



Department of Defense INSTRUCTION

NUMBER 4715.19
February 15, 2011

USD(AT&L)

SUBJECT: Use of Open-Air Burn Pits in Contingency Operations

References: See Enclosure 1

1. PURPOSE. This Instruction:

a. Converts Directive-Type Memorandum (DTM) 09-032 (Reference (a)) to a DoD Instruction (DoDI) and cancels the DTM to implement section 317 of Public Law 111-84 (Reference (b)), in accordance with the authority in DoD Directive 5134.01 (Reference (c)).

b. Establishes policy, assigns responsibilities, and provides procedures regarding the use of open-air burn pits and the prohibition of the disposal of covered waste in open-air burn pits during contingency operations, except in circumstances in which no alternative disposal method is feasible.

2. APPLICABILITY. This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the DoD, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereafter referred to collectively as the "DoD Components").

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy to:

a. Protect DoD personnel from accidental death, injury, occupational illness, and threats to health.

b. Prohibit the disposal of covered waste in open-air burn pits during contingency operations except in circumstances in which no alternative disposal method is feasible as determined in accordance with the procedures in this Instruction.

c. Minimize the disposal of other solid waste in open-air burn pits during contingency operations.

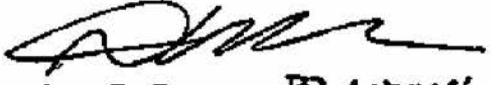
5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3. Generally, open-air burn pits should be a short-term solution during contingency operations where no other alternative is feasible. For the longer term, incinerators, engineered landfills, or other accepted solid waste management practices shall be used whenever feasible. When used, open-air burn pits shall be operated in a manner that prevents or minimizes risks to human health and safety of DoD personnel and, where possible, harm to the environment.

7. INFORMATION REQUIREMENTS. The determinations that no alternative disposal method is feasible referred to in Enclosure 3 have been assigned RCS DD-AT&L(AR)2411 in accordance with DoD 8910.1-M (Reference (d)).

8. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

9. EFFECTIVE DATE. This Instruction is effective upon its publication to the DoD Issuances Website.


Ashton B. Carter **PP, ACTING**
Under Secretary of Defense for
Acquisition, Technology, and Logistics

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ENCLOSURE 1

REFERENCES

- (a) Directive-Type Memorandum 09-032, "Use of Open-air Burn Pits in Contingency Operations," March 30, 2010 (hereby cancelled)
- (b) Section 317 of Public Law 111-84, "National Defense Authorization Act for Fiscal Year 2010," October 28, 2009
- (c) DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005
- (d) DoD 8910.1-M, "Department of Defense Procedures for Management of Information Requirements," June 30, 1998
- (e) DoD Instruction 6055.05, "Occupational and Environmental Health (OEH)," November 11, 2008
- (f) DoD Instruction 6490.03, "Deployment Health," August 11, 2006
- (g) Joint Staff Memorandum MCM 0028-07, "Procedures for Deployment Health Surveillance," November 2, 2007
- (h) DoD 6055.09-M, "DoD Ammunition and Explosives Safety Standards," February 29, 2008
- (i) Section 101(a)(13) of title 10, United States Code
- (j) Sections 6903(5) and 6992a(a)(1)-(10) of title 42, United States Code (also known as the Solid Waste Disposal Act)
- (k) Section 136a of title 7, United States Code (also known as section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act)

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (USD(AT&L)). The USD(AT&L) shall:

a. Oversee implementation of this Instruction.

b. After reviewing for completeness, submit to the Committees on Armed Services of the Senate and House of Representatives notices of Commander of Combatant Command determinations that no alternative disposal method for covered waste is feasible. Notification shall be made not later than 30 calendar days after the Combatant Commander makes the determination.

c. After reviewing for completeness, submit to the Committees on Armed Services of the Senate and House of Representatives a justification for subsequent 180-day periods during which covered waste is disposed of in the open-air burn pit covered by the original notice.

2. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall implement this Instruction and develop Component procedures to submit timely determination requests to the Commanders of the Combatant Commands.

3. COMMANDERS OF THE COMBATANT COMMANDS. The Commanders of the Combatant Commands:

a. Are hereby delegated the authority and responsibility of the Secretary of Defense under Reference (b) to determine circumstances in which no alternative disposal method for covered waste is feasible.

b. Shall:

(1) Implement and oversee execution of this Instruction.

(2) Make determinations for circumstances in which no alternative disposal method is feasible.

(3) Provide justifications for each subsequent 180-day period during which covered waste is disposed of in the open-air burn pit.

ENCLOSURE 3

PROCEDURES

1. MINIMUM REQUIREMENTS

a. For each contingency operation, the operational commander shall develop and approve a solid waste management plan. The use of open-air burn pits shall not be allowed unless included within this plan. This plan must also address the disposal of any covered wastes, to include the provision of supporting resources. This plan shall be reviewed and revised annually, at a minimum.

b. The plan shall ensure that open-air burn pits are:

(1) Located to prevent or minimize exposures to personnel in living, dining, and work areas. The siting of each burn pit must be coordinated with the requisite medical authority for the site.

