

RECORD VERSION

STATEMENT BY

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BEFORE THE

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COMMITTEE ON APPROPRIATIONS**

Chair McCollum, Ranking Member Calvert, and distinguished Members of the Subcommittee, I am honored to appear before you today to discuss the Army's Defense Environmental Restoration Program (DERP). As the Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health, my portfolio includes the policy, planning, budgeting, and execution of the Army's Environmental Restoration Program.

Summary

I am proud to report the Army has been identifying and conducting cleanup at sites since the 1980s and has made considerable progress. The Army's inventory of sites stands at approximately 12,800 and over 90% of those sites have a remedy in place or have completed the primary cleanup activities. The Army conducts cleanup under DERP and in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This provides a consistent national approach for addressing cleanup and includes risk-based site prioritization, which allows us to address the highest risk sites first. The Army uses DERP to address two types of environmental cleanup: the Installation Restoration Program (IRP) manages the cleanup of hazardous substances released to the environment—releases that may pose an unacceptable risk to human health or the environment; and the Military Munitions Response Program (MMRP) primarily addresses explosive hazards associated with munitions used during military training. DERP cleanups are conducted at Army, Army Reserve, and Army National Guard installations as well as closed installations.

The Army remains focused on and committed to fulfilling our cleanup responsibilities, and we are diligently working on completing the initial phase of Per- and Poly- Fluoroalkyl Substances (PFAS) assessments by the end of 2023 as required by the NDAA. As we work through the process, we will be transparent about our progress with both Congress and the public and continue to share data and reports on publicly accessible websites and engage in robust increased community outreach.

In fiscal year (FY) 2022, the Army revised its DERP eligibility policy to address the criteria in 10 U.S.C. § 2707(e), authorizing the use of DERP funds to carry out

cleanup of perfluorooctane sulfonate (PFOS) and/or perfluorooctanoic acid (PFOA) releases resulting from certain Army National Guard activities. The policy revision expedites approval of Army National Guard PFOS/PFOA sites for access to DERP funding.

Prioritization

The CERCLA process can take many years and begins with a site assessment, involving a preliminary assessment/site inspection to gather historical and other available information to identify potential releases and the nature of a release (through sampling). Using data gathered in this phase, the Army can prioritize sites for further action using a risk-based approach. Throughout the United States, the Relative Risk Site Evaluation (RRSE) methodology is used to assess the sequence for funding actions at IRP sites, and the Munitions Response Site Prioritization Protocol (MRSPP) is used to assess the sequence for funding actions at MMRP sites. Where initial analysis indicates further investigation is warranted, the RRSE or MRSPP is used to sequence and prioritize the sites for the CERCLA remedial investigation phase, where site-specific risks to human health and the environment are analyzed through additional data collection and analysis, including a risk assessment. This risk-based approach enables the Army to identify the most urgent sites for cleanup and focus resources on the highest-risk sites first. The Army cleanup teams evaluate and compare risk using RRSE or MRSPP risk categorizations, stakeholder input, and professional judgment to prioritize funding.

Status

The 10% of the Army's remaining sites (approximately 1,200) where cleanup activities remain underway are in varying phases of the cleanup process. For those sites where the response is not yet complete, 83% are in IRP and the remaining 17% in MMRP. The Army's progress toward achieving "response complete" has slowed in recent years, but remains steady. The sites requiring long-term remedial action and many of the sites that are not yet at "response complete" are technically challenging. Also, it is important to note that new sites added to the inventory (including those related to PFAS) are also decreasing the "response complete" percentage.

The Army identified 337 installations where PFAS may have been used or released. Of this total, the Army has completed 126 preliminary assessments/site inspections and 38 remedial investigations are underway. As a result of these assessments, we have identified exceedances of the Environmental Protection Agency health advisory for PFOS and/or PFOA in drinking water outside six of our installations. And in each of these instances, we have acted very quickly to provide alternative water to the affected residents. We are working with members of affected communities, along with state and local health officials and regulatory authorities, to provide immediate action as needed, as well as long term solutions. I assure you—the Army continuously seeks opportunities to maximize achievement of response complete to ensure protection of human health and the environment.

Budget

Once sites have been prioritized by risk, funding requirements in the form of cost estimates are developed using auditable and defensible standard accounting practices. These cost estimates include the cost to complete a project and sufficient fidelity to identify the required funding by CERCLA phase. Once initiated, cost estimates are maintained continuously for a project until completion. The Army's current estimate of cost to complete is approximately \$3 billion.

On an annual basis, the cleanup program provides input to the President's budget build and the 5-year Program Objectives Memorandum cycle. Funding priority areas are as follows:

- Program oversight (cooperative agreements to states, contract oversight)
- Ongoing remedial actions and long-term management
- Execution of legally-binding commitments to implement cleanup remedies
- Ongoing investigations
- New investigations

The Army's FY 2023 DERP budget request would fund projects that represent the greatest potential risk to human health and the environment and protects our

soldiers, families, civilians, and communities. The FY 2023 budget request also ensures continued funding for new and ongoing PFAS investigations and cleanup.

Partnerships

The Army looks forward to continued partnerships with fellow federal agencies, state regulators, and industry stakeholders to increase the efficiency of our cleanup efforts. The stable and consistent funding Congress provides to the DERP account has given us the financial certainty to make significant cleanup progress, and with additional funds provided in direct support of our PFAS investigations, the Army is able to allocate more resources to other areas, including the MMRP. The cleanup at many of the remaining sites is more complex and requires additional time and/or a remedy based on more advanced technology. We continue to pursue partnerships to identify new cleanup technologies and techniques to streamline and accelerate cleanup where feasible. For example, the Army partnered with the other services, environmental regulators, and industry in the development and deployment of Advanced Geophysical Classification, a munitions response technology that allows us to distinguish between buried munitions and other buried metal debris. This technology represents an important enhancement to our munitions response capabilities with the potential to accelerate cleanup at many of our sites. The Army recognizes many sites require a long-term commitment of resources throughout the project life-cycle. To enable more timely completion of cleanup, reuse of property, and maximize information sharing and lessons learned, Army leadership directs our installations to continuously review and identify opportunities for remedy optimization. These efforts are tracked annually and shared across the Army enterprise.

Community Engagement

The Army is committed to being transparent about our cleanup progress and expanding our public outreach. We actively take steps to make our data more accessible to the community and continues to support community involvement and outreach. The Army uses the Restoration Advisory Board (RAB) Rule and the Office of the Secretary of Defense RAB Rule Handbook to guide our RAB activities. The Army currently maintains 26 active RABs, while at the same time renewing our focus on

efforts to increase local engagement. Additionally, the Army regularly solicits community engagement at its installations with continuing restoration activities, but where RABs do not exist. During 2022, the Army expects to reach out to 39 communities to gauge interest in RAB formation as a means of community engagement. Technical Assistance for Public Participation grants have been utilized by Army RAB's when requested and remain available.

Conclusion

The Army's priority remains the health and safety of our soldiers, their families, civilians who work on our installations, and the surrounding communities. We will continue to prioritize and address sites where the potential risk posed to human health is the highest. We greatly appreciate the funding provided in FY 2022 and commit to being a responsible steward of the resources entrusted to us. Thank you for the opportunity to present this testimony and for your continued support of the Army.