

Testimony

Of

**Thomas M. Smith
Advisory Neighborhood Commissioner 3D02**

Before The

**U.S. House of Representatives
Subcommittee On Federal Workforce, Postal Service,
And The District Of Columbia**

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I want to express my appreciation to Representative Stephen Lynch (D-MA), the Chairman of the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, and Representative Eleanor Holmes Norton (D-DC) and their staffs for convening and organizing this important oversight hearing. It is my hope that this hearing will result in improved communications with the public on the current phase of the investigation and clean up of World War I chemical munitions at American University and in the Spring Valley community.

I have lived in Spring Valley for nearly 30 years. For the last three years I have served as an Advisory Neighborhood Commissioner (ANC) representing the eastern part of Spring Valley, part of the American University campus, and a portion of Westover Place. ANC Commissioners are elected to represent districts comprised of 2,000 residents. Our responsibility is to advise the city government on a wide range of issues affecting our communities.

Recently, concerns about plans made by the U.S. Army Corps of Engineers (USACE) – with the support of the U.S. Environmental Protection Agency (EPA) and the District Department of the Environment (DDOE) – to destroy chemical weapons near Sibley Hospital and the reservoir next month have focused renewed attention on the need for additional and continued oversight at the federal and local levels on the Spring Valley investigation and clean up.

These concerns have stretched beyond the residents who live within the borders of our Spring Valley community. Recently, the Ward Three Democratic Committee, the official representative of the Democratic National Committee (DNC) in DC's Ward 3, convened a special program to examine the investigation and clean up of World War I chemical munitions in Spring Valley as part of an examination on military pollution in the U.S. That program focused on some of the continuing health and environmental risks – especially to our water supply – affecting not just residents of Spring Valley, but also the larger community – and

perhaps the city as a whole – stemming from the burial of toxic chemical munitions in our neighborhood.

(Attached to this testimony is a summary of the panel discussion. A related article appearing in the May 6 issue of the *Washington Times* also is attached.)

Additionally, two special programs were organized in our community in conjunction with the screening of a feature documentary-in-progress, called “Bombs In Our Backyard,” which chronicles the clean up and the still unanswered questions that lead many in our community to believe the investigation of possible weapons and contaminated sites and the clean up are not yet nearly complete. The special programs resulted in two spirited panel discussions that focused on the lack of information available to the public from the USACE, EPA, DDOE, and even American University (AU) about the investigation and clean up. It is precisely this lack of transparency that makes it so difficult for residents of the affected community to have confidence that the work will finally be completely thoroughly and fully.

Recently, the DC Council Committee on Government Operations and the Environment held a public roundtable on the clean up. Representatives of various government agencies, international and national public interest groups, and the public were provided opportunities to testify. For many in the community, that hearing raised more questions than it answered and highlighted the important oversight work that must be done by government at both the national and local levels to ensure public confidence in the investigation and clean up of our community.

Until recently, I had not realized that the U.S. military was the largest polluter in this country. No less than Representative John Dingell (D-MI), who was then Chairman of the U.S. House Committee on Energy and Commerce, and then-Representative Hilda Solis (D-CA), who now serves as the U.S. Secretary of Labor, made reference to the military as the nation’s largest polluter in a September, 2008 letter to the EPA. Unfortunately, the U.S. military is responsible for more pollution in the U.S. than the five largest chemical companies combined.

So, what is happening in our community is not isolated to Spring Valley. The clean up of military pollution is a national problem. The U.S. Department of Defense (DOD) is responsible for more than 31,000 clean up sites on more than 4,600 active and former defense properties, including the World War I American University Experimental Station (AUES) that has contaminated the Spring Valley community in Washington, D.C. Newspapers around the country have reported on squabbles between and among the EPA, the DOD, and state agencies on whether the federal government is doing enough to safeguard the health of communities that

are dealing with military pollution by forcing the type of thorough clean up we seek in Spring Valley.

The nationwide scope of the problem is alarming and has prompted the formation of many community activist groups seeking to hold the military accountable and encouraging state environmental agencies to be aggressive in forcing the military to complete full and thorough clean ups. Ninety local organizations have joined together to support legislation introduced by Representative Bob Filner (D-CA), the “Military Environmental Responsibility Act,” which would seek to eliminate military waivers for key federal environmental laws and promote greater accountability by the DOD for the health impacts of military contamination.

Passage of this legislation, alone, is not a full solution, but it is an important incremental step to take.

Many of the 90 community groups are seeking to prevent residential or commercial development of formerly owned military property unless it is cleaned up and determined to be safe. In our case, the development already has occurred. Although the bombs in our backyards were discovered 16 years ago, we now can learn from the experiences of other state and local jurisdictions that have been working in recent years to demand that the military clean up its mess.

There are many in our American University and Spring Valley community who simply think the Army Corps has stayed too long and should leave whether they have finished their work or not. Frankly, we suffer from Army Corps and munitions fatigue. The presence of World War I munitions in our neighborhood no longer sparks the level of interest or fervor – or even the curiosity – that it once did. The Army’s lack of transparent communication with the residents also effectively works to downplay their presence – while at the same time – enabling the Army to escape the scrutiny and skepticism that was once commonplace in our community.

Residents also have grown skeptical that there is anything that can be done anymore to influence the scope or pace of the investigation and remediation. Some say it is simply better to close your eyes, your ears, and your mouth and just wait for the Army to leave. Many have grown weary of an Army-created Restoration Advisory Board (RAB) that is supposed to represent the interests of the residents, but instead seems structured to limit the role that residents can play in the clean up decisions that affect the value of their property, the quality of their lives, and the serenity we once fully enjoyed. Some say the military has too many political “weapons” at its disposal to rock the boat.

