# STATEMENT OF

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# BEFORE THE MILITARY CONSTRUCTION SUBCOMMITTEE OF THE

# HOUSE APPROPRIATIONS COMMITTEE

# ON

# **UNEXPLODED ORDNANCE**

March 20, 2002

#### INTRODUCTION

## MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE,

I welcome the opportunity to discuss the critically important issue of unexploded ordnance (UXO). Today, I will describe for you our efforts to guide the completion of UXO response actions on our BRAC installations, describe the steps taken to date, the challenges we face, our development of a Military Munitions Response Program, and finally, review with you where we intend to go in the future. My colleagues from the Military Departments will provide you with their perspective and their initiatives to respond to the UXO challenge. This Hearing is timely, because the suspected or known presence of UXO may represent a significant challenge for successful re-development of our BRAC properties. More importantly, UXO can represent an immediate explosives hazard to our Service members and the surrounding communities. We have learned much through our UXO response actions and are using those experiences to help build a comprehensive Military Munitions Response Program.

#### <u>Connection with our Operational Ranges</u>

Our intent today is to provide information for your future deliberations on the environmental cleanup of our BRAC properties. Before I do that though, I would like to put this issue into a larger context.

The Department of Defense has two distinct UXO problems. We have the Department's operational test and training ranges where we conduct current operations for weapon system development and realistic war-fighter training. And we have everywhere else. The latter we are now calling "munitions response areas" which includes our BRAC

installations. We understand that what we do today at our operational ranges affects our responsibilities at future munitions response areas. In August 1999 we began to exploit opportunities to improve our management of operational test and training ranges with two new Department directives.

As I reported to the House Armed Services Subcommittee on Military Readiness last week, a vital part of our national defense mission is to defend and preserve the natural environment entrusted to us. We are proud of our environmental record, which has many truly outstanding success stories, and we remain fully committed to meeting our environmental stewardship responsibilities. Responsible stewardship helps ensure longterm sustainability of our operational ranges, our mission, and our national defense capability.

I also want to report to you that the Department's senior leadership is actively engaged. Last December, the Deputy Secretary of Defense established the Sustainable Ranges Initiative and directed the formation of an Integrated Product Team (IPT) "to act as the DoD coordinating body for all issues of encroachment on our ranges, operation areas, and other locations where we train or test and evaluate new weapons or sensors." I assure you that we are working diligently to solve the problems involving both our operational ranges and our munitions response areas.

#### **BRAC Properties with UXO Issues**

The Congress gave the Department authority to close installations in 1988, 1991, 1993 and 1995. Our goal in the BRAC program is to transfer property from our custody to the local community for viable reuse. The previous 4 rounds of BRAC resulted in over

550,000 acres of excess property. To date, we've disposed of 249,000 acres of property, putting that land back into viable reuse. However, we have 28 installations with areas that may contain UXO, abandoned military munitions and/or munitions constituents, and may require a munitions response action.

	<b>Total Acres</b>	Acres of	%
		UXO	
Adak NAF (Navy)	76,800	40,000	52.1
Ft Ord (Army)	27,827	17,123	61.5
Ft McClellan (Army)	41,191	13,587	33.0
Savanna AD (Army)	13,062	12,602	96.5
Fort Meade (Army)	13, 680	8,466	61.9
Camp Bonneville (Army)	3,020	3,020	100.0
Ft Wingate (Army)	22,120	2,740	12.4
Seneca AD (Army)	10,594	1,303	12.3
Mare Island NSY (Navy)	5,252	983	18.7

Our greatest challenge is with a few of these installations. Some 96% of the total acres potentially with UXO issues are on nine BRAC installations (FY 2000 Base Closure Plan Abstract Report). These numbers will change as we conduct site characterization actions. The Air Force did not close any major ranges and their UXO challenge is predominately limited to small arms and grenade practice ranges.

