



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY  
ACQUISITION LOGISTICS AND TECHNOLOGY  
103 ARMY PENTAGON  
WASHINGTON DC 20310-0103

RECORD OF DECISION

SUBJECT: Chemical and Biological Defense Program (CBDP)

1. Purpose. Consistent with the National Environmental Policy Act (NEPA) and regulations promulgated pursuant thereto, this Record of Decision documents and explains the decision of the Department of Defense (DoD) to execute an integrated Chemical and Biological Defense Program designed to protect our Soldiers, Sailors, Marines, and Airmen from the evolving chemical and biological (CB) threats they may encounter on the battlefield. The CBDP does not pursue offensive chemical or biological weapon capability and its execution is in full compliance with both international and domestic law including but not limited to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction and the Biological Weapons Anti-terrorism Act.

a. The Final Programmatic Environmental Impact Statement (FPEIS) adequately addresses the expected impacts of the actions relating to the execution of the CBDP. The FPEIS shows that either one of the alternatives considered would provide for the protection of the environment, the general public, and workers performing CBDP activities. The FPEIS is incorporated by reference into this decision. Nothing in the FPEIS should be read as indicating that the United States (U.S.) is developing or attempting to develop chemical or biological weapons.

b. In making this decision, the U.S. Army has considered all comments received during scoping and public comment periods associated with the preparation of the CBDP FPEIS.

2. Background. Prior to 2003, the mission of the DoD CBDP was to provide world-class CB defense capabilities to allow U.S. military forces to survive and successfully complete their operational missions in battlespace environments contaminated with CB warfare agents. Now this mission has been expanded to cover military capability to operate in the face of threats in homeland security missions, as well as warfighter missions. If our military forces are not fully and adequately prepared to meet this threat, the consequences could be devastating. The CBDP to support this mission comprises research, development, and acquisition (RDA) activities. Each of the Military Services, the Joint Program Executive Office for Chemical and Biological Defense, and the Defense Advanced Research Projects Agency conduct CBDP activities under the provisions of the Implementation Plan for the Management of the DoD Chemical Biological Defense Program, dated April 22, 2003. Some of these CBDP activities that take place at numerous military installations and contractor facilities throughout the U.S. necessarily involve the use of hazardous chemicals or infectious disease agents for research, development, and production purposes. The controls on and the potential

environmental consequences of such use both for the proposed action and alternative were the primary focus of the CBDP Programmatic Environmental Impact Statement (PEIS).

a. Although numerous environmental documents, dating back to the FPEIS on the Biological Defense Research and Development Program (April 1989), have been prepared analyzing the potential environmental consequences of various elements of the CBDP, no one document analyzes the potential environmental impacts of the full range of CBDP activities. In keeping with the purposes of the National Environment Protection Agency (NEPA), DoD determined to prepare such a document in the form of a programmatic environmental impact statement on the CBDP. This document creates an overarching framework that will continue to ensure fully informed government decision-making within the CBDP. It also provides a single, up-to-date informational resource for the public.

b. Specifically, the CBDP FPEIS achieves the following goals: updates and expands current programmatic documentation, providing information on and analysis of the changes that have occurred in the biological defense program over the last decade; enlarges the scope of the current programmatic documentation to include the chemical defense program; provides a current programmatic NEPA document that will facilitate future government decision making by allowing future environmental analyses under the CBDP to be tiered from it; and shares with the public the features of the CBDP that demonstrate DoD's commitment to protect the environment and to ensure public safety during the execution of this operationally mandated program. The Draft PEIS (DPEIS) covering the CBDP was released for public comment in May 2003. The FPEIS, announced as available on August 13, 2004, addresses and incorporates comments received on the DPEIS. There have been no changes in the proposed action or significant new information relevant to environmental concerns since publication of the FPEIS.

3. Proposed Action and Alternatives. The proposed action consists of the execution of an integrated program designed to protect our Soldiers, Sailors, Marines, and Airmen from the evolving CB threats they may encounter on the battlefield.

a. The No Action Alternative, continuation of current CBDP operations as described in and covered by existing environmental analyses, was also evaluated.

b. No other alternatives were identified during the public scoping process. Neither alternative would reasonably be expected to result in the occurrence of significant adverse environmental impact, as discussed below.