But, some of us feel very differently.

We live on top of a former military site where toxic chemical warfare agents were created, tested, and dumped in what was then considered rural D.C. – an area of farms, not the dense residential development that exists today. Although there are nearly 200 sites in the nation involving the clean up of U.S. military chemical pollution, only one – Spring Valley – is located in and under a residential neighborhood. The fact that so many people currently live directly on the site should continue to be a significant factor in the risk assessment process. Obviously, nobody anticipated the development of a residential community on this farmland back in 1918 when the site was used to research, develop, and test chemical warfare in the absence of environmental regulations and protections.

Just as our neighborhood was the home of a chemical warfare experimental station at the turn of the century – the second largest in the world at the time – what some historians have coined the “Los Alamos of World War I” – our neighborhood remains an experiment in process – this time on how to clean up a site where more than 13,000 people live and work – a community that houses an expanding institution of higher learning, a hospital, and a reservoir that provides drinking water for DC, including many embassies, the federal enclave housing our nation’s elected and other governmental officials, and the surrounding suburban communities.

During the 16 year clean up of our neighborhood, there have been enough villains identified – blame allocated – excuses given – and questions gone unanswered. The Army, American University, developers – all have had fingers pointed at them. As a resident of this community, I no longer care who is responsible for the chemical munitions that are buried in our neighborhood – I want to be sure they are removed quickly, safely, and thoroughly.

As a resident and a local political activist, I want those assurances. As an elected ANC Commissioner, I want the residents that I represent to have access to the information that will give them the confidence that their long-term health is not at risk and that our neighborhood is cleaner and freer of environmental risk than it has been at any time in the last 90 years.

So, let me try to outline – in abbreviated fashion – from a resident’s perspective – what brings us here today. The U.S. Army contracted with the American University to build and operate a chemical munitions research and development site on and near campus during World War I. There were 1200 chemists and engineers working at the site with an additional 700 non-technical staff to provide support. In addition to this site, the Army set up a companion facility – Camp Leach – that abutted the experimental station and trained 100,000 engineers in

offensive and defensive gas and flame warfare and other engineering applications. This training involved the firing of mortars and howitzers with gas shells. Also used and detonated at the site were 75 mm rounds, hand grenades, toxic smoke candles, and live projectiles.

There were 153 structures at the station, including a shell loading factory. There was extensive testing of 600 different toxic substances, some of which were produced in extremely large quantities. Many were tested in the open air depositing a layer of pollutants that included arsenic, thallium, antimony, and manganese.

We know that the experiments involved releasing large quantities of toxic substances, including mustard gas and arsenic, into the air and on the soil to see the effects on animals placed at specific distances from the release point.

After the war, the station was closed down quickly. Instead of evacuating the fruits of the weapons research from the community, the munitions, explosives, and chemical warfare agents were simply buried. The protocols for disposal of toxic chemical munitions that exist today simply did not exist in 1918. In addition to the burial of chemical weapons, we know that conventional explosive munitions also have been buried. This elevates the risk to the community.

In his book, *Clean Up Of Chemical and Explosive Chemical Munitions*, Dr. Richard Albright, recognized as an expert in this field, wrote the following: “The burial of explosive munitions and chemical weapons together increases the risk of the old explosives becoming hypersensitive and detonating spontaneously or from a mild shock triggering a release of the chemical fillers.”

Few if any modern-day residents knew that the AU campus was used for this purpose in 1917 and 1918 until munitions were discovered in 1993 during construction of the Spring Valley West community. At that point, a peaceful community was transformed over night. Military jeeps evacuated residents during excavations to unearth what we now know were weapons of mass destruction. The American Red Cross set up a shelter in Spring Valley to help displaced residents.

Weapons – some deteriorating and containing mustard – were helicoptered out of the neighborhood and sent elsewhere to be stored and destroyed. Today, those weapons are stored and destroyed **in** our community – the only residential community in the country where toxic chemical weapons are destroyed – in this case – less than 1,000 feet from a hospital. The community is powerless to change this – a fact I acknowledge with deep regret and reluctance.

In a recent conversation with a Wisconsin activist who formed a group called Citizens For Safe Water Around Badger (CSWAB) to fight for the full and transparent clean up of the Badger Army Ammunition Plant in Badger, Wisconsin, she warned me never to say “the community is powerless.” That is when the community truly lacks any hope of bringing about needed change, she warned me. She argues a community is not powerless when it continues to encourage and fight for transparency and accountability – and that is why our residents have encouraged this oversight hearing. We need more transparency and more accountability for the clean up of our community.

Only after this 1993 discovery of bombs in our backyards did residents learn that weapons had been found previously during construction on the AU campus and that the Army had realized as far back as 1985 the potential dangers that existed in our neighborhood. Whatever their reasons, both American University and the Army kept this information concealed.

The Army declared the site clean in 1995 and left saying the community was safe. Residents rejoiced except there was one problem. The neighborhood had not been cleaned up and we were not safe. The Army was forced to return to continue the work only as a result of the herculean efforts of DC employees then working for the D.C. Department of Health. DC agency employees conducted the necessary historical research and other field investigation to prove that the Corps’ work had been woefully incomplete. Still to this day, the Corps will only publicly acknowledge making a slight error in the location of one possible burial pit necessitating their return to the neighborhood.

