish and Wildlife Service to ensure

the protection of the Atoll's unique wildlife and natural environment. At the Tooele Chemical Agent Disposal Facility, our first facility in the continental United States, we're celebrating both our third anniversary of safe operations and a significant milestone of 50 percent disposal of the nerve agent GB, also known as Sarin.

To reach such milestones, we've had to take this program from a research and development phase to actual operations and maintenance — a process that has been extremely complex in scope. To establish the mature program we're looking at today, we've engaged in a constant assessment of our approach, continually seeking out the best practices necessary to accomplishing our mission safely, cost-effectively, and within the timeframe set by international treaty.

We've performed this assessment at both the technical and program management levels. Through our lessons learned program, we have been able to capture and share the program's technical history, a history that is enabling a program like Alternative Technologies and Approaches to build on past successes. For example, our focus on achieving a more cooperative environmental permitting process resulted in successful and timely permit issuance in Maryland. We anticipate a similar positive result in Indiana.

Through an independent assessment of our program's cost and schedule risk, we were able to identify areas where proactive changes we had already instituted were paying dividends. The assessment also highlighted for us program management areas in need of refinement. We're continuing to review ongoing management practices and to look for ways to implement best business practices within the current budget framework.

Through our ongoing evaluations, we've developed approaches to meet future challenges and to overcome past obstacles successfully. One challenge in particular has been the need to communicate effectively with and meaningfully involve our stakeholders, particularly those citizens living in the communities surrounding the stockpile locations. Our efforts to identify and address community concerns are an integral part of PMCD's mission.

Key actions to date include opening outreach offices in each of the stockpile communities, upgrading our publicly-accessible Web site, and planning and conducting a comprehensive survey. The survey will provide us not only with information on how we're doing on the public involvement front, but also with information on the path we need to take moving forward. I can't stress enough how important it has been to this program to have people on the ground in each of the site communities speaking with, listening to, and receiving feedback about our mission.

In the process of communicating with our stakeholders, we've had to look closely at how we're doing, particularly in terms of cost and schedule. It is important to understand that the life cycle cost figures are not just for research and development, or acquisition, or operations and maintenance. Our budget needs to cover everything from community

health studies, to the costs of partnering with organizations such as CSEPP, to cooperative agreements with states.

Because of these many funding commitments, I am especially concerned about the impacts that any of the budget cuts propose. For example, recent budget analysis by my Resource Management Office personnel has shown that budget cuts would affect all of our Chemical Demilitarization program sites, including the one here in Oregon.

Our analysis clearly indicates that a significant budget reduction could create delays in disposal of both stockpile and non-stockpile materiel; could result in a breach of the April 2007 Chemical Weapons Convention treaty deadline; could measurably increase the cumulative risk to the public from continued storage of these weapons; and could significantly increase the program's life cycle cost estimate by more than \$400 million.

For PMCD, the overall driver for establishing our disposal schedule is the reduction of the cumulative risk to the public from extended storage of the stockpile. A secondary driver is the 2007 deadline established by the Chemical Weapons Convention. My goal is to reduce the risk at all sites; striving to meet the treaty deadline will accomplish this goal.

The particular demands of PMCD's safety culture dictate that we approach disposal with extreme care. As Dr. Prociw mentioned, this is a 15-year old program and many of those 15 years have been spent testing and evaluating safe disposal technologies and processes. When we factor in the work of our colleagues safely operating the Chemical Agent Munitions Disposal System, at the Deseret Chemical Depot in Utah for 20 years, it's clear that our approach to the problem of chemical weapons elimination has been deliberate, with safety always a priority.

As a citizen and a resident living near one of the nine stockpile locations, I would not want our program's history to look any different. I'm committed to a future built on our record of making sure we've got it right before we move forward. This approach has served us well — we're positioned to accelerate the disposal schedule in the coming years because we've done our homework. As Program Manager, I wouldn't feel confident about our capabilities to operate multiple facilities simultaneously if we hadn't built the solid foundation for this program that we're standing on today.

Thank you for this opportunity to highlight our program's successes. I'd like to reiterate my personal commitment and that of our fine workforce to continue operating in a fiscally responsible manner, to use the best proven technologies, and to eliminate the risk posed to our communities while being protective of human health and the environment. My staff and I stand ready to provide you with any additional information you desire.

Mr. WALDEN. Thank you very much, Mr. Bacon.
Let's hear now from Mr. David de Courcy, Federal Emergency Management Agency. Good morning and welcome.

**STATEMENT OF DAVID de COURCY, REGION 10 DIRECTOR,
FEDERAL EMERGENCY MANAGEMENT AGENCY**

Mr. DE COURCY. Good morning. Mr. Chairman, members of the subcommittee, I am the Regional Director for Region 10 of the Federal Emergency Management Agency. Region 10 for your information covers Washington, Oregon, Idaho, and Alaska.

I appreciate the opportunity to appear before you today to discuss some of the key elements of the CSEPP program relating to the safety of communities around the Umatilla Chemical Depot.

FEMA has provided the committee with a written statement by Russell Salter, Director of Chemical and Radiological Preparedness Division discussing the CSEPP program from a national perspective.

My intent here is to give you a brief overview of where we are today in Oregon, and to highlight the significant progress that has recently been made through the combined efforts of all of the governmental entities involved in the program; FEMA, the Army, the State of Oregon, Umatilla and Morrow Counties, and the local jurisdictions.

One preliminary comment. We are all aware that this has been and remains a challenging program. It involves all of the different levels of government that exist in our democratic system; Federal, State, and local. It involves different organizations within each of those governmental units. All of these entities have different cultures, different ways of doing business, and in some cases, different ideas about how best to implement this program. But there is one constant for all of us: To protect the public.

And so, despite occasional differences of opinion and even some quite public controversies, the collective commitment to that goal by everyone involved in the CSEPP program has made the communities around the Umatilla Depot much safer than they were before, not only from a chemical weapons accident, but from a hazardous materials event on the roads or rails or from a natural disaster such as a flood or fire.

We aren't done with the job yet, but let me in my brief appearance today inventory some of the things that have been accomplished through the CSEPP program.

Emergency operation centers. Both Umatilla and Morrow Counties have, or soon will have, first class emergency operations centers. The Umatilla County CSEPP staff has recently moved into a new state-of-the-art facility in Pendleton, built in conjunction with the county's Justice Center. Morrow County is in the final stages of a renovation project that will be completed in October. In the meantime, its EOC remains fully operational.

Sirens. The State has installed and tested 35 outdoor sirens in the two counties, as well as 7 more on the Depot itself. All are working and are tested once a month. Because of population growth, FEMA is funding six additional sirens.

Highway reader boards. These are designed to help direct traffic if an evacuation is necessary. Nine reader boards have been in-

stalled. One is not working because of vandalism and is being moved to a safer and better location.

Tone alert radios [TARs]. These special radios are currently being lab and field tested, and about 17,000 of them will be distributed in every home and business near the Depot. They allow emergency managers to alert people of a problem, and can transmit voice instructions regarding appropriate protective action. We expect delivery of the radios late this year or early in 2000, with distribution to the public being complete by next May.

I would note that we are aware that some elements of the communications infrastructure that supports the tone alert radios are not yet working properly. The counties are working with the system contractor to correct those problems.

Alert notification. The Depot is now able to notify all State and county emergency operations centers of a chemical event via a dedicated telephone conference bridge. In addition, a computer-based emergency management information system is able to simultaneously notify all emergency operation centers of an incident, reveal the level of alert and graphically show the direction of a chemical plume.

Over-pressurization. This allows people to shelter-in-place. As was discussed earlier, it provides an airtight enclosure, which keeps contaminated air outside using weatherization techniques and air pumps; 11 schools in Umatilla and Morrow Counties have working systems which presently protect 5,500 children and teachers. An additional system is being built into the new high school in Umatilla. Food supplies, blankets, sleeping pads, and items for special needs children have been distributed to Morrow County, and Umatilla's will be distributed next month as school begins.

