

GROUND ZERO

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 5, 2001

Ms. NORTON. Mr. Speaker, I commend to the attention of members an article from *Washingtonian Magazine*, December 2001, entitled "Ground Zero." Harry Jaffe deserves credit for his early focus on the burial of munitions and toxic chemicals in the District of Columbia's Spring Valley community and on the government's non-disclosure of information to the D.C. government and its residents.

As a result of Mr. Jaffe's work, other media reports and our own investigation, the D.C. Subcommittee held hearings on July 27, and asked the General Accounting Office to conduct a full-scale investigation of the Spring Valley site as well as others in the city, where munitions or chemicals might have been discarded.

[From the *Washingtonian Magazine*, Dec. 2001]

GROUND ZERO

(By Harry Jaffe)

Rick Feeney was cutting the grass one day in 1992 when he heard his black retriever, Kerry, yelping and whining in the construction site next to his home on Glenbrook Road in DC's Spring Valley. He looked over to see the dog in the freshly dug earth, shaking her head, liquid coming from her eyes and mouth. When Feeney went to help, his own eyes started to sting, the skin on his arms started to sting, and a bitter taste filled his mouth.

"Feels a lot like I've been gassed," Feeney thought, recalling his training in the Navy, when he had walked through clouds of tear gas. He went home and hosed off himself and his dog. But every time he mowed his lawn, his eyes watered and his nose ran. Finally the hole was covered over and the house completed—now the home of American University president Benjamin Ladner.

A few months later, on January 5, 1993, construction workers digging trenches for new houses in Spring Valley a half mile northwest of Feeney's home unearthed what looked like rusted bombs. In a matter of hours, Army bomb-removal units arrived by helicopter from Aberdeen Proving Ground in Maryland. With gas masks on their hips, they determined that the canisters were World War I-era chemical mortar rounds and 75-millimeter shells. Some were live and might contain mustard gas, a lethal chemical that caused blindness, skin blisters, and internal and external bleeding in 400,000 World War I soldiers.

Nan Whalen, who lives near the trench, was at home when an acquaintance phoned. "My God, Nan, what's going on in your neighborhood?" asked the caller from her car. She had been invited to a dinner party at Vice President Dan Quayle's home on the Naval Observatory grounds and had just heard that it might be canceled. The Army was worried that a live shell might detonate and send a gas cloud drifting over the vice president's house.

The first night the Army held a meeting for the community at a church on Westmoreland Circle. Officers told worried residents that the bombs had been left by soldiers who had used the area to produce and test chemical weapons in 1918. They assured residents that everything would be taken care of.

Rick Feeney stopped an Army officer on the way out and told him about his reaction

to the fumes from the property on Glenbrook Road.

"I assumed it was tear gas," he told the officer, "or something that made you feel that you had been gassed." The officer turned to an aide. "Make sure we take a look at this," he said. The Army never contacted Feeney, a writer and event manager who works at home. If it checked out his tory, he never knew about it.

Through the rest of 1993 and into 1994, the Army recovered 141 munitions, including 42 poison-gas shells. In stages, officials evacuated 72 homes in the zone around the bomb pit while soldiers searched for buried munitions; in 1994, 130 families were asked to move out, mostly during weekdays, while bomb specialists searched for more ordnance.

In 1995 the Army Corps of Engineers issued a report describing its explorations and excavations. In sum, it said it had completed its work; Spring Valley was safe. The situation there required "no further action."

Five years later, that seems far from true. Scientist and engineers have determined that the Army missed a number of pits containing buried munitions and toxic chemicals. The search for bomb pits and contaminated soil and water is under way once again. Prodded by DC environmental scientists, the Army Corps of Engineers launched a fresh operation to find and remove hazardous materials from the area. So far it has unearthed twice as many munitions as were found in 1993. Evidence of more toxic chemicals is mounting.