Now, the USACE has indicated it plans to wrap up the investigation and the clean up of the left-over munitions and toxic substances by the end of Fiscal Year 2010. They plan to spend 2011 writing a Risk Assessment. Recently at a hearing of the DC Council, the USACE confirmed these plans. This pronouncement, one of the few pieces of information about the investigation and clean up that the military has not been reluctant to share with the public in a timely way, has unduly raised the hopes of residents that the clean up may be nearing completion. At best, this pronounced intention to leave the community seems premature – a fact that continues to cast doubt on the credibility of the work of the Army Corps.

The credibility of the Corps on such clean ups is not just an issue in Spring Valley. Many communities dealing with the clean up of military pollution have some of the same concerns that we have in Spring Valley which has spurred the Citizens Consortium to press for the Filner legislation. In some cases, the citizens groups have been aided by state environmental

agencies that have aggressively pushed the Army to be more transparent in their work, conducted independent testing, and forced the Army – consistent with federal law – to meet its environmental clean up responsibilities. That is not the case in DC for the Spring Valley clean up.

Today, the USACE has not yet even finished assessing various Areas of Interest (AOI) in the community or dealing with a serious groundwater problem. But, they seem focused on ending all field investigation and remediation by September 30, 2010.

My concern as a DC resident, as an elected representative of the affected neighborhood, and as a long-time political activist, is that all decisions about additional investigation and remediation are being made now through a narrow prism of thinking that the work must conclude at the end of FY 2010. Decisions are being made about whether certain Areas of Interest – thought to be possible sites of contamination, burial, or anomalies – are worth additional investigation. If the decision is made to investigate these sites, the project cannot be wrapped up by the end of FY 2010. The artificial, but real FY 2010 deadline is an incentive to neglect – as before – the type of investigation that is needed to ensure our community is safe.

As an ANC Commissioner, I am permitted to attend what are known as Partnering meetings. Not open to the general public, these are meetings of the agency representatives working on the clean up and where decisions are made about the future of the investigation. Prior to being elected an ANC Commissioner, I believed – based on everything I had seen in the public forum – that the Corps' work was proceeding on an orderly basis and that there was no reason to doubt the commitment – this time around – to clean up our community with speed and thoroughness. Now that I have attended some of these meetings, I no longer have that confidence.

As an example, let me share with you my observations of a recent discussion at these meetings concerning a parcel of land on the AU campus that had been identified as an Area of Interest. Aerial photographs of the site from 1918 suggest a significant soil disruption at the site. Later photos show a perfectly manicured site. Something obviously happened at the site. Maybe, it was a trench dug by soldiers as part of routine exercises. But, maybe it was also a trench in which the Army decided to dump some toxic substances. Why dig a new hole to dump toxic contaminants if you already have one dug – especially if you are in a hurry to dispose of the chemical substances?

I sat and listened as the so-called experts debated whether this site was worth further investigation. One person indicated that it was not worth investigating because there was no

indication that it had ever been used by the Army. The representative of the EPA chimed in to agree. The public relations representative for the Corps said that the site might have been used for exercising horses and that – given the demographics – there must have been many private horse farms in the area. When a representative of the DC Department of the Environment (DDOE) was asked for his opinion, he said he did not think it was worth investigating “because the owner of the property must have done something to the land.” There was also some discussion of the site being on level ground when in fact the site is actually at the top of an elevation. I was left wondering if any of the people around the table had even seen the site that was the subject of the discussion.

In a sidebar conversation, a contractor told me that the Corps simply cannot investigate all Areas of Interest.

A recommendation was made at that meeting to conduct no additional investigation of the site.

My professional background is in marketing and communications. Although I am not trained as a scientist, I have some experience assessing the credibility of arguments and positions. And frankly, none of the speculation about this site had any credibility. Why not seek the services of an agricultural scientist to assess the aerial photos? After all, this was farmland at one time.

Subsequently at a separate meeting, I was told by the Corps that the land was used by the Army at the time, but there was uncertainty about its use. Shouldn't that be enough to justify additional investigation? The Corps presented this information to me as if it had been recently discovered in response to some questions I raised. Subsequently, I was told that the decision to forego further investigation of the site was not final.

Since the May 11 hearing before the DC Council Committee on Government Operations and the Environment, we have learned that there will likely be additional investigation of the site during the summer months. I have asked if any additional historical information was uncovered to rationalize this decision to conduct the further investigation. A DDOE representative who works on the project has continued to express to me as short as a few weeks ago that additional investigation is not warranted in his opinion.

I don't know if the soil disruption at this site is indicative of a burial or other anomaly worth additional investigation. But, the nature of the discussion did not give me any confidence that the so-called experts knew any more than I did. The response from the DDOE official is particularly egregious – that something was done on the land is not in question – but

for the advocate for DC residents to dismiss the need for additional investigation on such a flimsy basis is simply unacceptable.

As a result of this discussion, however, I learned from the Army that the team charged with the responsibility of searching for and identifying possible Areas of Interest has been disbanded. According to the Army, it has been disbanded only because one of the members has retired. Is there nobody else who can fill this void? Despite the sense that all burial pits have not yet been located, there is no active effort right now by the Army to identify these locations. That certainly facilitates the possibility of being able to conclude that the work is complete by September 30, 2010.

