



**The Maryland Department of the Environment
Secretary Serena McIlwain**

***Senate Bill 253
Controlled Hazardous Substance Facility Permit - Research Facilities - Chemical
Warfare Material Requirements***

Position: Support

Committee: Education, Energy, and the Environment

Date: January 29, 2025

From: Leslie Gray, Government Relations Officer

The Maryland Department of the Environment (MDE) **SUPPORTS** SB 62.

The bill is intended to amend current law that is unintentionally serving as an obstacle to the ability of the U.S. Army to conduct research and development work to address critical national defense and security challenges posed by adversaries' potential use of chemical warfare materials.

The bill would exclude a research facility designated by the U.S. Department of Defense (DOD) for the research, development, or demonstration of technologies related to chemical warfare materials from certain conditions and prohibitions applicable to incineration of chemical warfare materials. Specifically, a research facility would be excluded from:

- Performance standards under §7-239.3 of the Environment Article that a permit applicant must meet in order for the Maryland Department of the Environment (MDE or the Department) to issue a CHS Facility Permit for a facility that incinerates chemical warfare materials; and
- Conditions under §7-239.4 of the Environment Article that MDE must include in a CHS Facility Permit for a facility that incinerates chemical warfare materials.

Current statutory provisions were adopted in the 1990s to address concerns associated with the required destruction of the nation's stockpile of chemical weapons, a portion of which was being stored at Aberdeen Proving Ground. The 1990s era statutory provisions established specific conditions in the event that incineration was chosen as the method of destruction for chemical warfare material that included requirements not appropriate for work that is conducted in the context of research and development. For example, the statute currently requires that the destruction technology permitted to be used for chemical warfare material must have been demonstrated to consistently meet all applicable State and federal performance standards in a comparable operational facility. This is not possible if the technology under consideration as part of a research project is new, innovative technology not previously commercialized.

MDE concurs with the Department of Commerce's technical amendments that would allow the bill to serve its intended purpose while maintaining consistency with the federal hazardous waste regulatory program and avoiding potential sanctions by the U.S. Environmental Protection Agency (EPA).

The bill would remove statutory impediments that prevent important national security and defense preparedness work from being conducted at a Maryland facility that is uniquely qualified to perform such work.

For the reasons detailed above MDE asks for a **FAVORABLE** report for SB 62.