

109TH CONGRESS
2D SESSION

S. 2295

To require the Secretary of the Army to conduct a survey and monitoring of off-shore sites in the vicinity of the Hawaiian Islands where chemical munitions were disposed of by the Armed Forces, to support research regarding the public and environmental health impacts of chemical munitions disposal in the ocean, and to require the preparation of a report on remediation plans for such disposal sites.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2006

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require the Secretary of the Army to conduct a survey and monitoring of off-shore sites in the vicinity of the Hawaiian Islands where chemical munitions were disposed of by the Armed Forces, to support research regarding the public and environmental health impacts of chemical munitions disposal in the ocean, and to require the preparation of a report on remediation plans for such disposal sites.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hawaiian Waters
3 Chemical Munitions Safety Act of 2006”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Until 1970 the United States Armed Forces
7 routinely dumped military chemical munitions in
8 ocean waters.

9 (2) According to the report entitled “Off-Shore
10 Disposal of Chemical Agents and Weapons Con-
11 ducted by the United States”, which was prepared
12 by the Army’s Historical Research and Response
13 Team in 2001, chemical munitions were dumped at
14 a minimum of three locations near the Hawaiian Is-
15 lands, and the weapons disposed of at these sites in-
16 cluded 1,100 one-thousand pound cyanogen chloride
17 bombs, 20 one-thousand pound hydrogen cyanide
18 bombs, 125 five-hundred pound cyanogen chloride
19 bombs, 15,000 one-hundred-and-fifteen pound mus-
20 tard gas bombs, 31,000 mustard gas-filled mortar
21 shells, 1,000 one-ton containers of mustard gas
22 agent, 190 one-ton containers of lewisite agent,
23 16,000 one-hundred pound mustard gas bombs, and
24 4,220 tons of various ordinance filled with hydrogen
25 cyanide.

1 (3) The report also specified that chemical mu-
2 nitions were dumped off the coasts of Alabama,
3 Alaska, California, Florida, Louisiana, Mississippi,
4 New Jersey, North Carolina, South Carolina, and
5 Virginia.

6 (4) The lack of research into the effect of long-
7 term seawater exposure on chemical munitions and
8 the potential risks to the public and the environment
9 has created significant public concern in Hawaii, es-
10 pecially among communities near coastal military fa-
11 cilities and military munitions disposal areas.

12 (5) The dumping of chemical munitions in the
13 ocean is now prohibited by the Marine Protection,
14 Research, and Sanctuaries Act of 1972 (33 U.S.C.
15 1401 et seq.).

16 (6) The United States is a signatory of both the
17 Convention on the Prevention of Marine Pollution by
18 Dumping of Wastes and Other Matter, with an-
19 nexes, done at Washington, London, Mexico City,
20 and Moscow December 29, 1972, and entered into
21 force August 30, 1975 (26 UST 2403) and the Con-
22 vention on the Prohibition of the Development, Pro-
23 duction, Stockpiling and Use of Chemical Weapons
24 and on Their Destruction, with annexes, done at
25 Paris January 13, 1993, and entered into force

1 April 29, 1997 (commonly known as the “Chemical
2 Weapons Convention”).

3 **SEC. 3. RESPONSE TO DISPOSAL OF CHEMICAL MUNITIONS**
4 **WITHIN HAWAIIAN WATERS.**

5 (a) SURVEY AND IDENTIFICATION OF DISPOSAL
6 SITES.—

7 (1) SURVEY REQUIRED.—The Secretary of the
8 Army shall conduct a survey of all underwater sites
9 within 12 miles of the Hawaiian Islands where
10 chemical munitions are known or believed to have
11 been disposed of by the Armed Forces between 1941
12 and 1972.

13 (2) SURVEY PURPOSE.—The purpose of the
14 survey is to characterize the location and size of the
15 disposal sites, the types and numbers of chemical
16 munitions at the sites, and the condition of chemical
17 munitions at the sites.

18 (3) REPORT REQUIRED.—Not later than Sep-
19 tember 30, 2009, the Secretary of the Army shall
20 submit to Congress a report containing the results
21 of the survey.

22 (b) IDENTIFICATION OF NAVIGATIONAL HAZARDS.—
23 The Secretary of the Army shall cooperate with the Sec-
24 retary of Commerce to ensure that nautical charts and
25 other navigation materials for Hawaiian coastal waters in-

1 clude hazards to private activities and commercial ship-
2 ping or fishing operations identified as a result of the sur-
3 vey conducted under subsection (a).

4 (c) MONITORING.—

5 (1) MONITORING REQUIRED.—Within one year
6 after the completion of the survey required by sub-
7 section (a), the Secretary of the Army shall imple-
8 ment the appropriate monitoring mechanisms to rec-
9 ognize and track the potential release of hazardous
10 chemical agents into the marine environment from
11 the disposal sites covered by the survey.

12 (2) ELEMENTS.—The monitoring regime shall
13 include appropriate sampling, testing, and evaluation
14 of Hawaiian coastal waters for signs of contamina-
15 tion from chemical munitions that may pose a risk
16 to public health and the marine environment.

17 (d) RESEARCH.—The Secretary of the Army, acting
18 through the Office of the Assistant Secretary of the Army
19 for Installations and Environment, shall establish a pro-
20 gram to conduct research and provide research grants for
21 the purpose of studying the long-term effects of seawater
22 exposure on chemical munitions, potential public health
23 risks associated with ocean disposal of chemical munitions,
24 and the environmental impact of the ocean disposal of
25 chemical munitions.

1 (e) REMEDIATION.—

2 (1) REPORT REQUIRED.—Within one year after
3 the completion of the survey required by subsection
4 (a), the Secretary of the Army shall submit to Con-
5 gress a report containing the following:

6 (A) An analysis of the feasibility of imple-
7 menting multiple remediation measures at the
8 disposal sites covered by the survey.

9 (B) Cost estimates for such remediation
10 measures.

11 (C) An analysis of the public health and
12 environmental safety risks of the disposal sites.

13 (2) SPECIAL CONSIDERATIONS.—The feasibility
14 analysis required by paragraph (1)(A) shall take into
15 account the cost of remediation measures, the public
16 health and environmental damage risk of remedi-
17 ation measures, and the risk to personnel engaged in
18 remediation measures.

19 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums
21 as may be necessary to carry out this Act.

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