In another incident early in my first term on the ANC, I attended a Partners meeting in which the results of an initial health scoping study were discussed before the report was made available to the public. A representative of the EPA pushed researchers at this meeting to give added emphasis in the final draft to a narrow and limited finding that the health of Spring Valley residents was “good.” The EPA rep did not like the conditions that researchers attached to the finding as researchers suggested the study was too limited to make such a broad conclusion.

As a marketing and communications professional, I have done my share of looking for the silver lining in a report. I am all too familiar with how information can be manipulated and managed to sell an idea that has little or no basis in fact. A reading of the study conducted by Johns Hopkins outlines that its findings are far from definitive as cases of real people with real and unexplained illnesses are simply mentioned, but never examined. The study even recommends that additional research is needed because its conclusions should not be viewed as being definitive.

The report, itself, states clearly in its findings:

“It was beyond the scope of the study to evaluate individual health outcomes and exposures. Similarly, the study could not consider past community exposures over the 90 years since active weapons testing at the site.”

This is hardly the ringing endorsement by governmental officials at the EPA and even most recently by the DDOE at the May 10 DC Council hearing that the study demonstrates that the “health of Spring Valley is good.”

In recent weeks, I have learned that residents of our community are working to fund and build a playground on property now owned by the Wesley Theological Seminary. This land was owned by AU and was part of the AUES in 1918. The proposed location of the

playground happens to be at or near a site where some residents reported playing as children in a bunker located on property that was then heavily wooded. Representatives of the USACE have interviewed one of the residents and conducted some testing at the site. The resident's written description of the bunker and its location is quite compelling -- including a map which suggests the bunker was six feet below ground in the 1930's. The USACE indicates it has not been able to pinpoint the bunker, if it truly exists. However, other areas of interest cited by one of the individuals have been found to contain munitions, so the credibility of the observations seems quite high. These observations are reinforced by old news stories reporting that munitions were found near the area where the playground is being contemplated.

History seems to suggest the Army had plans to build several buildings on the site in 1918, including an ammunition facility. Photos reportedly show the presence of howitzers at the site. Recall that Howitzers fired gas shells at the AUES meaning such shells would have been stored at this location, perhaps in the bunker. A representative of the Corps who initially argued against any investigation of the site said that the Army did not build above-ground buildings on the site as initially planned because the war ended and the AUES was closed. But, the bunker identified by residents was below ground, not above ground.

The site already has been subjected to one dig as a result of an anomaly at the site. An iron gate was found at the site relatively close to the surface.

We have learned recently that geophysical testing conducted at the site may only have been able to penetrate 10 or 15 feet below the surface. How different today is the area's topography and grading? Is it possible that the bunker was never found because of limits on the geophysical testing at the time of initial investigation? New equipment exists that may be able to see deeper into the ground.

Because a stream flows under this area of the Seminary grounds -- a stream that at one time was above surface and flooded nearby basements during rain storms -- groundwater contamination at the site is also a key issue. This has added significance at this site because the groundwater appears to be coming to the surface. Most likely, this groundwater stream is originating on the AU campus where the USACE has reported finding extremely high levels of groundwater contamination.

The consideration of this site for a playground has prompted new focus on the use of this location during 1916-1918. There are new questions about this site that might never have surfaced or need to be examined if it was not being considered for use by toddlers and young

children as a playground, including questions about the thoroughness of testing at the site for arsenic or other toxic substances.

We are still waiting for full explanations and answers from the USACE and AU to the questions we have raised about this site. So far, these specific questions have gone unanswered. If the questions cannot be answered by USACE, it may suggest a need to reexamine this site. Since the initial investigation of this site, some of this land near the playground site also has been designated for future development. If there was a time when we needed more transparency to learn all the Corps and AU know about this site, this is the time.

The Comprehensive Environmental Response, Cooperation, and Liability Act (CERCLA) -- more commonly known as the federal Superfund Law -- specifies that states, not the U.S. Environmental Protection Agency (EPA), are the lead regulator in the clean up of military sites, like Spring Valley. Under CERCLA, the U.S. Department of Defense is required to fund state and local governments to oversee the military site work. In fact, DOD pays the salaries of some DC employees working to monitor its work on the Spring Valley clean up.

My observation over the last three years is that the DC agencies -- of which we were once proud in the mid 1990's for being so thorough and for holding the Corps accountable -- are no longer doing their job. DDOE has not been asking the difficult questions that need to be asked either in meetings behind closed doors, like the Partners meetings, or in the few public meetings that are organized by the Corps.

Furthermore, there is no transparency that would allow for comprehensive scrutiny and oversight of the work that is being conducted in our neighborhood. Much information about this project is hidden from the public on the basis of national security. We must rely on those whose jobs it is to sit at the table and demand answers from the Army. DDOE is not playing that role on behalf of DC residents.

Recently, ANC Commissioner Nan Wells and I pressed DDOE to meet with us, so that we could express our concerns directly to DDOE as the lead regulatory agency on the clean up. We asked to include other neighbors -- frankly, with more expertise in environmental issues -- as part of a small team, but we were told that DDOE would meet only with the two of us because of our status as ANC Commissioners. Ironically, we learned for the first time when the DDOE testified at the May 10 Council hearing that DDOE had changed its mind and that we could now include others with more issue expertise in these meetings.

It would be unfair to fail to recognize that the DDOE's overall change in approach -- that is, their willingness to meet with residents of the community on this issue, now on a

monthly basis, is welcome and has already produced some dividend in the form of additional information that enables us to better understand the scope of the problem.

