

Report Title:

Depleted Uranium; Mandatory Soil Samples; Schofield Barracks

Description:

Requires the department of health to take soil samples within 500 meters of Schofield Barracks to assess for depleted uranium, at least once every 3 months, and annually report to the legislature. (SD1)

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

H.B. NO. 1452
H.D. 1
S.D. 1

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Depleted uranium has special toxic properties when used as weaponry. When used as armor piercing projectiles, depleted uranium munitions are exploded, burst into flames and vaporize. These vapors can then be inhaled. Combustion on impact will release a variety of uranium compounds of different phases (gas, particulates) sizes (nano to shrapnel dimensions) and chemistries (elemental metal, and a series of oxides). The radiation risk of these compounds are similar (alpha particle emissions) with low risk outside of the body, but of very high risk if internalized. Compounds can aerosolize from combustion on impact and then travel for dozens of miles depending on size, phase, and wind conditions. Retention of inhaled compounds depends on size while clearance from the body depends on phase and

chemistries (the oxides are relatively insoluble and can remain in the body for decades). These compounds are considered chemically toxic by the Armed Forces Radiobiology Research Institute, the Army Environmental Policy Institute, the United Nations, and others. The radioactivity can cause scarring/fibrosis and genetic mutations which can lead to cancers, infertility, and birth defects.

Depleted uranium weaponry has been found at Schofield Barracks. An email message obtained through a Freedom of Information Act request, dated September 19, 2005, from Samuel P. McManus of the United States Army Engineering and Support Center in Huntsville, Alabama to Ronald Borne, an Army employee involved with preparations for the Stryker brigade at Schofield Barracks, states: "We have found much that we did not expect, including the recent find of depleted uranium."

The purpose of this Act is to test Schofield Barracks for markers of depleted uranium weapon use by using established authority and the following military regulations.

Authority for environmental sampling include Army regulations TB 9-1300-278, Department of the Army Pamphlet 700-48, 1-6 Summary for Commanders b. which states "In peacetime, comply with the Nuclear Regulatory Commission licensed requirements and all applicable federal, state, Army, and host nation laws, regulations, and policies regarding radioactive materials and contaminated equipment. This document applies to peacetime, or operations other than war, incidents, and accidents involving Bradley Fighting Vehicles uploaded with depleted uranium ammunition." The depleted uranium weaponry find at Schofield Barracks is one such incident.

Adherence includes coverage of costs since depleted uranium contamination would only occur because of military operations.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . TESTS FOR DEPLETED URANIUM.

§321- Soil samples required; depleted uranium. The department of health shall take soil samples as close as possible to the center of the target impact sites at Schofield Barracks, but not beyond ten yards from the impact sites. The department of health shall develop a sampling scheme according to the frequency and number of soil samples to be taken based on records of type of target practice, ammunition caliber, and frequency of use, and information from cultural monitors with direct experience in the field on military bases, and on state lands that were formerly used as firing ranges (such as the island of Kahoolawe).

Personnel (Civilian or Hawaii National Guard) reporting symptoms compatible with Gulf War Syndrome, or those exposed to military firing ranges or other suspected depleted uranium sites may be screened for depleted uranium (twenty-four hour urine samples).

Military personnel may perform the collecting of soil samples and participate in the survey and testing but state department of health authorities shall oversee all aspects of the testing, including collecting of the samples. The testing shall include an adequate number of positive and negative controls and blinding of all laboratory personnel to the source of the sample. The state

department of health shall coordinate with the University of Hawaii in order to arrange for analysis of the soil samples. The state department of health shall coordinate with the United States Army in Hawaii regarding its continued monitoring and remediation of training areas and weapon ranges.

§321- Rulemaking. The director of health may adopt rules, pursuant to chapter 91, necessary for the purposes of this part.

§321- Annual report to legislature. The director shall submit a report summarizing the director's findings to the legislature and the committees on health of both houses of the legislature no later than twenty days prior to each regular session beginning with the regular session of 2008."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2007-2008 and \$ or so much thereof as may be necessary for fiscal year 2008-2009 for the department of health to take soil samples in accordance with this Act.

The sums appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2007.