Good Shepherd Hospital over-pressurization. This project is going to bid this month and should be completed by the fall of 2000. It had been delayed for some time by some design issues but those issues have now been resolved.

Good Samaritan Nursing Home over-pressurization. The design has been approved for this project and a contractor has been selected, construction should begin later this month.

Hermiston Safety Center. It is also in the design phase for over-pressurization and should be completed next year.

Transportation. As was discussed previously during an earlier panel, some schools have chosen to evacuate because of their distance from the Depot rather than to do over-pressurization. A bus has been provided to the city of Echo to evacuate school children. And we are working with the superintendent of schools in Boardman, Bruce Anderson, to provide transportation for the Boardman children as well. I received a letter from Mr. Anderson on Friday which I think was a very promising proposal, and I am confident we will be able to resolve this issue in the near future.

Shelter-in-place kits. Each household in the areas closest to the Depot will receive a shelter-in-place kit which will allow residents to prepare an airtight safe room in their homes. Morrow County has already distributed about half of its needed kits.

Umatilla County is currently assembling the 13,000 kits for its residents and plans to distribute them by mail in October.

Responder protection. Several projects designed to protect first responders in responding to a chemical incident have been a significant part of recent CSEPP efforts in Oregon.

Monitoring equipment. This allows response personnel to detect the presence of chemical agents. Under a pilot project developed jointly by FEMA, the Army, the State, the counties, and the local jurisdictions, 20 improved chemical agent monitors, or ICAMs, were provided by the Army in March. The Depot is providing training to the first responders on ICAM use.

Personal protective equipment. 300 Level C protective units, overgarments, boots and masks have been provided to be used by first responders. Training and fit testing for this equipment is well underway.

Decontamination trailers, also referenced briefly in earlier testimony. Four trailers are in-place in the counties. These will be deployed to specific sites to decontaminate persons suspected to be contaminated. Each units have showers, water supplies and other specialized equipment. Each trailer has its own tow vehicle as well. Three of these tow vehicles have been delivered. One is being fitted with special equipment.

Public information and education. Public outreach is a critical aspect of emergency preparedness generally. This is especially so in the CSEPP program. We are engaged in a very active public education effort involving FEMA, the Army, the State, including Office of Emergency Management, the State Department of Health and the State Department of Environmental Quality, and the counties. These efforts focus on communicating with the public about what to do in the event of an emergency. A very aggressive plan is now under consideration that would use commercial advertising to increase public awareness and to improve citizens' ability to protect themselves.

In closing, I want to emphasize that we are moving forward with a collaborative approach to the management of the CSEPP program in Oregon. In March, we implemented what we called our Unified Management Team, which consists of representatives of FEMA, the Army, the State and each county. This team meets weekly to identify issues, resolve problems and monitor progress. It brings together key players on a regular basis, has clarified responsibilities, and has helped ensure that issues are addressed in a timely fashion. It also brings closure to nagging issues that in the past sometimes took on undue significance.

In addition to the weekly team meetings, we also have a thorough briefing every 4 to 6 weeks for a broad array of local officials where progress is reported and issues are discussed in an open forum. Local attendees include the county commissioners, mayors, first responders, and Tribal representation.

This entire unified management team process has greatly improved communication among everyone involved in the program, has helped avoid misunderstandings and potential controversies, and ultimately, has greatly enhanced the pace of progress in protecting the public. Clearly, it has been instrumental in bringing to

closure many of the items that I have discussed today. I am confident that it will continue to provide a strong foundation as we move forward with the CSEPP program here in Oregon.

Thank you.

[The prepared statement of Mr. de Courcy follows:]

STATEMENT FOR THE RECORD OF

DAVID L. de COURCY

REGIONAL DIRECTOR
REGION X
FEDERAL EMERGENCY MANAGEMENT AGENCY

before the

SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY

of the

COMMITTEE ON GOVERNMENT REFORM

U.S. HOUSE OF REPRESENTATIVES

AUGUST 16, 1999

Mr. Chairman and members of the Subcommittee, I am David de Courcy, Regional Director for Region 10 of the Federal Emergency Management Agency. Region 10 covers Washington, Oregon, Idaho and Alaska.

I appreciate the opportunity to appear before you today to discuss some of the key elements of the Chemical Stockpile Emergency Preparedness Program (CSEPP) relating to the safety of communities around the Umatilla Chemical Depot. FEMA has provided the Committee with a written statement by Russell Salter, Director of our Chemical and Radiological Preparedness Division, discussing the CSEP Program from a national perspective. My intent here is to give you a brief overview of where we are today in Oregon, and to highlight the significant progress that has recently been made through the combined efforts of all the governmental entities involved in the program — FEMA, the Army, the State of Oregon, and Umatilla and Morrow Counties.

One preliminary comment: We are all aware that this has been, and remains, a challenging program. It involves all of the different levels of government that exist in our democratic system — federal, state, local. It involves different organizations within each of those governmental units. All of these entities have different cultures, different ways of doing business, and in some cases, different ideas about how best to implement this program. But there is one constant for all of us: to protect the public. And so, despite occasional differences of opinion, and even some quite public controversies, the collective commitment to that goal by everyone involved in the CSEP Program has made the communities around the Umatilla Depot much safer than they were before — not only from a chemical weapons accident, but from a hazardous material event on the roads or rails or from a natural disaster such as a flood or fire.

We aren't done with the job yet — but let me in my brief appearance today inventory some of the things that have been accomplished through the CSEP Program.

- Emergency Operations Centers: Both Umatilla and Morrow Counties have, or soon will have, first-class emergency operations centers. The Umatilla County CSEP staff has recently moved into a new state-of-the-art facility, built in conjunction with County's Justice Center. Morrow County is in the final stages of a renovation project that will be completed in October. In the meantime, its EOC remains fully operational.
- Sirens: The State has installed and tested 35 outdoor sirens in the two counties, as well as seven more on the depot itself. All are working and are tested once a month. Because of population growth, FEMA is funding six additional sirens.
- Highway Reader Boards: These are designed to help direct traffic if an evacuation is necessary. Nine reader boards have been installed. One is not working because of vandalism, and is being moved to a better location.

- Tone-Alert Radios (TARs): These special radios are currently being lab and field tested, and about 17,000 of them will be distributed in every home and business near the Depot. They allow emergency managers to alert people of a problem, and can transmit voice instructions regarding appropriate protective action. We expect delivery of the radios late this year or early in 2000, with distribution to the public being complete by next May.
 - We are aware that some elements of the communications infrastructure that supports the TARs are not yet working properly. The counties are working with the system contractor to correct the problems.
- Alert Notification: The Depot is now able to notify all state and county Emergency Operations Centers of a chemical event via a dedicated telephone conference bridge. In addition, a computer-based emergency management information system is able to simultaneously notify all EOCs of an incident, reveal the level of alert and graphically show the direction of a chemical plume.
- Over-pressurization: This allows people to shelter in place. It provides an airtight enclosure, which keeps contaminated air outside using weatherization techniques and air pumps. Eleven schools in Umatilla and Morrow Counties have working systems, which presently protect 5500 children and teachers. An additional system is being built into the new high school in Umatilla. Food supplies, blankets, sleeping pads, and items for special needs children have been distributed in Morrow County; Umatilla's will be distributed next month as school begins.
 - Good Shepard Hospital over-pressurization: This project is going to bid this month and should be completed by fall of 2000. It had been delayed by some design issues, but these have now been resolved.
 - Good Samaritan Nursing Home over-pressurization: The design has been approved. A contractor has been selected and construction should begin later this month.
 - Hermiston Safety Center: It is also in the design phase and should be completed next year.
- Transportation: Some schools have chosen to evacuate because of their distance from the Depot. A bus was provided to the City of Echo to evacuate school children. We are working with the Superintendent of Schools in Boardman to provide transportation there as well.
- Shelter-in-Place Kits: Each household in the areas closest to the Depot will receive a "shelter-in-place kit," which will allow residents to prepare an airtight safe-room in their homes. Morrow County has already distributed about half of its needed kits.

Umatilla County is currently assembling the 13,000 kits for its residents, and plans to distribute them by mail in October.

