

# Jennings SB889.pdf

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**J. B. JENNINGS**  
*Legislative District 7*  
Baltimore and Harford Counties

Finance Committee



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141 N. Main Street, Suite K  
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*The Senate of Maryland*  
ANNAPOLIS, MARYLAND 21401

March 4, 2021

The Honorable Paul G. Pinsky  
Education, Health and Environmental Affairs Committee

RE: Senate Bill 889: Controlled Hazardous Substance Capacity Permit – Research Facilities –  
Chemical Warfare Material Requirements

Dear Chairman and Members of the Committee:

Senate Bill 889 provides an exception to the law regarding chemical warfare material requirements under a controlled hazardous substance facility permit in order to allow for the incineration of small quantities of chemical warfare materials at a research facility done for research, development or demonstration purposes.

This exception would allow the U.S. Army Combat Capabilities Developments Command's (CCDC's) Chemical Biological Center (CBC), the nation's provider of innovative chemical and biological defense solutions, to conduct much needed and critical research and development activities that they are uniquely equipped to safely execute at the Aberdeen Proving Ground (APG). Such activities serve to protect our military, first responders and the nation from chemical and biological warfare agents.

I request the committee's favorable consideration of Senate Bill 889.

**2-page - Briefing 17\_FEB\_2021.pdf**

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## THE MARYLAND DEFENSE RESEARCH (MDR) COALITION

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### SUPPORTING CCDC CBC

The [Maryland Defense Research \(MDR\) Coalition](#) is an organization established to update current Maryland State statutory language to allow CCDC CBC, the nation's provider of innovative chemical and biological defense solutions, to conduct much needed and critical research and development activities that they are equipped to safely execute.

## Maryland Legislative Change to Support the Combat Capabilities Developments Command's (CCDC's) Chemical Biological Center (CBC) Mission

### Background:

Maryland statutes enacted in 1993 to regulate the environmental impact of the elimination of the chemical agent stockpile at the Edgewood area of the Aberdeen Proving Ground (APG) have now created the unforeseen result of adversely impacting the Department of Defense's (DoD's) ability to develop and demonstrate new technologies to manage and control chemical warfare materiel in tactical environments and emergency response situations.

In short, technological advances over the past 30 years require the creation and destruction of small amounts of diverse hazardous materials for research and development purposes. By contrast, the 1993 law was drafted and designed to address the destruction of large amounts of mustard gas. Today, the State of Maryland needs an updated law that will provide sufficient environmental safeguards while permitting CCDC CBC to carry out its mission of researching and developing strategies to dispose of current and new forms of chemical weapons, in smaller quantities. To accomplish that goal, the MRD Coalition proposes a legislative change to be introduced during the 2021 Maryland General Assembly.

### The Goal:

The U.S. Army CBC is the nation's premier provider of innovative chemical and biological defense solutions. CBC has a unique role in technology development that cannot be duplicated by private industry or research universities. CBC also fosters research, development, testing, and application of technologies for protecting warfighters, first responders and the nation from chemical and biological warfare agents. Additionally, it possesses unique engineering expertise to accelerate the design, prototyping and fielding of protective equipment; and it maintains a robust field capability to identify, remove, and destroy recovered chemical materials. Employing 1070 Department of Army civilians, three military personnel, and 329 contractors, CBC staff cover all of the scientific, engineering, and operational skill sets required for mission success.

CBC is the DoD's designated organization for the research, development and demonstration of, among other things, technologies to destroy chemical and biological warfare materials. This includes new and novel incineration technologies. However, the 1993 Maryland statute did not contemplate this developing mission. Many of the specific restrictions listed in the 1993 law,

which pertain to stockpile elimination, have no practical applicability to current research, development and demonstration of these new incineration technologies.