(2) Operated in a safe and secure manner for those operating the burn pit or present in the vicinity of the burn pit.

(3) Located where the burning or presence of garbage will not pose an unsafe attraction to birds or other wildlife into or across the path of aircraft in the air or on the ground, or in any way impact the ability of air traffic controllers to maintain eye contact with aircraft in the local traffic pattern.

(4) Operated in a manner that minimizes the attraction of vermin, flying insects, or wild animals which could pose a direct or indirect (disease vector) risk to human health.

(5) Inspected not less often than weekly for compliance with this Instruction.

(6) Monitored daily for effective operations and compliance with waste stream restrictions by personnel trained in the requirements of this Instruction and the approved solid waste management plan.

(7) Monitored by qualified force health protection personnel for unacceptable exposures, consistent with DoDI 6055.05 (Reference (e)), and acute and chronic health risks, consistent with DoDI 6490.03 and Joint Staff Memorandum MCM 0028-07 (References (f) and (g)).

(8) Properly closed with locations documented.

(9) Not used for burning covered waste unless properly prepared determinations have been submitted and Congress notified.

c. Plastics (except insignificant amounts) are prohibited from disposal in open-air burn pits.

d. In no case are munitions and explosives to be disposed of in any burn pits with any other wastes even if those burn pits are allowed according to this Instruction. DoD guidance on the destruction of munitions and explosives is contained in DoD 6055.09-M (Reference (h)).

e. Waste disposal activities that do not meet the definition of open-air burn pits should strive to meet the intent of this Instruction.

f. The Commanders of the Combatant Commands shall issue specific engineering and medical guidance that maximize protection of human health and safety for locations where covered waste is either being burned because no alternative is feasible (see subparagraph 1.b.(9) of this enclosure) or the facility does not meet the definition of an open-air burn pit.

2. DETERMINATIONS THAT NO ALTERNATIVE DISPOSAL METHOD FOR DISPOSAL OF COVERED WASTES IS FEASIBLE. The Commanders of the Combatant Commands shall:

a. Make determinations in circumstances in which no alternative disposal method for covered waste, other than in an open-air burn pit, is feasible. Determination packages shall include circumstances, reasoning, and methodology for the determination as well as a preliminary health risk assessment.

b. Forward such determinations to the USD(AT&L) to arrive within 15 calendar days of making the determination.

c. Provide justification for continued operation to the USD(AT&L) every 180 calendar days thereafter, so long as covered waste is disposed of in the open-air burn pit. Justification packages shall include a detailed health risk assessment in accordance with paragraph 6.2 of Reference (f).

d. Forward such justifications to the USD(AT&L) to arrive not later than 15 calendar days prior to the end of each 180 calendar day period.

GLOSSARY

PART I. ACRONYMS AND ABBREVIATIONS

DoDI	DoD Instruction
DTM	Directive-Type Memorandum
OEH	occupational and environmental health
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisitions, Technology, and Logistics

PART II. DEFINITIONS

Unless otherwise noted, these definitions are for the purpose of this Instruction.

contingency operation. Defined in section 101(a)(13) of title 10, United States Code (U.S.C.) (Reference (i)).

covered waste

Hazardous waste, as defined in section 6903(5) of title 42, U.S.C. (also known as section 1004(5) of the Solid Waste Disposal Act) (Reference (j))

Medical waste, as defined in section 6992a(a)(1)-(10) of Reference (j) (also known as section 11002(a)(1)-(10) of the Solid Waste Disposal Act)

Tires

Treated wood

Batteries

Compressed gas cylinders unless empty with valves removed

Fuel containers unless completely evacuated of contents

Aerosol cans

Polychlorinated biphenyls

Petroleum, oils, and lubricants products (other than waste fuel for initial combustion)

Asbestos

Mercury

Foam tent material

Any item containing any of the above items.

insignificant amount. A small amount of plastic remaining after a good-faith effort to remove or recover plastic materials from the solid waste stream.

open-air burn pit. An area, not containing a commercially manufactured incinerator or other equipment specifically designed and manufactured for burning of solid waste, designated for the purpose of disposing of solid waste by burning in the outdoor air at a location with more than 100 attached or assigned personnel and that is in place longer than 90 days.

qualified occupational and environmental health personnel. Defined in Reference (e).

treated wood. Wood that has been treated with a chemical preservative (typically arsenic, copper, chromium, borate, or petroleum-based chemical compounds) for the purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood, and the chemical preservative is registered pursuant to section 136a of title 7, U.S.C. (also known as section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act) (Reference (k)).

unacceptable exposure. Defined in Reference (e).