- Responder protection: Several projects designed to protect first responders in responding to a chemical incident have been a significant part of recent CSEPP efforts in Oregon.
 - Monitoring equipment: This allows response personnel to detect the presence of chemical agents. Under a pilot project developed jointly by FEMA, the Army, the state, the counties and local jurisdictions, 20 "Improved Chemical Agent Monitors" (ICAMs) were provided by the Army in March. The Depot is providing training to first responders on ICAM use.
 - Personal Protective Equipment: Three hundred level "C" protective units — overgarments, boots and masks — have been provided, to be used by first responders. Training and fit testing are well underway.
 - Decontamination Trailers: Four trailers are in place in the counties. These will be deployed to specific sites to decontaminate persons suspected to be contaminated. Each unit has showers, water supplies, and other specialized equipment. Each trailer has its own tow vehicle. Three of the tow vehicles have been delivered; one is being fitted with some special equipment.
- Public Information and Education: Public outreach is a critical aspect of emergency preparedness generally; this is especially so in the CSEP Program. We are engaged in a very active public education effort, involving FEMA, the Army, the state (including the Office of Emergency Management, the Department of Health, and the Department of Environmental Quality), and the counties. These efforts focus on communicating with the public about what to do in the event of an emergency. A very aggressive plan is now under consideration that would use commercial advertising to increase public awareness and to improve the citizens' ability to protect themselves.

In closing, I want to emphasize that we are moving forward with a collaborative approach to management of the CSEP Program in Oregon. In March, we implemented what we called our "Unified Management Team," which consists of representatives of FEMA, the Army, the state and each county. The team meets weekly to identify issues, resolve problems, and monitor progress. It brings together key players on a regular basis, has clarified responsibilities, and has helped ensure that issues are addressed. It also has brought closure to nagging issues that in the past sometimes took on undue significance.

In addition to the weekly team meetings, we also have a thorough briefing every four to six weeks for a broad array of local officials where progress is reported and issues discussed in an open forum. Local attendees include the county commissioners, mayors, first responders, and tribal representatives.

This entire Unified Management Team process has greatly improved communication among everyone involved in the program, has helped avoid misunderstandings and potential controversies, and ultimately, has greatly enhanced the pace of progress in protecting the public. Clearly, it has been instrumental in bringing to closure many of the items that I have discussed today. I am confident that it will continue to provide a strong foundation as we move forward with the CSEP Program in Oregon.

Mr. WALDEN. Thank you very much. Let's go now to our final witness in this panel, Myra Lee, who is the director of Oregon Emergency Management Division.

**STATEMENT OF MYRA T. LEE, DIRECTOR, OREGON
EMERGENCY MANAGEMENT**

Ms. LEE. Thank you, Congressman Walden. Thank you, Congressman Horn.

My name is Myra Thompson Lee. I am the director of the Oregon Emergency Management. I had submitted information for the record and will try to summarize briefly without repeating a lot of everything we have already heard. I keep marking things out here as we go on.

Oregon has been involved in the CSEPP program from the beginning. In 1989 we received the first amount of funding that was available. It was \$100,000. A full 10 years have passed since that time, and we have seen great strides in preparedness capability of both Morrow and Umatilla Counties and the State of Oregon. We have the most advanced alert notification system in the State in this region. It includes the system of high power sirens to alert citizens and agricultural workers who are outside, highway reader boards to help direct traffic in an emergency, and soon under the counties oversight it will include individual tone alert radios for every inhabited building in the immediate response zone.

You have already heard about the over-pressurization and the supplies for the schools, and about the buses. In regard to training, by October 85 percent of the first responders, medical staff and other emergency workers will be trained in chemical response. The training is slow and part of that is simply because of the schedules. We have to meet the schedules of first responders to be able to get the training to them in a way and at a time that meets their work requirements.

Operational needs have been developed through multijurisdictional planning and reflected in the budget requests that are submitted to FEMA and the Army, and policy issues are addressed by joint meetings of the group that Director de Courcy described, which includes the local officials, Tribal, State and Federal executive management representatives. Still we do have a long way to go. But at this critical time we are seeing reduced funding for some very important projects. One of our concerns has been and continues to be the funding strategy developed by the Defense Department called life cycle cost estimates [LCCE]. The intent was to project CSEPP program and equipment cost to the year 2004 and to hold spending to an agreed upon level. However, the cost figures were reduced by the Army, the cost figures submitted by the counties and the State, were reduced by the Army to meet the demand to cut costs by the Defense Acquisition Board of the DOD.

Hence, the LCCE since its inception has not adequately provided for or been adjusted to account for medical costs, the normal year to year growth of the program at the State and local levels, nor the costs of the certification process that must demonstrate we have met the prescribed level of emergency preparedness outlined in the final operating permit.

For instance, we have repeatedly requested to have the medical preparedness component included in the LCCE. This has not been done. The result has been that the medical preparedness costs have supplanted other activities that also needed to be done.

Training is another area. Training needs are especially difficult. Many people must take work or family time to train. Many of them are volunteers, and there are no funds to cover the additional costs of public safety infrastructure in the counties. Issues related to the LCCE have delayed progress and budget cuts would simply make this worse. We request that the LCCE be addressed—readdressed, and that it be allowed to reflect actual needs at every level. The facility permit issued by the State of Oregon requires that community emergency preparedness be adequate prior to the start of facility operations. The Governor's signature is required on this document to ensure that an adequate level of emergency preparedness exists.

The communities must be able to provide warning to citizens and an adequate response to a chemical emergency. Protective measures for our citizens and emergency workers must be adequate and medical services and equipment must be available. There are many other safeguards that must be established before the State will certify community readiness.

That is what the certification process is all about. The importance of this certification process to the counties and the State cannot be overemphasized. It not only assures an adequate level of emergency preparedness but it is a good faith effort to achieve what is needed with respect to the safety of our citizens and the protection of our environment.

In closing, let me say that we do appreciate you being here. There are many things that you need to consider in this process. But the bottom line in CSEPP is always and has been the protection of the public, that is my goal. My staff live here. I come from a rural community. And I understand the issues that this type of a situation represent, and from that local perspective. Thank you very much for your time, and I'll be glad to answer any questions.

Mr. WALDEN. Thank you, Ms. Lee. We appreciate it.

[The prepared statement of Ms. Lee follows:]

Myra Thompson Lee
Director, Oregon Emergency Management

Testimony
For

Hon. Stephen Horn, Chairman
Subcommittee on Government Management, Information,
and Technology

CERTIFICATION ISSUES

The State of Oregon required that a number of public safety and emergency preparedness measures be implemented when it issued the facility permit for the operation of an incinerator, currently under construction at the Umatilla Chemical Depot. Apart from the technical requirements of the permit, the Department of Environmental Quality, will be required to determine if the community is adequately prepared to deal with a chemical emergency. The Governor's signature is required on this document, to ensure that an "adequate level of emergency preparedness" exists.

These issues of community preparedness and safety will be judged on a series of exercises that demonstrate the ability of the community to:

Provide public warning, and an adequate first response

Assist in the protection of our citizens and emergency responders

Provide emergency medical services

Respond to emergency requests

The importance of this certification process to the counties and the state cannot be over emphasized. It not only assures an "adequate" level of emergency preparedness, but it is a good faith effort to get where we need to be with respect to the safety of our citizens and the protection of our environment.

FINANCIAL ISSUES

There has been concern expressed by the legislative branches of Congress, that much of the money appropriated for the CSEP Program has not been spent. This stems from the amounts of money that are described in the SmartLink accounts of the various states.

Money is moved to the State of Oregon from FEMA through a "SmartLink" account. All money the state receives from FEMA is disbursed through the various program, this includes funds to support emergency management in the counties that have co-operative agreements with OEM to fund emergency management activities in the state.

The latest quarterly SmartLink report shows a total authorized amount of over \$49.6 million for all FEMA programs in Oregon.

CSEPP money authorized in the SmartLink account is \$9.8 million. Of that total, \$2.4 million has been spent, leaving a balance of \$7.4 Million. But the remaining monies are committed to acquiring tone alert radios (\$3.6 million) and collective protection projects (\$2.7 million). Salaries and base operating costs will take another \$1.1 million.