Maryland SB 612, codified as Section 7-239.1 through 7-239.4 of the Environment Article in 1993, established rigorous requirements for the permitting of a thermal incineration technology to destroy 1,818 ton containers of bulk mustard agent stockpiled at the Edgewood area of APG. Although the stockpiled mustard agent was eventually destroyed by a different (aqueous neutralization) technology in 2006, the 1993 legislation still requires the same extensive preparation and inputs to secure a permit for the incineration of any amount of chemical agent, even small amounts required for research and development purposes, rather than the elimination of tons of bulk stockpile materials.

CBC is currently evaluating at least four new incineration technologies to support the warfighter's need to destroy chemical and biological agents in tactical environments, and to enhance our nation's capability to destroy recovered chemical munitions or other U.S. and foreign stockpiles, all of which are at risk for delay because of the requirements of current Maryland law. CBC staff have discussed the legislation with Maryland Department of Environment (MDE) staff and believe a change to the wording of 7-239.2(c) would enable permitting for research, development and demonstration of new technologies that incorporate some form of incineration. The proposed change is narrowly tailored to accomplish this specific purpose, as follows:

**Current Law:** "Since these chemical warfare materials are highly toxic or carcinogenic, in addition to any other applicable requirements at law, the State shall require without exemption or waiver that an applicant for the treatment by incineration of the chemical warfare materials shall comply with all the requirements of this subtitle and all regulations adopted under this subtitle."

**Proposed Change:** "Since these chemical warfare materials are highly toxic or carcinogenic, in addition to any other applicable requirements at law, the State shall require that an applicant for the treatment by incineration of the chemical warfare materials shall comply with all the requirements of this subtitle and all regulations adopted under this subtitle unless for research, development and demonstration purposes."

CBC cannot lobby the Maryland General Assembly directly for a legislative amendment. In January 2020, the CBC Director and his staff explained the problem and the impact of MDE's inability to issue permits for research, development and demonstration of incineration technologies due to the existing legislation to members of the MDR Coalition and accepted the Coalition's offer of advocacy. The Army Alliance, an advocacy group whose sole purpose is to promote public policies that support the mission of the Aberdeen Proving Ground and other members of the MDR Coalition are working closely with the Coalition's leadership on this initiative. However, this legislation could benefit certain operations at other Maryland military installations as well.



The MDR Coalition has decided to approach the 2021 legislative cycle by recruiting members, businesses, organizations and individuals to show broad support and to advocate for this legislative change. The MDR Coalition is a single purpose organization that will exist during the legislative process for this initiative. Bryson Popham, who serves as the Maryland registered lobbyist for the Army Alliance, will also advise the Coalition and provide administrative services to the Coalition. It is important to emphasize that the Maryland Department of the Environment (MDE) will retain regulatory and compliance responsibility over this process upon securing the desired change in the Maryland statute.

### **Facilities and Protective Systems:**

The CBC is the United States' designated capability for research, development and demonstration of technologies to destroy chemical and biological warfare materiel and is recognized world-wide for expertise in this area. For over 100 years CBC has conducted research, development and test operations which has led to robust environmental and safety programs (procedures, facilities, training) to protect the workforce, the community and the environment. They have a demonstrated ability to perform safe and environmentally compliant chemical agent operations. Examples include the destruction of the Aberdeen Chemical Agent Disposal Facility (ABCDF) Stockpile of bulk mustard gas, the Syria Chemical Stockpile Destruction on the MV Cape Ray and the Munitions Assessment and Processing System (MAPS). The Center has accredited laboratory operations that are compliant with independent quality assurance programs and they participate in both internal and external quality system audits. Their remote test facilities operate under a "layers of protection" model that never relies on a single means to protect the workforce, community and environment. Their facilities have robust engineering control systems and filters that direct, contain, treat and capture any unanticipated emissions.

CBC has an exceptional safety record as evidenced by their twice earning one of the U.S. Army's highest safety awards. In 2015 they won the award for successfully destroying 600 metric tons of Syria's declared chemical warfare material aboard the MV Cape Ray using the Field Deployable Hydrolysis System. Safety was a critical component of the mission, which was completed without any reportable accidents or releases to the environment. In 2018 they won the award for establishing new approaches to strengthening laboratory safety practices.