As I mentioned earlier in my testimony, the USACE will be destroying chemical weapons in our neighborhood next month. The DDOE is one of the governmental partners that is supposed to review and “sign-off” on the USACE work plan for destroying these chemical munitions. We recently learned during one of our meetings with the DDOE that the agency has been provided with a “**redacted**” munitions destruction work plan by USACE to review. Missing from the work plan, according to the DDOE, are the number of chemical munitions to be destroyed, the chemical composition of the munitions, and the amount and type of additional toxic chemicals to be shipped into the community to facilitate the destruction process.

Is it not logical to ask how DDOE as the state agency can evaluate the potential environmental outcomes and safeguard the environmental health of our community without access to such basic information?

DDOE tells us that the Corps will never leave and we are expected to be satisfied and not press DDOE to take a more aggressive posture. The Army also says it will never leave – again to make us feel the clean up will be complete. Once a Formerly Used Defense site always a formerly used defense site, both DDOE and the Army say. In fact, since this hearing was scheduled, the USACE has even altered the language they use when discussing plans to completed field work at the end of 2010.

Under the military’s rules, if the Corps’ risk assessment in 2011 says the area is clean, the Army will leave. It will take another herculean effort by DC officials, like that conducted in 1996, to force the Corps to return, if the job is not complete. And at that, it will be left to the discretion of the Army to decide if there is a need to return.

If the Army leaves at the end of FY 2010, we don’t want them to have to come back. But, for now, there are too many unanswered questions to limit an investigation in order to justify leaving in fifteen months. We have high levels of perchlorate in ground water. That perchlorate is coming from someplace. We know that perchlorate was among the toxic chemicals tested in 1917 and 1918. The high levels of perchlorate, especially at the AU campus and at Sibley Hospital, may be indicative of another potential burial pit or pits or additional ground contamination. There is concern that the perchlorate levels will increase as weapons further deteriorate in the soil and create new issues for our drinking water supply. Yet, the perchlorate levels are not being monitored as is routine in other states dealing with similar issues of military pollution of the groundwater. Our groundwater has not been

monitored since August, 2007. Even when it has been monitored, it has been tested when the water table is at its lowest – something that environmental scientists say is less than ideal.

DC regulations require that residents be able to safely drink the groundwater in case of an emergency.

For residents of Spring Valley, the groundwater is critical because of the number of springs that flow under our homes and that rise to the surface. In many areas of our community, the groundwater is the surface water. In the state of Wisconsin, indoor air testing in homes has been done because of the groundwater contamination. We are only in the beginning stages of trying to assess whether to encourage the USACE to conduct similar air testing in our homes. But, it should not require so much initiative on our part to raise these issues with USACE, EPA, or DDOE. As the polluters and the agencies charged with protecting residents from the effects of such pollution and responsible for ensuring full clean up, these agencies should be working together to protect us – and not force us to become amateur sleuths – as has too often been the case in the history of this clean up.

Also, we know that photos show a sergeant in 1918 with thirty 3-5 gallon jugs of mustard about to be buried. These jugs have never yet been found. There are questions also about whether an upcoming investigation along the Delacarla Parkway will cover a large enough area. There is historical evidence of another burial pit near the campus – known as the Courier pit – and there is no indication that an aggressive effort is in place to locate this pit. News articles from the period report that \$800,000 (in 1918 dollars) worth of chemicals was buried at this pit. Imagine how much those chemicals would cost in 2009 dollars and it gives you an understanding of the concerns that so many residents share.

Residents have long sought testing of the air in their homes, especially given the high concentration of arsenic in the soil and the presence of arsine gas in munitions. The Army has avoided any discussion of this saying at various community meetings that such testing was not technologically feasible. Yet, the Army conducted such air monitoring in its containment structures when investigating a recent burial pit along Glenbrook Road.

Although our surface soil has been tested for arsenic, why are we not also testing for manganese and mercury which also have been found in high concentrations in our neighborhood?

Recently, there was a new find of mercury on the AU campus as part of an investigation at the school's Public Safety Building – an investigation close to another pit that many in our neighborhood worry may not be complete. In this case, the university did not even alert its

student body or others in their community of the find because they thought the mercury posed no risk. It was left to an enterprising student reporter for the student newspaper to inform the university community of the mercury find. The university's pattern of withholding information – for whatever reason – is very troubling. Residents have repeatedly been told that access to the historic archives at AU for the period in which the school operated as the AUES is limited preventing the kind of independent assessment that would help to ensure a thorough investigation and hold the Army accountable. In fact, the lack of historical review of the site often has been cited as one of the weaknesses of the investigation and an early mistake of the Army Corps.

At a recent screening of “Bombs In Our Backyard,” the historian for the USACE was particularly critical of AU for failing to provide even the USACE full access to the AU archives that might provide additional insights on the scope and possible locations of pits, bunkers, and munitions.

We have been told by the USACE that an EPA representative has been given access to the AU archives and that the Army is relying on that assessment that there is no additional information in the AU archives that would prove helpful. This, too, is simply inadequate. A team of experts and community leaders should be given unfettered access to those archives and charged with the responsibility of reviewing those archives for relevant information that could provide added assurance that no stone has been left unturned.

There are times when it has seemed that nobody in a position of authority and responsibility is asking the questions that need to be asked or scrutinizing the decisions that are being made by agencies responsible for conducting the investigation and clean-up. When residents ask questions, they are often told that national security prevents disclosure of the information. Or they get half-answers. Or, as I learned recently in trying to learn why the Army chose to use a specific technology to destroy chemical weapons containing arsine in our neighborhood next month (the first time that arsine-filled weapons have ever been destroyed outside a military base), it takes four or five follow up questions – at a minimum – and laser precision in choice of language – to get a full explanation – if there is ever really such a thing as a full explanation from the Army.