Although large amounts of money seem "available" at any given snapshot in time, the SmartLink balance does not reveal the constant activity that takes place within each quarterly reporting period. Since the reporting periods only take place at the end of each fiscal quarter, it is virtually impossible to judge the true financial status of the program by simply looking at the SmartLink account balance.

CSEPP BENCHMARKS: BACKGROUND

In the beginning of the CSEP Program, certain benchmarks were established to guide the development of public safety, communication, and notification enhancements. Later, additional benchmarks were added to reflect technological changes and the development of new program initiatives. The following is a compilation of the current status of these benchmarks.

ALERT AND WARNING SYSTEMS

Siren System: Oregon installed and maintains 35 off-post sirens and seven on-post sirens. All are functional and are tested once a month. Because of population growth in the Immediate Response Zone, six additional sirens are in procurement. Five existing sirens are also being moved to provide wider coverage. A mobile siren is being purchased to provide testing in the event new placements are required.

Highway Reader Boards: To help direct traffic on major freeways and heavily traveled secondary roads, a total of eight highway reader boards are in service. A ninth sign is not operational because of vandalism (this sign is being removed and placed in service at a nearby location).

Tone Alert Radio System (TARS): This county project is nearing completion. Ninety radio sets were field tested in July with overall positive technical results. Ten units are being lab tested in order to confirm that they meet EIA (Electronic Industries of America) standards and will be type accepted by the FCC. All critical components reportedly passed bench tests, but the final technical report has not been received. The TARS communication support network has not yet met critical operational levels demanded for this system. The system contractor and county officials are attempting to correct the problems. A total of 17,000 TARS will be delivered by the manufacture to the counties in the September-December time frame. The radio sets will be distributed by a FEMA contractor.

Alert Notification: UMCD is able to notify all EOCs of a chemical incident via a dedicated all-call telephone conference bridge. In case of an incident, FEMIS, the computer based emergency management information system, is able to simultaneously notify all EOCs, located in Pendleton, Heppner, the Umatilla Chemical Depot, and the Hermiston Safety Center. FEMIS will also reveal the level of alert and graphically show the direction of a chemical plume.

Pager Notification: This system is used to call responders, critical leaders, and other emergency workers to duty. Existing system is piecemeal and not effective in all of the areas of the counties because the electronic footprints of the various transmitters

(commercial) are not adequate.

A proposed upgrade of a system wide paging system utilizing an existing CSEPP radio system has been requested in the 2000 budget. The counties are determining what features are required for the system.

COMMUNICATION SYSTEMS

Tactical Radio System:

This is a bi-county radio communication system designed by the counties to enhance the ability of first responders to communication across jurisdictional and departmental boundaries. Initial delivery of hand-held and mobile radio sets have been distributed to first responders. The siting of new transmitting locations has caused some interference problems with adjacent jurisdictions. These and other construction anomalies are reducing the efficiency of the system, but are being addressed by engineering staff.

Communication Planning

A tactical radio plan is in a final draft form. An Incident Command System (ICS) based communication plan is being written, which may supercede the need for a tactical plan. An ICS communication plan provides communication channels based on the functional needs of various kinds of emergency response organizations. A decision is pending a proposal to fund a trunked radio system.

COLLECTIVE PROTECTION

School Over-pressurization

Eleven schools in Morrow and Umatilla have been retro-fitted with equipment to provide over-pressurized safe spaces for 5500 school children and teachers. A new high school in Umatilla is being equipped with pressurization equipment during construction. Project will be completed in August, 1999. *Note: A contract for supplies for over-pressurized schools (MREs, sleeping pad, blankets, and items for special needs children has been awarded and supplies will be distributed by September 1, 1999.*

Good Shepard Hospital

Contractor conducting design and engineering consultations with hospital staff. Project will go to bid in August 1999.

Good Sam Nursing Home

Principals have agreed on a design for the project and a contractor has been selected. Project will commence when the contractor is given the notice to proceed. Project will be underway by the end of August, 1999.

Hermiston Safety Center

This Project is in the design phase. Project could see delays, based on the number of projects pending and the availability of skilled workers for this kind of specialized

construction.

New Projects Pending Approval

The City of Irrigon and Umatilla Head Start have requested funding for pressurization for their

buildings. Approval expected by September 1, 1999. *Note: The Hermiston School District may need to fund a new elementary school because of rapid population growth in the area. Such a project may require over-pressurization.*

TRANSPORTATION

Some schools, both public and private, have opted for school busses to evacuate children to other schools. Schools in Echo, Stanfield, and some Hermiston schools have purchased busses for that purpose. The Boardman schools have requested ten busses, and an alternative has been funded by FEMA. Negotiations between the parties is expected to result in an agreement.

SHELTER IN PLACE KITS

Each household in the IRZ will receive a shelter in place kit (with a how-to video) so residents can prepare a room in their homes that will be safe from chemical vapors. Morrow County has distributed about half of their kits by mail. Umatilla County is assembling 13,000 kits to be mailed to residents in October 1999.

EMERGENCY OPERATING CENTER DEVELOPMENT

The Umatilla County CSEP Program has moved into a new state-of-the-art Emergency Operations Center (EOC), built in conjunction with the Umatilla County Justice Center. The center is fully operational. The Morrow County EOC is in the final stage of an renovation project which will be completed in August 1999.

WORKER/PUBLIC PROTECTION

A number of projects designed to protect first responders while responding to a chemical accident have been developed by the CSEPP jurisdictions in concert with federal and state health and safety agencies.

Personal Protective Equipment (PPE):

Primarily Level "C" protective over-garments, boots, hoods and masks worn by first responders (mainly fire fighters). Three hundred of the units in stock. Of the first responders, 73% have been trained on a number of related PPE issues and a total of 85% will be trained by the end of October. Fit testing for individual masks is on going.

Agent Monitoring Equipment:

A concept was developed as a pilot project to protect first responders by giving them the tools to detect the presence of chemical agents. The pilot program developed protocols

and procedures to be used at the response level. Counties have available to them a total of 20 Improved Chemical Agent Monitors (ICAMs)). Training of first responders conducted by UMCD personnel is under way on these units.

Decontamination Trailers:

The counties have a total of four decontamination trailers which will be deployed at specific locations to decontaminate persons suspected to have been contaminated (or believe themselves to be contaminated). Each unit has showers, water supplies, and other specialized equipment.

Each trailer is matched to a tow vehicle. Three tow vehicles have been delivered with the other unit awaiting delivery (requires special transmission not in existing stock).

Medical Equipment and supplies:

Medical supplies and equipment are being provided to first response agencies and vehicles (basic and advanced first aid kits). Hospitals are being provided portable decontamination tents, portable showers and "Push Pac" kits (portable hospital kits) with equipment and supplies.

Medical Planning:

A medical Plan to include provisions for the distribution and use of atropine by medical providers, concept plans on the response of hospital personnel has been submitted to the Army for review. The Oregon Health Division is proceeding with implementation of many of the projects within the plan.

PUBLIC INFORMATION

Public Information efforts involve a high degree of coordination between three counties, Morrow and Umatilla in Oregon and Benton County Washington, and two states, Oregon and Washington, plus FEMA, and the Oregon Department of Environmental Quality. A Strategic Media Plan to educate the public on protective measures they need to take during an emergency, is awaiting approval of FEMA.

PLANNING ISSUES

Both counties are in the process of updating and revising their emergency response plans, based on the Incident Command System(ICS). This unified approach will help the counties better manage the response organizations and assets will be called out in an emergency CSEPP event.

**MYRA THOMPSON LEE
DIRECTOR
Department of State Police
Office Emergency Management**

Myra Lee has served as Director of the State of Oregon Emergency Management Division since 1987. This followed an active career of 14 years as the Director for the Multnomah County Office of Emergency Management. As State Director she has continued to initiate activities and projects directed towards building a strong coordinated emergency management infrastructure throughout the State. Myra has a strong commitment to involvement and awareness of local governing bodies regarding the role they play and the leadership they provide in establishing policies related to building disaster resistant communities and maintaining effective emergency response services.