**SB 889\_ARMY ALLIANCE\_FAV.pdf**

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**Executive Director**  
Sue Nappi

The Honorable Paul G. Pinsky, Chair  
Senate Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

RE: Senate Bill 889 - Controlled Hazardous Substance Facility Permit -  
Research Facilities - Chemical Warfare Material Requirements - FAVORABLE

Dear Chairman Pinsky and Members of the Committee,

I am writing in support of Senate Bill 889. I would also like to thank Senator JB Jennings for introducing this legislation.

The Army Alliance Inc. is a non-profit civic organization that advocates for the well-being of the programs, people, and missions of Aberdeen Proving Ground (APG). The Army Alliance was established in 1999 and has successfully supported over \$300 million in projects and facilities the benefit the entire APG community. APG is a national asset and the number one employer in Northeastern Maryland.

The Army Alliance supports this bill that will provide the required environmental safeguards while permitting the U.S. Army Combat Capabilities Developments Command Chemical Biological Center (CBC) to carry out its research mission of developing strategies to dispose of new forms of chemical weapons, in smaller quantities at APG.

The Maryland statute originally enacted in 1993 to regulate the environmental impact of eliminating the chemical agent stockpile at the Edgewood facility of APG has created the unforeseen result of adversely impacting the ability of the Department of Defense to develop and demonstrate new technologies to manage and control chemical warfare materiel in tactical environments and emergency response actions. CBC is the DoD's designated organization for the research, development, and demonstration of technologies to destroy chemical and biological warfare materials. This includes new and novel incineration technologies that operate without impact on the environment. This is a critical mission in support of our nation.





# ARMY ALLIANCE

KEEPING OUR FUTURE STRONG

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*Brian Simmons  
TRAX International*

*Beetle Smith  
MacKenzie Commercial Real Estate*

**Executive Director**  
*Sue Nappi*

For these reasons, I urge a favorable report on Senate Bill 889.

Sincerely,



Anthony Lisuzzo  
President Army Alliance

cc:

Tom Albro, Chair of the Maryland Defense Research Coalition (MDRC)  
Bryson Popham, Bryson F. Popham, P.A.  
Joan Smith, Bryson F. Popham, P.A., MDRC Administrator



**sb 889\_avon protection\_FAV.pdf**

Uploaded by: Smith, Sarah Joan

Position: FAV



March 2, 2021

The Honorable Paul G. Pinsky, Chair  
Senate Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

RE: Senate Bill 889 - Controlled Hazardous Substance Facility Permit - Research Facilities - Chemical Warfare Material Requirements - FAVORABLE

Dear Chairman Pinsky and Members of the Committee,

I am writing in support of Senate Bill 889. First, we would like to thank Senator J.B. Jennings for introducing this legislation that will ultimately benefit not only the State of Maryland but the United States as a whole.

Avon Protection is a publicly traded company that has served the United States warfighter for over twenty years. We are a world leader in respiratory and ballistic protection, delivering life critical solutions for Militaries and First Responders worldwide. One key area of focus for us is to develop products that protect the United States Department of Defense Army, Navy, Marines, Air Force and Special Operations Forces from the hazards of chemical and biological warfare agents. Our U.S. business headquarter is in Maryland close to our largest customer, the U.S. Joint Program Executive Office for Chemical, Biological, Radiological and Nuclear Defense (JPEO-CBRND) located at Aberdeen Proving Grounds.

Avon Protection supports this legislation as the bill will allow the Combat Capabilities Development Command's Chemical and Biological Center (CCDC CBC) to conduct critical research, development and demonstration of emerging technologies to protect our warfighters and first responders. As a defense contractor we recognize the critical mission CCDC CBC provides for both our warfighters and the U.S. homeland. CCDC CBC is also a critical research, development, test & evaluation (RDT&E) partner of JPEO-CBRND and its contractors such as Avon Protection. Part of that mission is to investigate new technologies to safely reduce or eliminate chemical and biological threats which SB 889 will allow them to investigate.