4. Decision. The Deputy Assistant to the Secretary of Defense for Chemical and Biological Defense decided to execute an integrated CBDP designed to protect our forces from evolving threats they may encounter on the battlefield. This is the preferred alternative identified in the FPEIS.

a. Neither this action nor the no action alternative would result in the occurrence of significant adverse environmental impacts.

b. This FPEIS was prepared for an ongoing program, but it will facilitate future government decision-making as the program grows to meet evolving threats.

c. It will have further benefits as an information source for other government agencies at all levels and for the public, sharing information on CBDP features that demonstrate DoD's commitment to protect the environment and to ensure public safety during the execution of this operationally mandated program.

5. Environmental Consequences. The potential environmental impacts of future CBDP activities similar to those analyzed in the FPEIS will be negligible to minor and mitigable. The principal findings regarding impacts are summarized below.

a. Execution of an integrated CBDP designed to protect our Soldiers, Sailors, Marines, and Airmen from evolving chemical and biological threats they may encounter on the battlefield (the Proposed Action) will not result in significant immitigable adverse environmental impacts.

b. As the program grows to meet evolving threats, this FPEIS will be beneficial for the CBDP as a single reference source for up-to-date NEPA documentation, providing information on and analyses of both the biological and the chemical defense programs.

c. It will provide a basis for tiering of future environmental analyses under the CBDP, which will facilitate future government decision-making. It will have further benefits for the public, sharing information on features of the CBDP that demonstrate DoD's commitment to protect the environment and to ensure public safety during the execution of this operationally mandated program.

d. Neither the Proposed Action nor the No Action Alternative is likely to cause significant adverse environmental impacts. The Proposed Action, however, is preferred so as to achieve the benefits cited above for the integrated program.

e. The impacts of existing CBDP activities at the example sites on environmental attributes all were found to be negligible to minor, and mitigable. This suggests that the scale of the enumerated activities can be increased without causing significant, immitigable environmental, and health impacts. However, NEPA considerations will continue to be addressed as necessary for site-specific proposed actions, including both construction and operations that are part of the CBDP. Also, future activities not identified in this FPEIS may require both site-specific and programmatic NEPA documentation.

6. Mitigation. Mitigation measures to minimize environmental and health impacts comprise the processes and procedures used in CBDP activities to ensure compliance with applicable federal, state, and local regulatory requirements.

a. The CBDP activities must be conducted in compliance with DoD and other federal guidelines and regulations, including those of the Centers for Disease Control and Prevention, U.S. Food and Drug Administration, National Institutes of Health, U.S. Nuclear Regulatory Commission, Occupational Health and Safety Administration, U.S. Department of Agriculture, U.S. Department of Transportation, and U.S. Environmental Protection Agency. The CBDP activities at military installations also are subject to service-specific regulations of the Army, Navy, Air Force, or Marine Corps. All practical means to avoid or minimize environmental harm have been adopted.

b. Monitoring of the mitigation measures is inherent in the benchmark regulations and guidelines, which are addressed in detail in Section 2.3 of the FPEIS. Benchmark regulations and guidelines for animal care and use, human subjects, and chemical surety materiel, which were identified as known concerns for activities under the CBDP, are included in addition to benchmark regulations and guidelines for mitigation of waste management impacts and mitigation of safety, health, and security impacts.

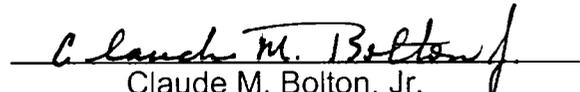
c. The mitigation measures identified in the FPEIS are incorporated into this decision. All practicable means to avoid or mitigate environmental harm from the selected alternative action have been adopted.

7. Conclusion. All comments provided during formal comment and waiting periods throughout the environmental impact statement process have been carefully considered.

a. Current and proposed CBDP activities have been and will likely continue to be performed without significant environmental impacts. The most severe potential effects associated with CBDP activities are predicted to be minor; to date, any observed effects have been insignificant.

b. Potential risks to CBDP laboratory workers, public health, and the environment are and will be mitigated by adherence to benchmark guidelines, regulations, and standard operating procedures.

Date: MAR 23 2006

  
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