## **DoD Budget for UXO**

Our proposed FY 2003 investment in UXO, as shown in the table below, is approximately \$252 million, which includes \$32 million for BRAC properties. This represents the cost to remove actual UXO and dispose of scrap metal – and in some cases includes the cleanup of munitions constituents. Beginning with the FY 2002 report, actual munitions response expenses will be reported in the Annual Defense Environmental Restoration Program (DERP) Report to the Congress.

## DoD Investments UXO Response: Current Year \$ (\$ in 000s)

DERA (O&M)	FY00	FY01	FY02	FY03
Army	10,000	10,042	10,000	10,000
Navy	3,000	3,000	8,000	8,000
Air Force	25	600	1,153	400
FUDS	54,733	58,162	64,073	70,100
Sub Total	67,758	71,804	83,226	88,500
BRAC (MilCon)				
Army	19,241	38,347	20,221	13,422
Navy	13,096	1,910	7,422	18,649
Air Force	0	0	0_	0
Sub Total	32,337	40,257	27,643	32,071
Service (O&M)				
Navy- Kaho'olawe	34,819	60,000	67,000	25,000
Army-Range ID/MMR	30,200	<u>12,000</u>	35,900	<u>80,100</u>
Sub Total	65,019	72,000	102,900	105,100
RDT&E				
SERDP	2,400	2,700	6,700	11,400
ESTCP	4,100	7,800	3,900	5,600
Army	1,700	1,900	6,700	8,800
Navy*	0	730	1,000	1,000
Sub Total	8,200	13,130	17,300	26,800
GRAND TOTAL	173,314	197,191	232,069	252,471
and effects				

The Department is committed to fund response actions required to mitigate immediate threats to safety, human health and the environment. However, because the UXO challenges are so great at our BRAC installations, with current funding levels, longer term actions may extend the program until 2015. One of our major objectives is to find ways to accelerate the schedule by addressing together the explosives safety issues, available technology capabilities, and land use objectives. Getting our response actions

done earlier can allow the community to move on with productive reuse of the property.

# The Challenge

I know it is no surprise to you when I tell you the UXO challenge is very difficult. It

is complex. It is time consuming. And it will be in large measure solved, in time, by a

combination of technology, reasonableness, persistence, patience and appropriate

funding. The Department:

- Recognizes explosive safety as a significant concern for our Service members, civilians and the surrounding communities;
- Is expanding efforts to work with local communities, states, tribes and other federal agencies to define future land use that will support safe use of the transferred property;
- Transferred several parcels to other federal agencies as wildlife refuges where UXO removal to support re-development, using available technology, would have destroyed the wildlife habitat;
- Is conducting land transfers to the private sector;
- Understands the importance of land use controls as a critical commitment to the public, by providing effective protection from explosive hazards; and
- Understands the need to obtain, and sustain, the trust and confidence of our local citizens and the regulators.

The potential presence of UXO increases the complexity of our traditional

environmental cleanup program and represeOnts a significant challenge for the

Department, the community, the regulators and the developers. Major examples of the

UXO challenge include:

- The explosives hazard associated with UXO presents an immediate risk when handled or disturbed, and the presence of munitions constituents may present long-term (chemical contamination) hazards.
- The potential explosives hazard must be considered throughout the response process and after the response is complete.
- Detecting UXO is very different from detecting solvents and fuel.

- Fate, transport and effects of munitions constituents are not well understood.
- Technology is limited in its ability to effectively identify items underground.
- Balancing ecological sustainment and UXO removal is difficult and depends on the different stakeholder interests.

We have realized over the years the value others outside DoD can bring to bear to help us with UXO issues. Early involvement by the regulators and local citizens in the investigation and remedy selection process helps us to find better, more satisfactory solutions.