Other accomplishments include participation in the early discussion related to the development of professional standards for emergency program managers. She initiated this effort in 1983 and was an active force for the improvement and expansion of training for those involved in emergency management, assisting in the development and presentation of several courses fielded by the National Emergency Training Center in Emmitsburg, Maryland.

Myra served a three-year appointment to the National Academy of Science's Committee on U.S. Emergency Preparedness. She served as the President of The National Coordinating Council on Emergency Management in '83-84'. She served on the NOAA National Weather Service Modernization Transition Committee established by Congress in 1993, has chaired various committees of the National Emergency Management Association [NEMA], is currently on the Board of Directors for the National Interagency Counter-drug Institute [NICI], and is a member of the Terrorism task force for the National Emergency Management Association.

Myra attended the John F. Kennedy School of Government for Senior Executives in State and Local Government at Harvard University in 1996, and participated in the National Security Seminar at the U.S. Army War College in 1997. She traveled to the Far East Territory in Russia with FEMA in the fall of 1997 as the Governor's representative for information exchange related to emergency management programs in both countries.

Oregon

DEPARTMENT OF
STATE POLICE

August 16, 1999

OREGON EMERGENCY
MANAGEMENT

Hon. Stephen Horn, Chairman
Subcommittee on Government Management,
Information, and Technology
House of Representatives

Hermiston, Oregon

Mr. Chairman:

The State of Oregon has been involved in the Chemical Stockpile Emergency Preparedness Program since 1989, and in that ten year period of time, we have seen expenditures in the program go from \$100,000 to over \$30,000,000. As stewards of those funds, we are proud of the improvements to public safety in the counties and communities of this state. We have the most advanced alert and notification system in the state. We have nearly completed the provisioning of advanced medical supplies for first responders and hospitals. The schools closest to the Umatilla Chemical Depot have been equipped with over-pressurization to keep our children safe in case of a chemical release. The training and equipping of first responders will be 85% complete in October. In addition, the counties have a total of four decontamination units that will provide protection for those who may come in contact with hazardous materials, no matter what the source.

Still, we have along way to go. Unfortunately, the pace of further enhancement to make our communities safe is being compromised by a lack of funding, or by reduced funding for critical projects. But this is not new to us. Our state, and others states in this program have been affected by the financial restraints caused by what are called Life Cycle Cost Estimates (LCCE) that were developed by the U.S. Army. The CSEPP states participated in this process, and submitted cost projections to the year 2004. However, the cost figures were reduced by the Army to meet the demands to cut costs by the Defense Acquisition Board of the Department of Defense. The LCCE since its inception has not adequately provided for or been adjusted to account for medical costs, growth in the program at the state and local levels, and for the certification of emergency preparedness. Funds from other CSEP Programs have been transferred to cover these shortfalls. These adjustments have and still are causing delays and shortages in the overall implementation of the program.

John A. Kitzhaber
Governor



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As the subject of several detailed program reviews by the Government Accounting Office (GAO), reviews by FEMA's Inspector General, the Oregon Secretary of State's Audit Division, and at least three reports by CBS Programs, "60 Minutes" and "Eye on America", Oregon CSEPP has outlined the progress we have made year to year. I am providing you with the most current recapitulation of the benchmarks established for this program in the following pages.

My thanks to you, Mr. Chairman, and the subcommittee members for providing this opportunity to give you and the nation an overview of this important program.

A handwritten signature in cursive script that reads "Myra Thompson Lee".

Myra Thompson Lee
Director

Mr. WALDEN. We will go right into questions now.

Mr. Proxiv, I have a question regarding the funding issue. My understanding is for fiscal year 1999 the appropriation for chemical weapons was \$780 million for the Army. The recommended committee level out of the House was \$781, which is \$388 million below what the President's budget requested, which is designed to deal with the ramp-up in costs.

But I want to read from the committee report and have you maybe address the concern that they raised when they made this reduction.

They say the committee remains concerned over the extremely slow obligation expenditure rates for the chemical munitions destruction program. Recently the committee has learned that its concerns are valid through an internal DOD comptroller memorandum. The committee has learned the chemical agents munitions program uses unique and questionable budget execution actions. Not only are these large unexpended and unobligated balances of prior year funds, but the budget request is \$388 million higher than last year's appropriated amount.

Since not only the committee but also the Office of Secretary of Defense comptroller staff cannot determine the validity of the program's prior obligations, the committee recommended that the program be held at last year's level.

I understand you may have some information to respond to what the committee was faced with when they made their decision.

Mr. PROCIV. I will be pleased to respond to that. The memo that they referred to was a preliminary memo that was sent from a budget analyst to the comptroller. The issue was not slow obligation rates but slow disbursement rates.

And this was a concern, because our program is very much different than most other DOD programs. There were a number of concerns stressed in that.

Subsequently, the comptroller established another committee to take a look at the low obligation rates, and there is a report, which we will be happy to provide you with that report. The report basically takes each of the allegations and finds them to be essentially not correct. In deeper detail, it exonerated us from those accusations.

Also, as a result, the GAO came and did a short preliminary study and they also came to the same conclusions that the process was in fact correct and there was no mismanagement of the budget.

The reason this budget is very different than most defense budgets, the difference between obligation and disbursement rates are a little bit larger than normal, is that this program is driven by permits. We, because of the way we budget money and manage it, have to essentially obligate the dollars and then wait for a permit.

Very often we wait a little longer than we had anticipated. So most of the concerns on disbursements were based around that kind of an obligation rate.

The two studies that have been done essentially exonerated us and point to good management practice.

Mr. WALDEN. And at this point I would like to have those entered in the record of the committee hearing process, if you have them.

Mr. PROCIV. I would be pleased to.

Mr. WALDEN. Without objection, Mr. Chairman, we will do that. Let me go on to ask you another question.

The letter you mentioned, or the white paper you mentioned about impact aid from your general counsel's office, which we put in the record, what's the date that that report was created?

Mr. PROCIV. The letter that they gave me is dated March 26, 1999.

Mr. WALDEN. So March 1999.

Mr. PROCIV. That's correct. The information paper on Tooele is June 1, 1999. These are the two that I will submit.

Mr. WALDEN. Have you shared, obviously you've heard how important this impact aid issue is to me and to members of this community. Have you shared those letters with the community leaders yet?

Mr. PROCIV. No, we did not. We have had the general counsel come to some of the communities and explain the position, explain the Tooele settlement. We have been very active in keeping the communities informed of what our position is. So we have done that wherever we have been invited to.

Mr. WALDEN. If possible, I would recommend you share that, those documents, with the community leaders here. I think that could be very helpful.

Let me ask you this, too. From what I hear you say, you don't feel like there's a statutory authority to provide the impact aid.

Does the administration intend to pursue that authority, or support that authority if somebody else pursues it legislatively? Can you speak to that issue?

Mr. PROCIV. It's an issue of both authority and budget. The issue of the legislative authority basically is that we have a budget that has been appropriated for certain series of actions we have to achieve, and the impact aid is not one of those actions, and if so, we would need some relief in that case.

Of course, these are not insignificant sums of money, when you start to add up the other communities that have also approached us. Facing the kind of cuts that we are facing, we don't even have the kind of money that we can start to put out, even if we had the legislative authority.

So at this point it would have to be both the authority and some form of appropriation.

Mr. WALDEN. I understand that. I guess, you know, limited authority and budget caps, and all of that as well. But I guess the point is, we're asking the local taxpayers to absorb the hit, as well, and they are not getting compensation.

So I guess, I didn't hear you say, can you speak in terms of whether you would support that authority? I mean, we have to have the authorization before we can do it apparently.

Mr. PROCIV. This is a congressional program. We will do what we need to do to get this program going. If Congress wants us to do this, we certainly will do this.

Mr. WALDEN. Let me go—I have a question I guess for Mr. de Courcy. You mentioned that there are 300 decontamination suits, I believe? That may not be the right term. Hazardous suits. How many volunteers and professional personnel? I mean, how many people are out there that would be involved if there were a leak today?