Documents reviewed under the freedom of Information Act and interviews with investigators and scientists reveal that:

—The Army plans to evacuate two buildings at American University and five houses early next year while it excavates what is believed to be a disposal site for laboratories that produced lethal munitions.

—The Army has found high levels of arsenic in a part of Spring Valley once called "Arsenic Valley" because of its proximity to a lab that used arsenic in making chemical munitions. Rick Feeney's home lies in its center. Within its borders are a childcare center on AU campus and multimillion-dollar mansions on Indian Lane. The federal government lists arsenic, a poisonous heavy metal, as the most hazardous on its toxic-substance list. Health officials have warned people in Spring Valley against eating food grown in their gardens.

—Theodore J. Gordon, chief operating officer for DC's Department of Health, has asked the Corps to ensure that the groundwater in Spring Valley is clear of toxic chemicals, especially arsenic. Some of Spring Valley's groundwater drains towards Dalecarlia Reservoir, which supplies water to DC. Is there arsenic on the bottom of the reservoir? "That's a possibility", Gordon says.

—Two people who lived in houses built over a 1918 training trench used to test chemical weapons contracted aplastic anemia, a blood disorder that occurs when the bone marrow stops making enough healthy blood cells. The cause of the disease is unknown, but environmental toxins are suspected.

—According to internal documents and interviews with investigators, five federal agencies, led by the EPA and including the FBI, are investigating whether "criminal false statements" contributed to the Corps' determination in 1995 that "no further action" was necessary.

While Spring Valley residents learned in 1993 that their neighborhood was built on top of a chemical-weapons proving ground, documents show that American University and the Army knew at least in 1986 that there were "possible burial sites," according to documents filed in lawsuits and reports ob-

tained through FOIA. American University knew as early as 1921, when a campus publication referred to buried weapons on campus.

Lawsuits have been filed in the case. Former district judge Stanley Sporkin ruled in 1997 that the Army had a "duty to warn" people about the buried bombs: "The Army in this case created the hazard and literally 'covered it up.'" Sporkin wrote in ruling on a lawsuit filed against the Army by a developer in 1996. The Spring Valley investigation is more than a story about buried munitions; it's also about buried intentions and hidden agendas. At critical junctures a community's health and welfare appear to have been sacrificed for bureaucratic infighting and concerns about public image. And the people of Spring Valley have been in conflict over whether to protect their property values or to actively investigate potential risks. There is now no hard evidence of cancer clusters in Spring Valley, but there's no question that the health risks deserved scientific scrutiny years ago. Says Kenneth Schuster, a US Environmental Protection Agency scientist investigating Spring Valley: "There is an indication of high incidence of cancer and rare blood diseases. Are they related to the buried munitions? We don't know, but I'm pushing for an epidemiological study."

"There a lot of unfinished business in Spring Valley."

TRIBUTE TO JUDGE AVIVA K.
BOBB

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CALIFORNIA

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Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to an exceptional individual and good friend, Judge Aviva K. Bobb, Supervising Judge of the Family Law Department of the Los Angeles County Superior Court. Judge Bobb will be honored on September 29, 2001 with the Levitt & Quinn Family Law Center Award for Outstanding Community Service.

Judge Bobb has served in the Los Angeles Superior Court since 1994. She previously served for 14 years in the Los Angeles Municipal Court where she was the presiding, assistant presiding, and supervising judge. Before appointment to the bench, she served as the Executive Director of the San Fernando Valley Neighborhood Association and as the Executive Director of the Legal Aid Foundation of Los Angeles. She is a graduate of Boalt Hall School of Law.

In 2000, she was named to her current post as Supervising Judge of the Family Law Department, where she has established a national reputation as an outstanding expert in how to address problems resulting from divorce and child custody questions.

In addition to her distinguished career on the bench, Judge Bobb is a member of the Judicial Council of California, where she served on the Court Technology Advisory Committee and the Task Force on Trial Court Employees. Judge Bobb has also generously given her time, energy and resources to numerous committees of the Los Angeles County Bar Association, and presently is a member of the