## **Terminology**

Explosive safety, technology limitations, perceptions by all parties, and

stakeholder involvement all play key roles in achieving success at any given munitions

response area. Communication is the key, and we have found that many stakeholders do

not use the same terminology and vocabulary in the same way. This often times causes

confusion and creates misperceptions. The following three examples illustrate this issue:

- UXO has developed into a generic term to describe an array of conditions: unexploded ordnance, abandoned military munitions, explosives soils, munitions constituents (or residue) to name a few. We coined a more inclusive term: "munitions and explosives of concern" which we will use in our program planning.
- Terms used to explain our property holdings and responsibilities often raised questions. Active, inactive, closed, transferring and transferred ranges are not all inclusive terms. The solution is simple: we have "operational ranges" and everywhere else. The latter are now called "munitions response areas."
- The term "munitions constituents" identifies the challenges faced by chemicals released into the environment.

The bottom line is that we are striving for more clarity, structure, and consistency in our program with more precise terminology. We understand though the pervasiveness of the term "UXO" and for the purposes of this Hearing, I will use the term "UXO" in the generic sense.

#### **Program Management Actions**

In 1986 the Congress established the Defense Environmental Restoration Program with three elements: 1) the cleanup of hazardous waste, 2) UXO response, and 3) building demolition. After an initial assessment of the most immediate threats to human health and the environment, the Department decided to focus its resources on hazardous waste cleanup throughout the 1990's. The exception was the Formerly Used Defense Sites (FUDS) Program, which has always included the UXO response and building demolition elements. The Army is our Executive Agent in this area, and you will note that our FY 2003 budget request includes \$22 million over last year's funding request for the FUDS program. These additional funds are primarily for UXO response work, and for addressing imminent threats to safety, human health and the environment. It is important to note that many of our FUDS issues and solutions are applicable to the BRAC program. We are looking to identify and incorporate FUDS "lessons learned" into our BRAC program whenever they are available.

In a report last April, the General Accounting Office recommended the Department establish leadership and accountability in our program. Last fall, I acted on the recommendation and designated a focal point for UXO issues. Our Assistant Deputy Undersecretary of Defense for Environment, Mr. John Paul Woodley, Jr., is responsible for building the Military Munitions Response Program.

The Department is committed to working with our stakeholders to find the right

solution -- ensuring explosives safety, sustaining environmental stewardship, and

effectively applying the financial resources provided by the Congress. Our evolving

Military Munitions Response Program includes the following objectives:

- Recognizing explosives safety first and always;
- Completing an inventory of all munitions response areas BRAC, FUDS, closed sites and ranges on active installations, and other places of concern;
- Formally defining programmatic requirements to ensure a consistent, comprehensive approach to program execution;
- Developing a data base to maintain relevant information for informed decision making;
- Working with federal and state regulators and tribes to define munitions response methods and processes including a process to prioritize sites;
- Providing appropriate and readily available training and education programs;
- Providing comprehensive, accessible and sustained UXO safety education; programs for the public;
- Working with industry to leverage capacity and innovation;
- Providing clear direction to define auditable fiscal liabilities;
- Fostering technology development to improve effectiveness and efficiency;
- Better understanding the fate, transport and effects of munitions constituents;
- Developing workable, sustainable land use controls; and
- Establishing program goals that are acceptable to all stakeholders.

# **Policy Formulation**

In 1996, the Department embarked on a program to develop a federal rule for the

cleanup of UXO at closed, transferring and transferred ranges. The Range Rule, as it was

called, evolved over a 4-year period and evoked considerable controversy. The

Environmental Council of States, the National Association of Attorneys General, the

Environmental Protection Agency, and the Federal Land Managers all expressed

concerns about our approach to the UXO challenge.

The Department listened and in November of 2000 withdrew the Range Rule from the federal rule making process. We are working internally to crystallize the Department's policies, and working externally to more fully understand and address the concerns of our stakeholders.