Mr. DE COURCY. In terms of first response personnel?

Mr. WALDEN. Right.

Mr. DE COURCY. I am sorry. I don't have that figure.

Mr. WALDEN. Does somebody have that? Is it Mr. Stearns?

Mr. HORN. We need you to speak louder.

Mr. DE COURCY. Perhaps Mr. Stearns would know.

Mr. WALDEN. Mr. Stearns, can you tell us how many first responders there are in the area?

Mr. STEARNS. I can't tell you exactly, but there would be approximately 50.

Mr. WALDEN. About 50 first responders. OK.

Mr. STEARNS. I must qualify that. That's on the fire and medical side. Police is another issue. I don't know how many would be there.

Mr. WALDEN. How many would need to be in these suits, I guess is the point I am getting at.

Mr. STEARNS. I can't speak for police. I don't know what their numbers are going to be. That is certainly going to be an impact. From the fire and ambulance, 50 would be my guess.

Mr. WALDEN. I guess the point I'm trying to get at, is 300 suits adequate, and over what duration? Are these suits one time use and then you have to destroy them?

Mr. DE COURCY. I think I would respond by saying, this issue to my understanding has been worked at the local, State and Federal level, in a joint effort, and I can't address the specific operational details because I typically don't get involved at that level.

As I said, this was worked in a collaborative fashion, and I guess I would have to make the assumption it was based on input that was received from the State and local officials, and if we have it wrong, we would be glad to revisit it.

Mr. WALDEN. I wasn't necessarily saying it was wrong. I was just curious to see, is 300 adequate? I mean, if you have 500 people responding? We are trying to sort those kinds of things out.

Mr. DE COURCY. As I say, there was significant local involvement in the background to achieving that capability.

Mr. WALDEN. All right. Thank you. Mr. Chairman, do you want to—

Mr. HORN. Yes. Let me raise a few questions panel one has discussed that I would like your response to.

In Judge Terry Tallman's testimony, he says the following. "In 1996 one Army official told us, quote, there is a way for you to get money, but I can't tell you how, unquote." Any thoughts on that? Are we playing jeopardy, or what?

Mr. PROCIV. No. I'm somewhat distressed that an Army official would make that kind of a statement. We have gone through—I don't know who that official was or may have been. We have gone through great lengths with our Office of General Counsel, and we

cannot find that means, we do not have the statutory authority. That has been told to us numerous times.

Mr. HORN. I'm reminded, you're not the only agency where something like that happens. I'm reminded that about 15, 10 or 15 years ago one of the most distinguished professors of cancer research in America at UCLA, University of California Los Angeles, wanted to do research on breast cancer, and the NIH told him, well, we can't give you a grant because you've never had a grant from us.

And that reminded me that maybe that Army official was over at NIH at that time.

But the result of that was my good friend Jack Murtha, the ranking Democrat on Defense Appropriations, poured a few hundred million dollars into the Pentagon budgets to deal with breast cancer there and prostate cancer later. So some good came out of that idiotic statement made by NIH at the time.

Let me note here, it says Judge Tallman, at our request the 1997 Oregon Legislature unanimously approved a law that allows counties to charge a fee for storage and handling of the waste. The Army refused to comply with the law, citing Federal sovereignty, which is ironic since a similar law was honored in Tooele County, UT. In essence, the Army claims to be exempt from all of the traditional tools for taxing growth to underwrite community services and infrastructure such as roads, sewers, water systems and schools.

How come Utah gets a good deal and Eastern Oregon doesn't?

Mr. PROCIV. I am going to have to read some segments from this white paper because I am not an attorney and they constantly accuse me—

Mr. HORN. The first part of the statement is a great credit to you.

Mr. PROCIV. Thank you. One of the statements made here is that State statutes generally do not constitute a statutory basis for the Army to make payments to the State of Oregon. The Federal system of government is immune from paying State taxes and fees.

The Federal Government has explicitly waived its sovereignty in only a few limited cases. One of those cases is the Resource Conservation and Recovery Act, and that's with regards to a narrow range of hazardous waste fees, and that's section 42 U.S. Code 6961, if you want it for the record.

The Utah situation, the bottom line in Utah, that in 1996 Tooele County agreed not to seek taxes nor mitigation fees against the Army and its contractor operating the local Tooele chemical agent disposal facility in return for a lump sum payment. There was a \$400,000 lump sum payment, and some later payments of \$970.37 per ton. I don't—

Mr. HORN. Were they preparing to sue the Army?

Mr. PROCIV. Yes. The Army originally, when the Tooele County proposed the fee and the tax, the Army originally opposed the payment of any fee and tax. The Army was ready to litigate on the grounds that the taxes are illegally levied against the U.S. Government rather than the contractor, and the fee was not clearly tied to Utah's hazardous waste program nor did the facility fall within the physical zone where the payment was required.

The Army relented because the fee was already being paid by three hazardous waste facilities in the adjacent counties. The tax subsequently was assessed against the contractor and there was substantial risk that a court would have ruled the tax legal.

So in turn the financial terms reached were more favorable to the Army than the burden that would have been imposed by taxes and fees proposed by the county.

The county sought to recover \$3.3 million per year in taxes beginning in 1994 and had assessed a \$6.6 million annual fee in 1993. By settling in this manner the Army was convinced that because there were existing ordinances in three adjacent counties that were for incinerators and they were paying fees, if the Army went into litigation, they would lose.

So this kind of a settlement was based on the intent to litigate.

Mr. HORN. Well, I know you can't do it, but would you advise those in Eastern Oregon to file a suit against the Army so they can get \$400,000?

Mr. PROCIV. I don't think advisory is in my job description. I apologize, sir.

Mr. HORN. As I said, I don't think you can answer that.

Mr. PROCIV. The only thing I might add to that is that under RCRA, it does require that there are preexisting statutes already in existence, and it does not allow you to set them up just to go after government—

Mr. HORN. Why don't you explain what RCRA is.

Mr. PROCIV. Resource Conservation Recovery Act.

Mr. HORN. And you did cite that earlier.

Mr. PROCIV. That's right.

Mr. HORN. And is that how Utah was able to get it?

Mr. PROCIV. That is the only place where the government has waived sovereign immunity, is under the Resource Conservation Recovery Act, where they will actually pay applicable fees, as long as they are not discriminatory, and they are applied equally to all industries.

Mr. HORN. It seems they have been very discriminatory, since Utah has the money and Oregon doesn't.

Mr. PROCIV. The way the lawyers have described it to me is that the Utah situation was very much different because of the existing rules, local county ordinances, because they were companies that were being already taxed that way. And so because of that presence, they were willing then to go into negotiations with the Tooele County community. That's the limit of my knowledge as to why this was done.

Mr. HORN. So you're saying that Utah had already taxed the various contractors?

Mr. PROCIV. That's correct, sir.

Mr. HORN. And you're saying Oregon did not tax those?

Mr. PROCIV. We know of no other community that has these kind of ordinances, where we have chemical plants.

Mr. HORN. Maybe some of the Oregon officials can educate me. Do we have that on the books in Oregon? If not, they can at the next meeting put it on the books. But who's the knowledgeable one here? Why don't you introduce yourself for the record again and position so our faithful reporter will have it.

Mr. WALDEN. And use a microphone, too.

Mr. MYERS. Do you want to swear me in?

Mr. HORN. You stood up, didn't you?

Mr. MYERS. No.

Mr. HORN. We will give you a fast swear in.

Mr. MYERS. I swear to tell the truth, the whole truth and nothing but the truth, so help me God.

Mr. WALDEN. You're in. He's a lawyer, too.

Mr. MYERS. Mr. Chairman, I am Bill Myers, I am an attorney with Holland & Hart, and I am providing some counsel to Morrow County.

The county itself has an ordinance in place that's been in place for some time regarding hazardous waste management.

The State of Oregon has passed a statute which is currently on the books allowing for the assessment of fees for the storage and handling and impact created by the situation we have here. So the statutes and the county ordinances are on the books.