**ADVANCE WITH CONFIDENCE**

Avon Protection is committed to supporting the mission of Aberdeen Proving Ground and its tenant organizations as one of the nation's premier defense research and development centers. For these reasons, we urge a favorable report on Senate Bill 889.

Kind regards,

A handwritten signature in blue ink that reads "Jill M. McClune". The signature is written in a cursive, flowing style.

Jill M. McClune  
General Counsel, U.S.

cc: Tom Albro, Chair of the Maryland Defense Research Coalition (MDRC)  
Bryson Popham, Bryson F. Popham, P.A.  
Joan Smith, Bryson F. Popham, P.A., MDRC Administrator

**SB 889\_HCCC\_FAV.pdf**

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Position: FAV



The Honorable Paul G. Pinsky, Chair  
Senate Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Senate Bill 889 - Controlled Hazardous Substance Facility Permit -  
Research Facilities - Chemical Warfare Material Requirements -  
FAVORABLE**

Dear Chairman Pinsky and Members of the Committee,

On behalf of the Harford County Chamber of Commerce, I am writing in support of Senate Bill 889.

The Harford County Chamber of Commerce supports SB 889; a bill that will provide the required environmental safeguards while permitting the U.S. Army Combat Capabilities Developments Command Chemical Biological Center (CBC) to carry out its research mission of developing strategies to dispose of new forms of chemical weapons, in smaller quantities at APG.

The Maryland statute originally enacted in 1993 to regulate the environmental impact of eliminating the chemical agent stockpile at the Edgewood facility of APG has created the unforeseen result of adversely impacting the ability of the Department of Defense to develop and demonstrate new technologies to manage and control chemical warfare materiel in tactical environments and emergency response actions. CBC is the DoD’s designated organization for the research, development, and demonstration of technologies to destroy chemical and biological warfare materials. This includes new and novel incineration technologies that operate without impact on the environment. This is a critical mission in support of our nation.

SB 889 supports economic stability at APG and surrounding areas. For these reasons, I urge a FAVORABLE report on SB 889 and thank Senator J.B. Jennings for introducing this legislation.

Sincerely,

Angela Rose

President & CEO

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Angela Rose

**sb 899 - MDRC - FAV.pdf**

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Position: FAV

# Maryland Defense Research Coalition (MDRC)

## 191 Main Street, Suite 310

### Annapolis, MD 21401

March 2, 2021

The Honorable Paul G. Pinsky, Chairman  
Senate Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

RE: Senate Bill 889 - Controlled Hazardous Substance Facility Permit - Research Facilities - Chemical Warfare Material Requirements - FAVORABLE

Dear Chairman Pinsky, Senator Jennings and Members of the Committee,

My name is Tom Albro, and I currently serve as the Chairman of the Maryland Defense Research Coalition (MDRC). I am also a former President of the Army Alliance.

Both the Army Alliance and the MDRC support the overall mission of the Aberdeen Proving Ground (APG) and both organizations are advocating for Senate Bill 889. The language change in this bill is necessary for the United States Army to continue to explore new and innovative chemical and biological defense technologies, in order to protect both our warfighters and the security interests of our nation. During the past 100 years, Aberdeen Proving Ground has grown to become the primary focus of research and development globally for the United States Army. APG is one of several military installations in Maryland that are vital instruments of our national defense. They also provide a significant benefit to the economy of the State of Maryland. Senate Bill 889 addresses the need to modernize Maryland public policy in our environmental laws, in recognition of the evolving mission of APG for our national defense.

