

105TH CONGRESS
2D SESSION

H. R. 3404

To require additional public education, outreach, and participation with respect to the disposal of napalm and certain other materials owned or controlled by the Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1998

Mr. VISCLOSKY introduced the following bill; which was referred to the
Committee on National Security

A BILL

To require additional public education, outreach, and participation with respect to the disposal of napalm and certain other materials owned or controlled by the Department of Defense, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REQUIREMENTS RELATING TO DISPOSAL OF**
4 **NAPALM AND OTHER MATERIALS OWNED OR**
5 **CONTROLLED BY THE DEPARTMENT OF DE-**
6 **FENSE.**

7 (a) IN GENERAL.—The Secretary of Defense shall
8 carry out the requirements set forth in this section before

1 disposing of napalm or other materials covered by this
2 Act.

3 (b) PUBLIC EDUCATION AND OUTREACH.—

4 (1) IN GENERAL.—Not later than 120 days be-
5 fore a project for the disposal of napalm or other
6 materials covered by this Act begins, the Secretary
7 of Defense shall inform the public about the disposal
8 project in communities near the disposal site and
9 along the disposal shipment route, through public
10 outreach that includes briefings to elected officials,
11 public safety agencies, and citizen groups. The infor-
12 mation provided shall include the master implemen-
13 tation plan developed by the Secretary under section
14 2.

15 (2) OUTREACH OFFICE.—The Secretary of De-
16 fense shall establish an outreach office near the dis-
17 posal site staffed by personnel of the Department of
18 Defense.

19 (3) MOBILE OUTREACH UNIT.—The Secretary
20 of Defense shall provide for a mobile outreach unit
21 to provide information to the public about the dis-
22 posal project at various locations and events in com-
23 munities near the disposal site.

24 (4) INFORMATION REPOSITORIES.—The Sec-
25 retary of Defense shall establish repositories of in-

1 formation about the disposal project near the dis-
2 posal site.

3 (5) CITIZENS' ADVISORY COMMISSION.—The
4 Secretary of Defense shall establish a Citizens' Advi-
5 sory Commission composed of local elected officials,
6 officials from State and local public safety agencies,
7 citizen groups, and personnel of the Department of
8 Defense for the purpose of studying and commenting
9 on issues of concern to citizens about the disposal
10 project.

11 (c) PROTECTION OF THE PUBLIC AND WORKERS.—

12 (1) CERTIFICATION OF EMERGENCY RESPONSE
13 ENTITIES.—Before carrying out a project for the
14 disposal of napalm or other materials covered by this
15 Act, the Secretary of Defense shall certify the ade-
16 quacy of the training and response capabilities of en-
17 tities, such as police departments, fire departments,
18 and State hazardous materials teams, that are likely
19 to respond first to emergencies near the disposal site
20 and along the disposal shipment route.

21 (2) CERTIFICATION OF PUBLIC HEALTH AND
22 WELFARE.—The Secretary of Defense shall obtain
23 from the Secretary of Health and Human Services
24 a certification that the health and the welfare of the
25 public and of workers are protected near the dis-

1 disposal site and along the disposal shipment route.
2 The Secretary of Health and Human Services may
3 make such certification only after receiving advice
4 from, and the concurrence of, appropriate State and
5 local health and public safety agencies.

6 (3) CERTIFICATION OF WORKER SAFETY.—The
7 Secretary of Defense shall obtain from the Occupa-
8 tional Safety and Health Administration a certifi-
9 cation that the disposal site is safe for workers re-
10 sponsible for the disposal project and that the work-
11 ers are properly trained to carry out the disposal
12 project.

13 (d) PROTECTION OF THE ENVIRONMENT.—

14 (1) ENVIRONMENTAL IMPACT STATEMENT.—
15 The Secretary of Defense shall complete an environ-
16 mental impact statement for any project for the dis-
17 posal of napalm or other materials covered by this
18 Act. Before completing the statement, the Secretary
19 shall solicit comments relating to the scope of the
20 statement from State and local governments and cit-
21 izen groups.

22 (2) MONITORING OF AIR, SOIL, AND WATER.—
23 The Secretary of Defense shall provide funds for the
24 Secretary of Health and Human Services to monitor,
25 collect, and review samples of air, soil, and water

1 near the disposal site and along the disposal ship-
2 ment route to ensure the protection of human health
3 and the environment during the disposal project.

4 (e) ALTERNATIVE TECHNOLOGIES.—

5 (1) STUDY.—Before carrying out a project for
6 the disposal of napalm or other materials covered by
7 this Act, the Secretary of Defense shall study alter-
8 native technologies for the disposal, in coordination
9 with State and local governments and citizen groups.

10 (2) TEST.—The Secretary of Defense shall con-
11 duct a test of alternative technologies for the dis-
12 posal, to the extent possible.

13 (f) NATIONAL ACADEMY OF SCIENCES.—

14 (1) ADVICE.—The Secretary of Defense shall
15 request the National Academy of Sciences to provide
16 scientific and technical advice regarding disposal of
17 napalm and other materials covered by this Act.

18 (2) INVESTIGATION OF SAFETY AND PERFORM-
19 ANCE.—The Secretary of Defense shall request and
20 provide funds for the National Academy of Sciences
21 to investigate the safety and performance of any
22 project for such disposal.

23 **SEC. 2. MASTER IMPLEMENTATION PLAN.**

24 (a) REQUIREMENT.—For any project for the disposal
25 of napalm and other materials covered by this Act, the

1 Secretary of Defense shall develop a master implementa-
2 tion plan.

3 (b) MATTERS INCLUDED.—The plan shall include
4 schedules for the disposal project and information on the
5 manner in which the Secretary plans to achieve each of
6 the requirements set forth in section 1.

7 (c) UPDATES.—The Secretary shall update the plan
8 each week with information about the progress being made
9 in achieving the requirements set forth in section 1.

10 (d) AVAILABILITY.—The plan shall be available to
11 the public in the information repositories referred to in
12 section 1(b)(4).

13 **SEC. 3. MATERIALS COVERED.**

14 This Act applies to the following materials, if they
15 are owned or controlled by the Department of Defense:

16 (1) Napalm.

17 (2) Any material that includes polystyrene, gas-
18 oline, and benzene.

19 (3) Ammunition larger than ammunition of a
20 caliber for small arms.

21 (4) Explosives.

22 **SEC. 4. DEFINITIONS.**

23 In this Act, the following definitions apply:

24 (1) The term “disposal” means recycling, neu-
25 tralization, burning, or permanent storage.

1 (2) The term “near”, with respect to a disposal
2 site, means within 10 miles of the site.

3 **SEC. 5. EFFECTIVE DATE.**

4 This Act shall take effect on the date of the enact-
5 ment of this Act.