Mr. HORN. So you see no difference between the evidence at the time of the filing of Utah versus Oregon that could do that, then, just as well?

Mr. MYERS. No principled difference.

Mr. HORN. Is that the Holland that was Spencer Holland of Florida?

Mr. MYERS. No. That's the Holland of Denver.

Mr. HORN. OK. Because he was a wonderful old gentleman. I won't tell my jokes on Holland, then. Let me move, if I might, then, to the general environmental programs of the Department of Defense. Because there's no question when you close this facility here, and it's already been decided that it's going to be closed, that they are going to have tremendous environmental things, if they want to bring industry in, if they ever want to clean it up so they can put a school on that side of town.

Defense has that money. And they're supposed to give it to the sort of aggrieved city in which that property exists. Which is either city and county or both, and it certainly is in the State of Oregon.

So, what can you tell us on what the Department of Defense to whom we give bills, and they've got hundreds of millions in their environmental accounts, has the Army ever gone to them and said, hey, folks, we do this in other places, and said, where's the money?

Mr. PROCIV. Congressman, I would hope you would let me take this for the record. This is a little bit outside my authority area. I am responsible for the chemical demil program. And the environmental issues and the BRAC issues and such are handled by people that I don't deal with very often.

Mr. HORN. Well, do the BRAC people in the Department of Defense ever speak to the Army? Do they ever say, hey, you know, what can we do to help? We're from the government, et cetera?

Mr. PROCIV. I think I had better take that for the record, too.

Mr. HORN. No. It just seems to me that——

Mr. PROCIV. We have had discussions with our BRAC people on all of these sites. And basically BRAC, when a site is declared a BRAC site, their activities get engaged.

At this point we're not engaged with them for these sites.

Mr. HORN. Well, I was pleased to note there's a task force here that involves State, county, city, Federal officials. Is that correct? I thought your testimony was very good and precise on those points, of what FEMA has done.

Mr. DE COURCY. Yes.

Mr. HORN. That doesn't mean they can't do more, but it was a good list, an excellent list of what's been done. We need on the Washington side and in the military in particular, to get the defense and environmental both in relation to what Army, Navy, Air Force, Marines, they all have base closures they're doing, and see if the Washington end, if we can get the Federal agencies together.

Mr. PROCIV. Yes, sir. I'll get that for you.

Mr. HORN. I think my colleague, the acting chairman, will have a few words on that subject.

Mr. WALDEN. I appreciate your comments, Mr. Chairman, and I think you're right on target. And I found it interesting that the BRAC applies for job loss but not the sort of boom and bust problem by a job creation. Perhaps we need to change the BRAC.

Doctor, the administration often takes positions on proposed legislation called ZAP. Specifically, do you know if the Department of Army would support impact aid in the development of a ZAP?

Mr. PROCIV. We have had some discussions about this. And of course it comes down to what the conditions would be under that kind of a ZAP.

As I mentioned earlier, we get our authority from Congress, and if Congress wants to do something, we can do that.

One of the biggest concerns in the Army, this being an Army budget, any growth, overruns, any additions, could affect the modernization budget. It could affect the readiness budget.

So there is a lot of concern about how we would respond to a question like that. If in fact this came to us with a directive, fully funded, with legal authority, we would follow the directive.

Mr. WALDEN. I guess my point is—Well, let me make two comments on your comment. One, we passed emergency supplemental to deal with some of the pay and benefit issues during the Kosava crisis that far exceeded the cost of Kosava to help with readiness.

Two, the overall budget is a \$17 billion increase this year.

And so, I mean, I think we're stepping up to the plate on readiness. And I share your commitment toward that.

But there does seem to be this added responsibility we need to address.

I'm trying to figure out if the Army, if we move forward with legislation, the easiest way to kill it is a statement of position that says, no, we don't want to go there because we are afraid of this or that.

I'm trying to find out if you can speak to that, I don't know.

Mr. PROCIV. I know it sounds like I'm waffling, but from the discussions I have had with my superiors it really depends on the conditions. If in fact we had the authority and the dollars and there was no risk to the Army's readiness or modernization budget, I think we would follow those directives very gladly.

Mr. WALDEN. I would like to work with you in that area, or your superiors, whoever it needs to be.

Mr. PROCIV. I would be happy to.

Mr. WALDEN. Thank you.

Mr. HORN. Do we have, does the Army have a list of the number of accidents that have occurred within the Depot in terms of its own employees? Have we had situations where they have accidentally had to have medical—

Mr. PROCIV. Let me pass that to Mr. Bacon who is involved on the day-to-day operations.

Mr. BACON. Sir, yes, the Depot has a very active and in-depth safety program providing assistance to the employees in a number of ways, and I would best believe that Colonel Woloszyn, the Depot Commander, in fact I should say new Depot Commander, is here and should address this. Tom, are you here?

Mr. WOLOSZYN. Yes, sir.

Mr. WALDEN. Come on up.

Mr. BACON. I would like to have him speak to that.

Mr. WALDEN. I will swear you in as well, how is that?

[Witness sworn.]

Mr. WALDEN. Thank you.

Mr. HORN. And could you give us your last name and rank and position for the record.

Mr. WOLOSZYN. Yes. Lieutenant Colonel Thomas F. Woloszyn. I am Depot Commander currently, after 1 month. And we do have records of some of the problems we have had, nothing major. No major hospitalization in the past. Nothing certainly during my watch.

Mr. HORN. Has there ever been a situation where something has escaped out of the facility itself into the community?

Mr. WOLOSZYN. No, not in the past history. When I was talking about accidents, maybe a handling accident in the past. I've heard those, only from an anecdotal perspective.

Mr. HORN. Well, what was the anecdote?

Mr. WOLOSZYN. I mean, not the anecdote, but from a historical, stories you hear.

Mr. HORN. The question is, is it apocryphal or isn't it? Did it ever leak out?

Mr. WOLOSZYN. Oh. No. It has never leaked out of the Depot boundaries, that is certain. What I was speaking to is possibly a worker receiving a low or a small dose.

Mr. WALDEN. Could you just, in a short form, tell us the status of these 105,000 rockets? Are the leaks predominantly over some fuel issues?

Mr. WOLOSZYN. The issue of stability is a fuel issue, because they are a packaged round. You have the explosive, the ignitor and the propellant together with the weapon itself.

Now, as far as the rounds themselves, we monitor them regularly. Certain lots we monitor on a daily continuous basis. Others weekly, and some rounds, being like the containerized rounds, quarterly.

Mr. HORN. That's all I have on that. Go ahead. These are some from the audience.

Mr. PROCIV. May I just add one thing, Mr. Walden. One of my staff just handed me an article from the Congressional Record. Some people may be aware of this but I thought I would enter this into the record.

Senator Smith from Oregon has in fact tried to get some legislation to help us out. We worked very closely with him.

In the Congressional Record he's asking to engage in colloquy with the Honorable chairman, ranking member of the Senate Armed Services on this very subject. In the text it says, "Finally, I mentioned my concerns to the Secretary of Defense. He expressed his willingness to work with us."

But I think there is action going on, you see that the Department is willing to engage in discussions on this, that we're not just a blank wall at this point. And I think this will result in some kind of resolution.

Mr. HORN. So you're saying the Army will be supportive.

Mr. PROCIV. If the Secretary supported it, absolutely, and that's what this states.

Mr. WALDEN. OK. We have some questions from the audience. Has the CSEPP program considered and factored in the actual operational problems experienced at the Army's Utah facility in its assessment of the emergency preparedness needs for Oregon?

Mr. PROCIV. Would you like to, Mr. de Courcy?

Mr. DE COURCY. Would you read the question again?

Mr. WALDEN. Has the CSEPP program considered and factored in the actual operational problems being experienced at the Army's Utah facility in its assessment of Emergency Preparedness needs for Oregon?

Mr. DE COURCY. I would prefer to respond to that on the record, because I am not familiar with the answer to that question.