Approximately 30 years ago, Maryland enacted a series of statutes intended to protect our environment during the necessary process of the destruction of large quantities of chemical agent stored at APG. The U.S. no longer has large stockpiles of the chemical weapons that were created during the early part of the 20th century but the threat of chemical weapons has not diminished. The Maryland law enacted in the early 1990s had the support of all interested parties, and it has worked well.

Today, however, both the times and the circumstances have changed. Maryland must honor its commitment to protect the environment, and also recognize that APG is dealing with different chemical weapons threats.

The mission of APG has evolved to contemplate these new threats. APG is charged with collecting and studying these new hazardous materials as well as devices and technologies for the purpose of mitigating those chemical and biological threats. Their goal is straightforward: to protect our troops and assure our national defense.

Chemical weapons are constantly evolving; therefore, it is necessary that APG's vital services be performed without undue delay. Our forces deployed across the world need this research to be accomplished as quickly as possible.





As a practical matter, the hazardous materials needed to be studied by APG today are in significantly smaller quantities. Therefore, the requirements of current Maryland law, which were intended to apply to the destruction of large quantities of chemical weapons, are not applicable to the research, development or demonstration of technologies using significantly smaller quantities of chemical agents. Senate Bill 889 preserves the current statutory framework for its historic mission of destroying hazardous materials in large quantities, while making a limited exception to these requirements for the evaluation of destruction technologies if done only for research, development or demonstration purposes.

The MDRC supports this modest change in Maryland law. Because of APG's exceptional health and safety record, we are assured that the Army will conduct these activities with the safety of employees, and of the local community, foremost among its concerns.

For these reasons, we respectfully request a favorable report on Senate Bill 889.

Sincerely,



Thomas G. Albro, Chairman  
Maryland Defense Research Coalition



**SB 899\_JRAD-FAV.pdf**

Uploaded by: Smith, Sarah Joan

Position: FAV



March 2, 2021

The Honorable Paul G. Pinsky, Chair  
Senate Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

RE: Senate Bill 889 - Controlled Hazardous Substance Facility Permit - Research Facilities - Chemical Warfare Material Requirements - FAVORABLE

Dear Chairman Pinsky and Members of the Committee,

I am writing in support of Senate Bill 889. I'd first like to thank Senator J.B. Jennings for introducing the bill given it will benefit not only the State of Maryland but the United States as well.

Joint Research and Development, Inc. (JRAD) is Privately Owned, Service Disabled, Veteran Owned, Small-Business (SDVOSB) founded in 2004. Over the last 15+ years we have provided exceptional scientific, engineering and technical assistance support to several Federal departments and agencies as well as industry and academic partners. We possess a wide-ranging cadre of scientific, technical, and analytical Subject-Matter-Experts in the areas of Science and Technology, Research and Development, Test and Evaluation and Acquisition support. We have offices in Maryland and Virginia and employ over 160 staff, the majority of whom work in Maryland.

JRAD supports this legislation because the bill will allow the U.S. Army's Combat Capabilities Development Command's Chemical Biological Center (CCDC CBC) to conduct critical research, development and demonstration of emerging science and technologies to protect our warfighters and first responders. As a defense contractor we recognize the critical mission CCDC CBC provides for both our warfighters and the U.S. homeland. Part of that mission is to investigate new technologies to safely reduce or eliminate chemical and biological threats which HB 889 will allow them to do.

As a longtime supporter of the Army Alliance and now the Maryland Defense Research Coalition (MDRC), JRAD is committed to supporting the mission of Aberdeen Proving Ground and its tenant organizations as one of the nation's premier defense research and development centers. For these reasons, we urge a favorable report on Senate Bill 889.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Dieren", written in a cursive style.

