

BILL NUMBER: Senate Bill 0253
Controlled Hazardous Substance Facility Permit – Research
Facilities – Chemical Warfare Material Requirements

COMMITTEE: Senate Education, Energy and the Environment Committee

HEARING DATE: January 29, 2025

SPONSOR: Chair, Education, Energy and the Environment Committee (By
Request – Departmental – Commerce)

POSITION: Unfavorable

Chair Brian J. Feldman, Vice Chair Cheryl C. Kagan and Members of the Education, Energy and the Environment Committee,

I am deeply concerned that this bill will give the Army a pass on following the prescribed safety measures in the existing legislation. The Fiscal and Policy Note mentions that the MDE is uncertain how it might ensure proper oversight if this Bill is passed. So am I.

For seven years I have been a member of the Ft. Detrick Restoration Advisory Board (RAB). As part of CERCLA law the RAB was formed to provide transparency to local citizens regarding Ft. Detrick's mitigation of toxic substances. Area B was the depository of waste from weapons of mass destruction research activities. Much of the waste was incinerated prior to burial. Nevertheless, inappropriate handling and recording resulted in such concern of damage to the health of the local population that the site declared a National Priorities List (NPL) Superfund Site.

Maryland has some twenty NPL Superfund Sites, including Aberdeen Proving Grounds.

U.S. Military sites have a long history of acting in the interests of expediency. Later these activities lead to harm to the health of local residents, including cancer and birth defects.

I am opposed to this bill unless there is a more fulsome description of the following:

- What is so onerous to the Army about the present regulations that new legislation exempting the Army is required?
- What is the regimen that will replace the current requirements?
- If MDE's oversight role is diminished, is the EPA's role strengthened?
- Does this bill affect transparency and public information?
- What is the duration of the research? Research can go on for years and research projects can spin off the first project continuously.
- Are there going to be contractual agencies that are going to handle this research? If so what are their qualifications?

- What is the MDE's authority to terminate the research?
- How close will the research facilities be to densely populated areas, such as Wilmington Delaware, which would be affected by the westerly winds?
- What alert or alarms would be in place to warn the populace?
- Would the emissions be affected by weather conditions? Would the research be shut down in times of high winds or temperature inversions?
- Will there be monitoring of the Chesapeake Bay to see if these toxins are falling into the Bay?
- Will there be increased monitoring of the Aberdeen Proving Ground wildlife area?

The current legislation provides specified measures to ensure the public's safety. Please let the legislation stand as it is and return a decision of Unfavorable to SB0253.

Thank you,
Elizabeth J. Law
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