ANC Commissioner Wells and I are in a constant state of trying to gather information that will give us assurances that the USACE, EPA, and DDOE are working in the best interest of the public, so we can encourage and build residents' satisfaction with the clean up. But, we struggle nearly at every turn in this process.

Information we learn as ANC Commissioners in Partners meetings cannot be shared with residents, we are told, for national security reasons. Only recently have we been able to share this information even with other elected officials, including members of the Congress and their staffs.

In short, we need DDOE to play a more aggressive role similar to that of environmental agencies in other states, like Maryland and Wisconsin. Under CERCLA, the state agency can enter into a formal agreement with the Army on the clean up. Such an agreement exists between the city and DOD, but that agreement was made in 1994. It should be updated to reflect the current conditions and needs at the site.

We should be concerned as well that DDOE has done no independent soil or water testing at this site. We know that independent testing has been used by other state agencies to force the Corps to be more transparent and to be more aggressive in its remediation efforts. We could learn from the best practices of other states dealing with the Corps to remediate chemical pollution in their communities.

When we asked DDOE at a recent meeting about conducting independent testing of soil and water, we were told that DDOE did not have the capability. We suggested contracting out and were told the procurement process was an obstacle. As bad as the procurement process in DC may be, city agencies have now had 16 years to figure a way to conduct independent testing of the soil and water in our community. When we encouraged DDOE reps to take a more aggressive posture with the Army, we were told that the Corps could decide to leave prematurely if the DDOE asked too many questions or subjected the Corps to too much scrutiny. I would suggest this reluctance to take a more aggressive posture is symptomatic of a larger problem and pattern of behavior on the part of DDOE in which it chooses to defer to the Corps and the EPA instead of playing the role outlined in CERCLA.

If DDOE takes an aggressive posture and the Army objects, it can choose to question how DDOE is spending the federal dollars allocated by the Army under the federal CERCLA law. Recently, there have been instances in other parts of the country in which the Army has tried to use its purse strings to intimidate state agencies. We must not be so fearful of losing federal dollars that we allow our local agencies to simply go along to get along. In this case, making waves is a good thing.

The EPA assures us that it has a special partnership with the DDOE in large part because of DC's status as a District without the resources or status available to other states for clean up of such military pollution sites. So, if DDOE is not playing its role, then the residents

need the EPA to step in to play the role in DC expected of state agencies in other parts of the country. Perhaps, this, alone is justification for considering putting the Spring Valley clean up on the National Priorities List (NPL), so that EPA can take responsibility for the environmental clean up of our community consistent with the federal statutes.

Based on the record of the Corps' work in Spring Valley and now what we know of their record at other military pollution sites across the country, there can never be too much scrutiny of the Corps.

We know that the Army is shortchanging the clean up of many of its polluted sites across the country. The United States is a signatory to a chemical weapons treaty that requires the destruction of its chemical stockpiles by 2012. The Pentagon does not expect to meet this deadline but has just agreed to spend more than \$3 billion to accelerate the destruction of its chemical stockpiles. The Army maintains that weapons produced in the early 1900's like those in Spring Valley – and especially those that are still in the ground – do not fall under this arms control treaty. Based on information we have received from Global Green, an international organization advocating effective destruction of these dangerous chemical weapons, it is our understanding that these weapons – if unearthed – would fall under the treaty despite the USACE suggestions otherwise.

At the end of the day, weapons investigation, remediation, and destruction costs money – taxpayer money – and there is simply not enough available to complete this work at former Defense sites, like Spring Valley, as quickly as we would like. But, we cannot accept the pressure of the federal budget as a justification for living in our community with dangerous chemical weapons – and the potential long term health effects.

As you know, there has been an ongoing disagreement between the Pentagon and the EPA over what constitutes a safe standard for perchlorate in the water. In the absence of a reasoned federal policy, some states, such as California and Massachusetts, are developing their own standards to protect their citizens against this dangerous toxic chemical. We know perchlorate is in the DC water supply already, but we are told it is at safe levels. What constitutes a safe level of perchlorate – a substance used today in rocket fuel?

DC is not a sovereign state. So, we must accept the water quality standards defined by the EPA – even though in the case of perchlorate – it is a standard set for all practical purposes by the Pentagon – set high enough by the Pentagon – so it can avoid the additional costs of cleaning up sites contaminated by the military across the country.

Under the Obama administration, we hope this will change.

As a resident, as an activist, I want the Army to leave behind a community that is clean and safe. I want to know that every tough question has been asked, every issue has been probed, and that the Army as the lead federal agency responsible for the clean up, has been held accountable for its work.

All residents of Spring Valley and throughout the city have a right to know that sites of chemical research at American University (and Catholic University, which also was used as a weapons experimental station during World War I) pose no danger to current and future residents.

Thank you again for holding this hearing. We hope it is the first in a series that will monitor the work of the USACE and the EPA in our community and perhaps even provide some additional encouragement and support for the DDOE in playing its role to force the federal agencies to be accountable for their work. We welcome the participation of others testifying at this hearing and hope that they – in their leadership capacities – will pledge to work with the residents of our community and approach this work with full transparency. Governmental agencies – federal and local – and residents share a common interest in knowing with certainty that Spring Valley is not only healthy, but also safe.

