



HB62

**Controlled Hazardous Substance Facility Permit – Research Facilities – Chemical Warfare
Material Requirements**

Environment and Transportation Committee

January 29, 2025

Position: Unfavorable

Dear Chair Korman and Members of the Committee,

Clean Water Action is deeply concerned by HB62 and urges you not to pass this legislation.

HB62 exempts the incineration of chemical warfare materials at a “research facility” from specific Maryland controlled hazardous substances statutory and regulatory requirements if the incineration is done for “research, development, and demonstration” purposes. Whether a facility is designated a “research facility” for these purposes is left to the discretion of the U.S. Department of Defense, with no further checks and balances on this designation. Particularly at a moment when fundamental federal environmental and safety regulations are at risk, and leadership of the U.S. Department of Defense is in question, eliminating state-level protections in favor of unchecked federal authority on this matter has great potential to damage the health and safety of Maryland residents.

Even if the legislation provided more safeguards on its applicability than simply U.S. Department of Defense designation, the exemption would increase risk to Maryland residents from chemical warfare disposal activities. This legislation would exempt incineration of chemical warfare waste for these purposes from a number of valuable regulatory protections, including requirements to:

- comply with Federal and State toxic air pollution standards.
- achieve a destruction and removal efficiency of >99.9%.
- develop a plan for protecting persons in the largest area at risk from a worst-case-scenario release.
- present such a plan to the public and local affected governments.
- consider safer alternatives to incineration less populated alternative disposal sites to create less risk of release or harm.
- monitor data regularly, continuously, and reviewed by a qualified independent third party as well as reported to the Department of the Environment.
- specify in the permit the quantity of material to be incinerated, which cannot be modified.

- dismantle the facility according to state and federal standards once the permitted quantity of chemical warfare waste has been destroyed.

The legislature should not remove these important safety guardrails on the incineration of chemical warfare waste. Maryland residents deserve to have proposals for “research, development, and demonstration” of chemical warfare waste thoroughly vetted; now is not the time to eliminate these guardrails in favor of federal discretion.

The legislature also should make sure it understands why this bill was introduced this year. A year and a half ago in July 2023, the U.S. Department of Defense [announced](#) that “the final munition in the nation’s obsolete stockpile of chemical weapons has been safely destroyed – a disarmament milestone decades in the making.” Why is HB62 being introduced this year? Does the Department of Defense have specific “research facility” proposals in mind at military bases like Aberdeen Proving Ground, Fort Detrick, or Indian Head Navy Base that could have reduced public scrutiny and transparency if this legislation passes, and what waste might be incinerated at such facilities? Residents near potential locations of “research facilities” for the incineration of chemical warfare waste deserve answers to these questions.

Please do not pass HB62, and press for transparency around any potential for “research facilities” for the incineration of chemical warfare waste that may have motivated the legislation.

Thank you,

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