We enhanced our DERP Management Guidance last fall to detail requirements for UXO and munitions constituents response actions at locations other than operational ranges. Our Management Guidance formalized many actions including the development of an accurate and complete inventory of munitions response areas. Preliminary information will be provided in this year's DERP Report. The Services will provide us additional information this fall that will be incorporated into next year's DERP report, with the initial inventory being provided to the Congress, as required, by May 31, 2003. The Department will publish this year two important policy directives to ensure the collective and consistent implementation of our UXO policy. The first is a Munitions Response Directive, which will formally establish our Military Munitions Response Policy. The second is a directive for the management and handling of range residue and other munitions-related materiel, which includes the goal of ensuring no explosive hazards exist when the material is released from DoD control.

To ensure we have a comprehensive program across our operational ranges and munitions response areas, the Department is finalizing a Munitions Action Plan (MAP). The MAP takes a comprehensive management approach across the entire munitions lifecycle. The MAP identifies actions that will help maintain the combat readiness of our Armed Forces by enhancing explosives safety and improving environmental stewardship.

The MAP defines the munitions life-cycle in five phases: (1) acquisition; (2) munitions use on operational ranges; (3) stockpile management; (4) demilitarization; and (5) response actions at all locations other than operational ranges – such as FUDS and BRAC areas. Key areas of the MAP include:

- Inventory of all range holdings;
- Assessment of munitions impact on ranges;
- Policy for responding to UXO, waste munitions, and munitions constituents on current and former DoD properties;
- Risk-based policy for range clearance; and
- Opportunities for stakeholder involvement.

To best integrate the efforts of the environmental and operational communities, the Department established the Operational and Environmental Executive Steering Committee for Munitions (OEESCM). The OEESCM develops recommendations for overarching DoD policies and plans related to the lifecycle management of munitions. The committee's primary goal is to support readiness by integrating operational needs, logistics, explosives safety and environmental stewardship throughout the acquisition, management, use and disposal of munitions. The OEESCM's accomplishments include development of the MAP and the directives referred to earlier.

#### External Stakeholder Involvement

The Department, with the Environmental Council of States, the National Association of Attorneys' General and the Environmental Protection Agency, is establishing a Munitions Response Committee. We are extending invitations to Native American and Alaskan Native tribes and the Federal Land Managers to join this Committee. The Committee goal is to develop a consensus approach that will coordinate and synchronize complimentary efforts by DoD, the U.S. Environmental Protection Agency, the tribes, the States and the Federal Land Managers. This will help the people in the field when they work together to ensure munitions response actions are conducted in a manner that protects the community from explosive safety hazards and sustains public health and the environment. The desired outcomes of the Committee include:

- Decision-making processes that are acceptable to all parties;
- Ensuring the protectiveness of response actions, especially with regard to explosives safety concerns;
- Promoting consistency in approach across States, Tribes, EPA, the Federal Land Managers and the Military;
- Solutions to the complexity and scope of munitions response challenges; and
- Providing Munitions Response lessons learned to appropriate forums for consideration.

We believe this forum will ensure that the EPA, Federal Land Managers, tribal governments and state governments have a meaningful role in conducting response actions that sustain the long-term safety of our communities.

We are building on site-specific success stories like Tierrasanta, near San Diego,

California, where after an unfortunate accident in the 1980's, the residents and the

military became aware that the community was built on top of a range. Today, the

residents of Tierrasanta and the Army have in-place a UXO Safety Education Program,

and the management tools needed to effectively manage the situation. We will also

continue to review and act upon the national-level recommendations made by the

Military Munitions Dialogue.

# <u>Technology</u>

Technology represents both our existing constraint and our future potential. We need three different kinds of technology. First, we need hardware and software improvements that save time while also increasing reliability. Airborne sensor platforms can improve efficiency; and software to detect and identify subsurface UXO can improve effectiveness. Second, we need to address gaps in our scientific understanding. We need to answer questions like: what are the fate, transport, and toxicology of munitions' constituents such as RDX (Royal Demolition Explosive) and HMX (Her Majesty's Explosive)? And third, we need to make sure the methods used to apply the hardware, software and science to any given problem lead to viable, consistent and accepted long term solutions. As I will discuss later, the Congress has asked for a technology roadmap – and we will provide that on schedule next year.