And finally, as a community confronting the challenges inherent with ensuring a full clean up, we hope and encourage this Congress – as a whole – to examine more thoroughly the state of clean ups in all communities across the country that are dealing with the effects of military pollution.

THE WARD THREE DEMOCRATIC COMMITTEE

NEWS RELEASE

International And Local Experts Assess Impact Of Failure To Fully Remediate World War I-Era Military Pollution In Ward 3 Community

A panel of international and local experts warned that local residents and the DC government needed to push the U.S. Army Corps of Engineers (USACE) to ensure that its 16-year clean up of World War I chemical munitions at American University (AU) and in the surrounding neighborhood is thorough before the USACE concludes its work next year, as scheduled. Panelists expressed particular concern about the threat to the city's drinking water supply due to high levels of perchlorate in groundwater at AU, Sibley Hospital, and on land adjacent to the Delacarla Reservoir, which is thought to be linked to the burial of still undiscovered chemical munitions in the area.

The panel which took place last week at a meeting of the Ward Three Democratic Committee examined challenges confronting the clean up of chemical military pollution in Spring Valley and at more than 200 other sites across the country. Chemical weapons were found in Spring Valley in 1993 during construction of a new residential development. The weapons were buried by the Army nearly 90 years ago as part of its use of AU as a World War I chemical weapons research and experimental station. At the time, AU was the world's second largest site for chemical weapons research and development.

A theme of the panel was the need for more transparency to ensure USACE is accountable for its work. Several panelists noted that the Army and AU knew that chemical weapons had been buried in the community in the early 1900's but had failed either to disclose the information or to work to remediate the site until the 1993 discoveries.

Dr. Jeffrey Kraskin, a 50-year Spring Valley resident and a member of Mayor Anthony Williams' Health Policy Council of the Spring Valley Scientific Advisory Panel, and the moderator of the recent panel discussion, noted that munitions had been found before 1993 during construction on the AU campus, but that AU did not inform the public of the scope of the military's use of the campus and the toxic nature of the weapons that had been buried.

"We thought at the time that the discovery of chemical weapons in 1993 was the first modern day find of munitions in our community," he said. "In reality, over the past 90 years, remnants of this amazing laboratory were known by our government and in the AU archives."

Ginny Durrin, an Academy Award nominated filmmaker, who is working on a feature documentary of the Spring Valley clean up, called “Bombs In Our Backyard,” said the DC Department of the Environment (DDOE) needed to play a more aggressive role in the clean up and stressed the need for a health study of the effects of long term exposure to the toxic munitions. “I would like to see the DDOE step up and have a stronger profile,” she said. “The health issues need to be dealt with. There is no budget for a health study as recommended by a Johns Hopkins report two years ago. Additionally, indoor air testing should be done. That is where residents have the greatest exposure – inside their own homes. Why hasn’t this been done?”

The issue that triggered the most reaction by the nearly 100 residents in attendance at the meeting was the potential threat to the area’s water supply stemming from perchlorate associated possibly with still-buried chemical weapons. Eric Olson, a former Deputy Staff Director for the U.S. Senate Committee on Environment and Public Works, and an expert in public health and toxic substances, warned of high levels of perchlorate in the groundwater at AU, near Sibley Hospital, and adjacent to the Dalecarlia Reservoir. If this groundwater penetrates the reservoir, he warned, the perchlorate could pose a serious community health risk. He said evidence has demonstrated that perchlorate can interfere with the thyroid and affects development of fetuses and young children. He noted that the levels of perchlorate in this area were higher than safety standards set by several other states.

An attempt by the EPA to set a national safety standard for perchlorate was derailed by the U.S. military during the Bush administration. New EPA Administrator Lisa Jackson has committed to establishing a safety standard for perchlorate during her Senate confirmation hearings.

Olson noted that perchlorate already has been found in the reservoir and in the drinking water but at levels much lower than found in the groundwater near AU, Sibley, and adjacent to the reservoir.

“My concern is not the levels now, but where is the chemical coming from,” Olson said. “Contamination appears to be moving slowly through the ground and eventually could be moving to the reservoir. We need comprehensive monitoring of the groundwater, comprehensive clean up, and full disclosure. We also need aggressive monitoring of our tap water to be sure it is safe.”

Marina Vornorova of Global Green USA, which has been working to facilitate the destruction of chemical weapons in the U.S. and Russia, also warned that residents should work to ensure the safety of the community when newly-discovered chemical weapons are destroyed in the community near Sibley Hospital, as now scheduled, later in May. She noted that toxic chemicals will be shipped into the community to destroy these weapons. “These chemical are very dangerous,” Vornorova said. “It is important the community know all the details of the planned destruction and the potential dangers.”

Harold Bailey, a Superfund attorney, who has represented U.S. municipalities, corporations, and foreign governments dealing with the dangers of chemical, biological, and conventional weapons testing and disposal, outlined a series of mistakes by AU, USACE, and the DC government that have delayed remediation of the site. He called on AU to release records in the archives that would show the locations where munitions were tested and buried.

He also said that USACE should be more thorough in its investigation of all areas where there is credible evidence of munitions burial instead of planning to leave the site before the remediation is complete. He also urged the DDOE to conduct more aggressive oversight and to conduct independent testing of groundwater, soil, and indoor air to assure residents the clean up is complete and the community is safe.

“This site was the Manhattan Project of World War I,” Bailey said. “What other states dealing with military pollution have learned is that they have to aggressively push the Army to be thorough and to commit the resources to do so. We need to learn from mistakes, not just play a blame game.”