Mike Dieren  
President

cc: Tom Albro, Chair of the Maryland Defense Research Coalition (MDRC)  
Bryson Popham, Bryson F. Popham, P.A.  
Joan Smith, Bryson F. Popham, P.A., MDRC Administrator

# **CPSR 2021 SB889fControlled Hazardous Substance Fac**

Uploaded by: Carrington, Darrell

Position: UNF

# CHESAPEAKE PSR

## PHYSICIANS FOR SOCIAL RESPONSIBILITY



### **SB889 - Controlled Hazardous Substance Facility Permit - Research Facilities - Chemical Warfare Material Requirements – Chesapeake Physicians for Social Responsibility OPPOSE**

The Chesapeake Physicians for Social Responsibility (CPSR) is the state affiliate of the national Physicians for Social Responsibility, part of the International Physicians for the Prevention of Nuclear War which received the Nobel Peace Prize in 1985. CPSR is a statewide organization of over 700 e-activist physicians, health professions and other supporters which relies on sound, evidenced based public health policy principally regarding prevention of nuclear war and strategies to mitigate climate crisis all through the lens of racial equity and social justice exposed by the pandemic.

We write to **OPPOSE** SB889 in the strongest possible terms. This bill seeks to amend existing law so as to exempt from current permitting requirements chemical warfare materials incineration at a Department of Defense “research facility” if the incineration is done for “research, development, or demonstration” purposes. People in Maryland successfully opposed the incineration of chemical weapons at Edgewood Arsenal/at Aberdeen Proving Ground back in the 1990’s. Located in a densely populated part of the State.

They demanded consideration of alternative ways to destroy this dangerous material that needed to be destroyed by international law. They were successful and the Army relented on incineration. Excellent scientists at Edgewood came up with a neutralization method that destroyed the weapons without incineration, without putting dangerous pollution into the air. Again in 2013 the brilliant scientists there won international praise for ridding the world of Syria’s deadly sarin gas by neutralizing the material out at sea and without incineration.

Why we must ask is this bill being put forward that would allow incineration of chemical weapons in this state to resume without safety regulations?

We discussed this legislation with experts within our networks since the bill was introduced and, though they reached out to the sponsor, questions remain unanswered. This bill should not go forward until the Senate and the public has answers to these questions:

- What, in the Sponsor’s view, requires or necessitates this proposed change from the existing law?
- Which research facilities does the Sponsor envision would this amended version of the existing law be relevant to?
- Whether the Department of Defense has formally or informally requested a change in the state laws applicable to their chemical weapons research activities in the State of Maryland?

Our interests come from longstanding efforts relating to the safe and prompt destruction of chemical weapons by the United States and by all other countries as required under the 1997 Chemical Weapons Convention. We are deeply familiar with the U.S. chemical weapons demilitarization program and the role that current facilities, such as Aberdeen Proving Ground, have served in this process. Why is it necessary to pass a bill that exempts the incineration of chemical weapons incineration from environmental regulation?

This bill should not proceed without answers to senators and the public to the above questions. With these serious unanswered questions, and the potentially disastrous environmental consequences of incinerating chemical warfare materials in close proximity to residential areas, we strongly OPPOSE SB889 and ask for an UNFAVORABLE report.

Gwen L. DuBois MD, MPH  
President - Chesapeake Physicians for Social Responsibility (CPSR)  
gdubois@jhsph.edu

**SB889\_MDE\_LOI\_wAmendments.pdf**

Uploaded by: abbott, tyler

Position: INFO





March 4, 2021

The Honorable Paul G. Pinsky, Chair  
Senate Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, MD 21401

**Re: Controlled Hazardous Substance Facility Permit - Research Facilities - Chemical Warfare Material Requirements**

Dear Chair Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed Senate Bill 889 entitled *Controlled Hazardous Substance Facility Permit - Research Facilities - Chemical Warfare Material Requirements* and would like to provide the Committee with additional information regarding this bill.