### The Challenge for the Department and our Communities

The unique problem posed by UXO is the immediate explosives hazard – any one UXO item may kill or severely injure a person if improperly handled or disturbed – so every item must be approached as if it is an explosive hazard. The expectation of some is that we must remove, with 100% assurance, the explosive hazard. If I have one message today that I want to leave you with – it is that 100% identification, characterization and complete removal of any given UXO problem may not practicable with existing technology. We are dealing with a problem we cannot always see – many are buried below the surface and may have been there for decades, if not longer. We need to develop with the regulators and the community the processes and tools to identify and remove known hazards today, and the suspected or unknown hazards we may find

tomorrow. Several communities have realized this situation and are finding ways to sustain health and safety considerations with viable long-term solutions. In the Tierrasanta situation, their solution represents a balance between how the property was developed and the limitations caused by the potential presence of UXO.

I mentioned earlier that lessons learned at our FUDS properties may also be applicable. The Lowry Bombing Range southeast of Denver provides another example of how solutions to these complex challenges can be attained. The state regulators and the residents are working with the Corps of Engineers to define solutions – addressing what is known today – and defining the approaches to manage their safety over time. Another important concept in this area is projecting future land use while considering the limitations of UXO technology, the residual explosives safety hazard, and the sustainment of adequate land use controls. Lessons for both our current BRAC installations, and any future BRAC installations, can be realized by looking at these examples.

#### FY 2002 Defense Authorization Act Requirements

As I conclude, I want to review the requirements of the FY 2002 Defense Authorization Act. The Congress recognizes the challenges we face and we look forward to providing a comprehensive response to the requirements of Sections 311, 312 and 313 of the Act. These requirements include:

- Inventory of defense sites (munitions response areas);
- Prioritization methodology;
- Cost tracking by using program elements;
- Programmatic estimates for defense sites and operational ranges;

- Program plan;
- Technology baseline; and a
- Technology assessment and roadmap for action.

The Department is well on its way to meeting these requirements. We have already begun the initial inventory required for May 2003 and this year's DERP Report will display our initial steps on this journey. We have also embarked on a course of action to develop the prioritization methodology for munitions response actions with the States and Tribes. We intend to use such mechanisms as our newly initiated Munitions Response Committee and a web-based information (<u>www.denix.osd.mil/mmrp</u>) exchange platform to ensure the involvement of the EPA, Federal Land Managers, industry and the public. Last year we created a program element to highlight the funding for UXO in the environmental restoration accounts. The affirmation by the Congress is appreciated and we are looking at ways to provide greater visibility in our BRAC and Operations & Maintenance accounts.

The technology challenge provided by Section 313 is especially interesting. We fully recognize the need to invest in technology, science and innovative methods that will reduce program cost and facilitate land transfer. We will develop the required cost estimates, program plan, technology baseline, cost/benefit analysis, and technology roadmap by April 2003. The required interim report, which will be submitted later this month as part of our DERP Report, will affirm our understanding of the requirements and our commitment. We look forward to working with the Congress to ensure our response next year meets your needs.

## CONCLUSION

The Department fully acknowledges its obligation to protect our Service members and citizens from the potential hazards associated with UXO. The challenge, especially in the case of BRAC property, is relevant today – and will continue to be our focus for the future. The concepts that will guide are actions are: protecting the health and safety of our citizens, environmental stewardship, effective communication with our stakeholders, and a thorough understanding of the gaps in our knowledge. With your support and adequate funding, we will succeed in managing our UXO challenges.

My colleagues will describe their perspective on the UXO challenge, actions they are taking to meet this challenge, and specific examples and ideas that you may find helpful. You will find their commitment equal to ours as we endeavor to protect our citizens and the environment.

In closing, Mr. Chairman, I sincerely thank you for providing me this opportunity to describe the Department's Military Munitions Response Program and especially how it applies to the BRAC program. I want to thank you for your very strong support for our initiatives and I look forward to working with you as we transform our plans into actions.