Nan Wells, an ANC Commissioner representing part of the Spring Valley community, expressed concern that USACE has not demonstrated to the community that its work is completed. She noted that the USACE says that much of the information about the current clean up cannot be shared with the public because of national security reasons. “We have not been able to get a complete list of munitions and chemical weapons that have been uncovered and that are now stored behind Sibley Hospital,” she said. “The information is restricted because of national security. So, you can store these things behind a hospital, near an assistive living facility, and near a residential community, but you can’t tell the community what is stored there because it is so dangerous. Sometimes, the logic is challenging.

“USACE has walked away from our community prematurely before,” she added. “So, if you ask me what the Spring Valley community needs, it needs transparency. We need the information to be public. We need to be able to report to the residents what is going on. As former President Ronald Reagan said, ‘Trust, but verify.’ That was a good motto then and it’s a good motto now for our community.”

Vornorova concluded by saying that residents of Spring Valley are a model for many other communities across the world that are dealing with similar contamination from military pollution. “We see the Spring Valley community as the leader in promoting a proactive approach to clean up and remediation,” she said. “Only when the area is fully remediated can we be assured of our safety. We encourage you to keep pressing the case in Spring Valley.”

Also participating in the panel discussion was Jim Sweeny, the chief of DDOE’s Land Remediation and Development Branch.

Ward 3 Councilmember Mary Cheh, the chair of the DC Council Committee on Government Operations and the Environment, has announced that a public roundtable on the Spring Valley clean up will take place on May 11.

ATTACHMENT 2

The Washington Times

Close Print

Wednesday, May 6, 2009

Corps cleanup watched closely

Thomas M. Smith SPECIAL TO THE WASHINGTON TIMES

COMMUNITY JOURNALISM:

The Army Corps of Engineers is scheduled to conclude its ordnance cleanup in the Spring Valley area next year, but experts urged residents to make certain the work is thorough.

Members of a panel that gathered last week expressed particular concern about the threat to the city's drinking water supply because of high levels of perchlorate, which is used in explosives that were used around American University and Sibley Hospital and near the Delacarla Reservoir.

The panel, which convened at a meeting of the Ward 3 Democratic Committee, examined challenges confronting the cleanup of chemical military pollution in Spring Valley and at more than 200 other sites across the country. Chemical weapons were found in Spring Valley in 1993 during construction of a residential development. The university was a World War I chemical weapons research and experimental station.

Jeffrey Kraskin, a 50-year Spring Valley resident and a member in 2001 of the Health Policy Council of the Spring Valley Scientific Advisory Panel, served as panel moderator.

"We thought at the time that the discovery of chemical weapons in 1993 was the first modern-day find of munitions in our community," he said. "In reality, over the past 90 years, remnants of this amazing laboratory were known by our government and in the AU archives."

D.C. Council member Mary M. Cheh, Ward 3 Democrat, has scheduled a public hearing on the cleanup for May 11 at the Wilson Building.

Academy Award-nominated filmmaker Ginny Durrin is working on a documentary of the Spring Valley cleanup, called "Bombs in Our Backyard."

"The health issues need to be dealt with," she said, adding that indoor air testing is needed.

The issue that triggered the most reaction by the nearly 100 residents at the meeting was the potential threat to the area's water supply stemming from perchlorate that might be associated with still-buried chemical weapons.

Perchlorate is used in medicine to treat thyroid disorders, and it can be found in munitions, fireworks and air bags.

The corps said it installed 38 monitoring wells in 2005 and 2006 to help determine whether the groundwater is contaminated and where it is flowing.

"Sampling results identified elevated levels of perchlorate. Further investigation is under way with more wells and sampling planned in 2009," the corps said on its Web site.

Erik Olson is a former deputy staff director for the Senate Committee on Environment and Public Works and a specialist in public health and toxic substances.

"My concern is not the levels now, but where is the chemical coming from. Contamination appears to be moving slowly through the ground and eventually could be moving to the reservoir," he said. "We need comprehensive monitoring of the groundwater, comprehensive cleanup and full disclosure. We also need aggressive monitoring of our tap water to be sure it is safe."

An attempt by the Environmental Protection Agency to set national safety standards for perchlorate was derailed during the Bush administration. New EPA Administrator Lisa P. Jackson, during her Senate confirmation hearings, committed to establishing new safety standards for perchlorate.

Harold Bailey, a Superfund lawyer who has represented U.S. municipalities, corporations and foreign governments dealing with the dangers of chemical,

biological and conventional weapons testing and disposal, said: "What other states dealing with military pollution have learned is that they have to aggressively push the Army to be thorough and to commit the resources to do so. We need to learn from mistakes, not just play a blame game."

Nan Wells, an advisory neighborhood commissioner representing part of the Spring Valley community, expressed concern that much of the information about the cleanup cannot be shared with the public because of national security reasons.

"We have not been able to get a complete list of munitions and chemical weapons that have been uncovered and that are now stored behind Sibley Hospital," she said. "The information is restricted because of national security. So, you can store these things behind a hospital, near an assisted-living facility and near a residential community, but you can't tell the community what is stored there because it is so dangerous. Sometimes, the logic is challenging. ... We need the information to be public. We need to be able to report to the residents what is going on. As former President Ronald Reagan said, 'Trust, but verify.' That was a good motto then and it's a good motto now for our community."

- Thomas M. Smith, who lives in Ward 3 and is chairman of the Ward 3 Democratic Committee, runs his own communications marketing firm, Thomas M. Smith & Associates.