Section 7-239.2 of the Environment Article specifies that, without exemption or waiver, MDE shall require that an applicant for a Controlled Hazardous Substance (CHS) Facility Permit for the treatment of chemical warfare materials by incineration shall comply with all the requirements in Title 7, Subtitle 2 of the Environment Article (i.e., the CHS Statute), and all regulations adopted under the CHS Statute. Senate Bill 889 would establish an exemption for a research facility, a facility designated by the U.S. Department of Defense (DOD) for the research, development, or demonstration of technologies related to chemical warfare materials, treating chemical warfare materials by incineration. Under the bill, the incineration of chemical warfare materials at a research facility would no longer be subject to the performance standards and operation conditions for a CHS Facility Permit established in §§7-239.3 and 7-239.4 of the Environment Article.

In 1993, the General Assembly passed Chapter 612 in response to public concerns about the possibility that a bulk stockpile of mustard agent stored by the U.S. Army at the Aberdeen Proving Ground would be destroyed using an incinerator to be constructed at the military installation. Under an international treaty, the United States Government had agreed to destroy its chemical weapons. Chapter 612 added §§7-239.1 through 7-239.4 to the Environment Article, deeming a chemical warfare material that is a solid waste a CHS and requiring the incineration of a chemical warfare material to be regulated under the CHS Statute.

Currently, §7-239.3 of the Environment Article requires that CHS Facility Permit applicants demonstrate that a proposed incinerator technology meets certain performance standards. This demonstration would likely not be possible if the incineration were being conducted for research, development, or demonstration purposes. For example, an applicant must demonstrate that the proposed incinerator technology has consistently met all applicable federal and State performance

standards, based on a comparable operational facility, and can achieve a destruction and removal efficiency of 99.9999% for each chemical warfare material to be incinerated at the facility. However, in most cases, for research involving an innovative technology, there will be no comparable operational facility nor data regarding the technology's destruction and removal efficiency. The application standards and facility operating conditions in §§7-239.3 and 7-239.4 of the Environment Article are intended to constrain the operation of an incinerator that would be operating over an extended period of time and processing large quantities of chemical warfare materials. Requiring that these standards and operating conditions be met for a research activity may, in some cases, stifle innovation by hindering research into chemical warfare material treatments, even though the research would be conducted in a laboratory setting with engineering controls in place to capture and treat any emissions from the incinerator technology under evaluation.

Existing §7-239.3(a) of the Environment Article states that “[a] chemical warfare material that is a solid waste is a [CHS]”. The bill proposes to exclude chemical warfare materials that will be incinerated at designated DOD research facilities from being regulated as a CHS. COMAR 23.13.02 “Identification and Listing of Hazardous Waste” uses the authority in §7-239.3(a) of the Environment Article to include waste chemical warfare material as a solid waste and hazardous waste. Currently, the incineration of any CHS for research, development, or demonstration purposes is regulated by MDE through either a CHS Facility Permit, a Research, Development and Demonstration (RDD) Permit, or a hazardous waste treatability study. MDE may issue an RDD Permit for any hazardous waste treatment facility that proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for the experimental activity have not been adopted in regulation. MDE regulations also contain specific requirements for a person involved in a treatability study being conducted in a laboratory or testing facility.

The Department does not object to the bill's proposed exclusion for a DOD research facility from the application standards in existing §7-239.3(b) of the Environment Article. However, the bill's proposal to exclude chemical warfare materials incinerated at a research facility from being a CHS under §7-239.3(a) of the Environment Article is of significant concern to the Department because if a chemical warfare material is not a CHS, then the treatment of the material by incineration would not be subject to the provisions of the CHS Statute or regulations adopted under its authority. Even if the incineration of chemical warfare materials at DOD designated research facilities are excluded from meeting certain application standards and adhering to certain operational conditions under §§7-239.3(b) and 7-239.4 of the Environment Article, the incineration of any chemical warfare material should still be conducted under an RDD Permit or treatability study. Moreover, all chemical warfare materials that are solid wastes should be regulated as a CHS, despite how the materials are managed.