Mr. PROCIV. Let me add to that. I know your committee is often concerned about this. We have an exceptionally good working relationship with FEMA. That's not always the case when Federal agencies get together. But in this case it works very, very well. We attend meetings that are at a minimum quarterly, sometimes more often, where all of the regional people, the State representatives get together, and they discuss these problems, discuss lessons learned from one site to another, they trade information, and they try to integrate their programs as best as possible.

So FEMA has taken the initiative. We have attended those meetings and I believe it's working very well.

Mr. DE COURCY. Congressman, I am not clear what the record was in terms of those issues, but I can tell you that there is a very elaborate certification process that will be undertaken with respect to the preparedness component of this.

I am not sure. But to the extent that Utah has experienced in its preparedness issues the certification process could take that into consideration as we move forward.

Mr. WALDEN. I think there must be some operational problems that have occurred in Utah. The question is, have those been factored in, if they were to occur here, in your planning process.

Mr. DE COURCY. And I don't know the answer to that.

Mr. WALDEN. A followup, has the CSEPP program considered recent efforts—excuse me, recent reports that the chemical agents are more toxic than originally thought in its assessment of emergency preparedness needs for Oregon and they are referencing a NRC report on toxicity in 1997–1998.

Mr. PROCIV. Just a short answer. That report had addressed battlefield conditions. The report specifically argued for duration of soldiers in battlefield condition. We have taken a look at that data and we don't believe it will affect our operations at all.

Mr. DE COURCY. Also, Congressman, Tom Johnson from the Oregon Health Department might be able to respond to that from the State of Oregon.

Mr. WALDEN. Would you please be sworn.

[Witness sworn.]

Mr. WALDEN. And your name and title for the record.

Mr. JOHNSON. I am Tom Johnson, assistant administrator for the Oregon Health Division, and this is an interesting question, the toxicity.

There is a recent study out that draws into question the prevailing data that we have been working on with regard to the toxicity of the agent. We have at present our toxicologist working on that. We have a study group coming together to bring together the best information available within the country.

FEMA is participating in that, as well as information that really the Army is providing. They are very cooperative in that. We appreciate that.

The answer at this point is we do not know. However, if we get the information that the best information—minds available in the country, that indicates that there does need to be a reassessment of the impact, the area, the population that would be then affected by a greater toxicity, we will take that into account.

Here in this area, if the local community is aware of that, and particularly the emergency managers, because what needs to be factored into is the risks associated with the evacuation of people within the impact of the greater toxicity. And there needs to be a balance between the risks associated with evacuation, with the risks associated with staying there.

We're aware of this issue. We're working on it with the Army. And if the numbers indicate that we do need to re-evaluate our numbers for our response capability, we will do that.

Mr. WALDEN. Thank you. We're quickly approaching the timeline, Mr. Chairman. I don't know if you had—this is a question from the audience.

In the October 10, 1998 East Oregonian they stated in an article, "Deadly gases have come close to escaping smoke stacks during the incineration process." The document showed that Tooele was shut down 72 times in a 19 month period between August 1996 to March 1998. Mostly due to stack alarms in which the Army admits or won't tell if they have no idea of chemical agent was released in the atmosphere or not. Tim Thomas reported that on March 30, 1998 stack monitors recorded levels more than 500 times the allowable concentration.

How can you continue to maintain the incineration is safe?

Mr. PROCIV. I will have to ask Mr. Bacon to address that, too.

Mr. WALDEN. Mr. Bacon.

Mr. BACON. Thank you, sir. We are confident that we haven't had any agent released to the environment. We do check every alarm that does occur within the plant. We trace those very seri-

ously because we are concerned of protecting public health and the environment.

We always err on the side of safety and there are times that we do cease operations until we determine the validity of the various alarms that cover both the work areas for worker health as well as the various stack alarms, and there are many layers of safety in that process where we are sure that we do not release agent to the environment.

Mr. WALDEN. So you're saying no agent has been released through these stacks?

Mr. BACON. I am saying that, sir.

Mr. HORN. Let me ask the gentleman from the Department of Health, if I might, does Oregon's Department of Health maintain statistics on the degree of cancer in various counties and when you do a survey such as this one on the impact, have they ever looked at the impact of those that might be working at the facility over a 10, 20 year period, and that they have certain diseases, I'll say, for want of a better word, cancer in particular, out of proportion to the surrounding people, and have they ever done that type of statistical analysis?

Mr. JOHNSON. Again, Tom Johnson, Oregon Health Division. We do maintain records and data on the occurrence of cancers. At this point there is nothing that stands out for either Umatilla or Morrow County. We have not done a detailed study with regard to the workers on the facility. Those many times are transient and military people which we don't keep track of.

Our concern is not so much, again, with the past history, but it's what might happen in the future. Generally, our attitude about that is that while those studies may be very useful in terms of providing baseline, our much larger concern is the risk that the population may be exposed to from the result of an incident, an accident. Our overall priorities are that we would much rather see the resources put into preparing the community to respond in the event of an incident, an accident, than looking at perhaps some studies that may track the human health burden of organophosphates.

We think that the probability of a problem from release during the incineration process is much less than the probability of a risk that would be associated with an incident.

Mr. HORN. Yeah. I often have felt that Departments of Health ought to take advantage of, say, the Master of Public Health degree holders or M.S. in health education and just put them to work on some of these analyses that often departments don't have either the resources or whatever to go into depth. But it just seems to me this would be a very interesting study.

Mr. JOHNSON. That certainly would be the case, and we would love to do that. Many of our epidemiologists would think that this would be a Jim Dandy study. Simply as was indicated earlier, we do not have the funds to do that, and our larger concern is preparedness in the event of an incident.

Mr. HORN. That's all I have.

Mr. Chairman, if I might, I want to read into the record the staff that were involved in this hearing, which is our usual tradition.

J. Russell George, the staff director and chief counsel, sitting over there, second from the end. Randy Kaplan on my left, your right, is the counsel for this particular hearing. Bonnie Heald, director of communications, was with us for a number of these hearings, but is not at this one. Grant Newman, our faithful clerk, is here. Jeff Eager, the legislative assistant to Representative Walden, is here, and this is him at the table. Martha Cagle, legislative assistant to Senator Gordon Smith, who is with us. Don't be shy. Stand up. Politicians always stand up. And we're glad to have your help and the Senator does a fine job. Trey Henderson, professional staff for the minority. Is Trey here? Well, welcome to Oregon. Oregon National Guard, we appreciate for helping set up for the hearing, the use of the facility. It's just been excellent support. And Rick Tunstead, the Army operations technician. And we vote to raise your pay I think almost every year, so we just wanted him to know, Rick, let us out of here when we're done. We're for you. And Lieutenant Colonel Sonny Newson. And then our faithful court reporter, William Bridges, is with us. And the Armory personnel, of course, has been immensely helpful, Colonel Caldwell, Lieutenant Colonel Lyman, Lieutenant Colonel Stewart, and then I mentioned Sonny Newson and Rick Tunstead, if you would stand up, we would like to thank you for your hospitality. And with that, I thank you, Mr. Chairman.

Mr. WALDEN. Mr. Chairman, thank you for conducting this hearing here in Hermiston. I would also recognize I know we had a representative of the Governor's staff here, right here, and then as you already know, Senator Smith's staff, and Senator Wyden's staff I believe is represented as well. Pete, are you here? There is Pete right there.

And so we appreciate all of your involvement as we work together to try to resolve some of these local issues, Mr. Chairman, which we have highlighted now for this committee and for the Congress, and hopefully have got some answers.

Mr. HORN. We are going to recess this to the Seattle hearing.

Mr. WALDEN. We are going to recess this to the Seattle hearing, I am being told. But the record would remain open for additional comments if members of the public want to submit for the record.

Mr. HORN. Two weeks at least, if you could get it to us.

Mr. WALDEN. For 2 weeks. So if you have information that you want the committee to consider, the record will remain open for the next 2 weeks. And meanwhile the subcommittee will be recessed, under the call of the Chair in Seattle, I understand.

Mr. HORN. Right.

Mr. WALDEN. Thank you everyone for coming out.

[Whereupon, at 11:40 a.m., the subcommittee was adjourned.]

