

September 20, 2023

The Honorable Patty Murray, Chair  
U.S. Senate Appropriations Committee  
Room S-128, The Capitol, Washington, D.C. 20510

SENT BY ELECTRONIC MAIL

**RE: Request for a Congressional Audit of Department of Defense Criteria and Costs for Clean Closure of Domestic Burn Pits (OB/OD) in the U.S. and its Territories**

Dear Senator Murray,

The Environmental Protection Agency's (EPA) Office of Resource Conservation and Recovery is currently embarking on an effort to improve the procedures that have been or are being used to remediate and/or clean close open burning and open detonation (OB/OD) sites. We are requesting your assistance in obtaining relevant information on military sites in the United States and its territories.

Currently, the EPA has no national guidance on recommended procedures to assess, monitor, and clean up OB/OD sites, nor metrics to achieve clean closure of OB/OD units. This lack of standardized procedures may lead to more challenging and costly closures. Considering that more than 50% of the RCRA OB/OD units have been or are being cleaned up and closed, we feel this situation is ripe for gathering information to help inform the development of recommended procedures.

In particular, communities seek information on the procedures used to assess the extent of contamination, to clean up the contamination, and the criteria to determine clean closure has been achieved. Certain types of information are located within DoD's Environmental offices, Base Realignment and Closure offices, Installation Management offices, and Army Corps of Engineers Headquarters or District offices. Longstanding [formal inquiries from EPA](#) Headquarters to DoD have been unsuccessful in obtaining this vital information.

**Our primary purpose in contacting you is to request a financial audit to identify and inform both Congress and the public with a measure of damages caused by OB/OD** to include the cost of restoring injured natural resources to their baseline condition, the interim or long-term loss of injured resources pending recovery including degradation and harm to natural systems (including but not limited to soil, water, air and biodiversity).

According to [EPA records](#), approximately 225 treatment storage or disposal facilities (TSDFs) have or had OB/OD units in the U.S. This is the cumulative total of OB/OD facilities that have operated under RCRA since the 1980 standards for owners and operators of TSDFs were finalized. Of the 225 TSDFs, 66 facilities were still operating under either interim status or a permit as of May 2022. These 66 OB/OD facilities are operated by both the private and public sector.

Waste explosives, when burned or detonated in the open air, have the potential to release heavy metals, perchlorate, particulate matter, per- and polyfluoroalkyl substances (PFAS), dioxins/furans, explosive compounds, and other toxic and hazardous contaminants to the environment. Pyrotechnic compositions of magnesium/Teflon/Viton (MTV) are widely used in military flares and for igniting the solid propellant of a rocket motor. Often referred to as "decoy" flares, countermeasure flares are comprised of as much as [45% PFAS](#) (fluoropolymers).

PFAS, dioxins, perchlorate, lead, mercury and other persistent, bioaccumulative, and toxic chemicals are a class of chemicals that resist degradation and persist in the environment for extensive periods. As a result of their persistence, when these chemicals are consumed, they bioaccumulate in the fat tissues, bones, and brain of living organisms. Many of these same contaminants are also highly mobile in the environment, readily migrating from soil to surface water and groundwater.

Thank you for your time and consideration on behalf of at-risk populations across the U.S. and its territories including tribal members, indigenous peoples, veterans, service members, base workers and environmental justice communities.

Sincerely,

Laura Olah, Citizens for Safe Water Around Badger (CSWAB)

Jane Williams, California Communities Against Toxics

Craig Williams, Kentucky Environmental Foundation

Myrna Pagán, VIDAS VIEQUENSES VALEN

Brad Geyer, Veterans for Peace Madison Wisconsin - Clarence Kailin, Chapter 25

Laura Olah, Cease Fire Campaign

Robina Suwol, California Safe Schools

Forest Jahnke, Crawford Stewardship Project

Alyssa Carpenter, Citizens for Arsenal Accountability

Joni Arends, Concerned Citizens for Nuclear Safety

Terry Long, International Dialogue on Underwater Munitions

David Swanson, World BEYOND War

John Blair, Valley Watch

Amy Schulz RN and Ann Behrmann MD, Physicians for Social Responsibility (PSR) Wisconsin

Kathy Gannett, Justice for Vieques

David Swanson, RootsAction.org

Mark and Connie Toohey, Volunteers for Environmental Health and Justice

Enid Sisskin, PhD, Gulf Coast Environmental Defense

Gar Smith, Environmentalists Against War

Claire Gervais MD and Beth Neary MD, Wisconsin Environmental Health Network (WEHN)

Marylia Kelley, Tri-Valley CAREs (Communities Against a Radioactive Environment)

Maria Powell, PhD, Midwest Environmental Justice Organization

Pamela Miller, Alaska Community Action on Toxics

Monaeka Flores, Prutehi Litekyan (Save Ritidian)

Joshua Vana, ARTivism Virginia

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*Inquiries about this letter may be submitted to Laura Olah at [info@cswab.org](mailto:info@cswab.org) or 608/643-3124*