The Department's concerns could be alleviated by placing the bill's proposed exemption in §7-239.3 of the Environment Article after existing subsection (a) and renumbering existing subsection (b) to be subsection (d) accordingly. Additionally, the proposed amendment should only exempt the incineration of chemical warfare materials at a DOD research facility done for research,

Honorable Paul G. Pinsky

Page 3

development, or demonstration purposes from the application standards established in renumbered subsection (d) of §7-239.3 of the Environment Article.

Thank you for your consideration. We will continue to monitor Senate Bill 889 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at [tyler.abbott@maryland.gov](mailto:tyler.abbott@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", with a long horizontal flourish extending to the left.

Tyler Abbott

cc: The Honorable J. B. Jennings  
Ms. Kaley Laleker, Director, Land and Materials Administration

AMENDMENTS TO SENATE BILL 889  
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, line 2, strike “§ 7-239.3(B)” and substitute “§ 7-239.3(C)”; strike in their entirety lines 8 through 14, inclusive; in line 15, strike the brackets; in the same line strike “(C)”; and after line 16, insert:

**“(B) IN THIS SECTION, “RESEARCH FACILITY” MEANS A FACILITY DESIGNATED BY THE U.S. DEPARTMENT OF DEFENSE FOR THE RESEARCH, DEVELOPMENT, AND DEMONSTRATION OF TECHNOLOGIES RELATED TO CHEMICAL WARFARE MATERIALS.**

**“(C) SUBSECTION (D) OF THIS SECTION DOES NOT APPLY TO THE INCINERATION OF CHEMICAL WARFARE MATERIALS AT A RESEARCH FACILITY IF THE INCINERATION IS DONE FOR RESEARCH, DEVELOPMENT, OR DEMONSTRATION PURPOSES.”.**

# **SB 889\_Chemical Warfare Material Requirements\_LOI.**

Uploaded by: Schulz, Kelly

Position: INFO



Larry Hogan | Governor  
Boyd Rutherford | Lt. Governor  
Kelly M. Schulz | Secretary of Commerce

**DATE:** March 4, 2021  
**COMMITTEE:** Senate Education, Health and Environmental Affairs  
**BILL NO:** Senate Bill 889  
**BILL TITLE:** Controlled Hazardous Substance Facility Permit – Research Facilities  
– Chemical Warfare Material Requirements

### **Statement of Information**

As enacted in 1993, Environment Article §7-239.1 through 7.239.4 established rigorous requirements for the permitting of thermal incineration technology to destroy the 1,818 ton bulk mustard agent stockpile stored at Aberdeen Proving Ground. The statute does not currently discriminate between bulk chemical stockpile incineration, and research to develop new incineration-related technologies. Although the mustard stockpile has long since been destroyed, the statute prevents research and demonstration activity on new incineration-based remediation and destruction technologies for treatment of chemical agents and legacy chemical weapons. Senate Bill 889 would exempt incineration done for research, development, or demonstration purposes from the existing statute.

The U.S. Army Chemical Biological Center (CBC) based at Aberdeen Proving Ground employs over 1,400 researchers, technicians and support staff. Within its broader mission, the CBC is the Department of Defense designated capability for research, development and demonstration of technologies to destroy chemical and biological warfare materiel, including new and novel incineration technologies.

Currently the CBC has at least four planned programs, with more to follow, dependent on a Maryland Department of the Environment (MDE) permit to produce chemical agents to be destroyed through development and demonstration of these new incineration-based technologies. The Department of Defense could move these programs elsewhere, although with great expense and program delays.

For more than a century the Chemical Biological Center and its forerunner organizations at Aberdeen Proving Ground have demonstrated ability to perform chemical agent operations with robust environmental and safety programs to protect the workforce, the community and the environment. Research on new incineration-based technologies will produce systems and procedures to destroy or remediate chemical agent and weapons in a safer, more expedient, and less costly manner. Development of new incineration technologies employs a highly technical workforce, and these new incineration-based systems will be produced by industry supporting the CBC. Senate Bill 889 will enable the retention and expansion of the aforementioned programs, leading to potential job growth and economic impact for Marylanders.