

E193b

Subj: Public Affairs Guidance – CWC Mock Inspections

1. The following public affairs guidance is approved for use by all addressees during Chemical Weapons Convention (CWC) mock inspections conducted prior to entry into force of the treaty.

2. The public affairs posture is passive, response to query only.

A. The following statement may be used for response to query: ^(open) Quote. (Name of installation) is conducting training for possible future visits by inspectors from the Organization for the Prohibition of Chemical Weapons. During this training, personnel will conduct a simulated visit by an inspection team to ensure the installation is in compliance with the relevant provisions of the Chemical Weapons Convention.

B. The following questions and answers are approved for response to query:

Q1. What is the U. S. position on chemical warfare?

A1. The United States will not use chemical weapons or engage in any military preparations to use chemical weapons. The United States is also committed to the prohibition of all forms of chemical weapons (i.e. development, production, stockpiling, use, retention, acquisition, or transfer). *We have begun destroying our own CW stocks.*

Q2. Specifically, what will the Chemical Weapons Convention prohibit?

A2. Specifically, parties to the Convention undertake never, under any circumstances, to:

- develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone.
- use chemical weapons.
- engage in any military preparations to use chemical weapons.
- assist, encourage or induce, in any way, anyone to engage in activities prohibited by the Convention.

Additionally, parties to the treaty undertake to:

- destroy the chemical weapons they own or possess or that are located in any place under their jurisdiction.
- destroy all chemical weapons it abandoned on the territory of another party to the treaty.
- destroy any prohibited chemical weapons production facilities it owns or possesses or that are located in any place under its jurisdiction or control.

Q3. What types of inspections will be conducted under the Chemical Weapons Convention?

A3. To ensure compliance, the Chemical Weapons Convention has a rigid verification regime consisting of routine inspections and/or continuous monitoring of declared facilities and challenge inspections of any place under the jurisdiction of a state party where there is a compliance concern.

- Routine inspections are periodic, systematic, short-notice inspections of both previously declared chemical weapons facilities and commercial chemical facilities that use certain chemicals that could be used or converted to make chemical weapons.
- Challenge inspections are intrusive, short-notice inspections of any facility where a party to the treaty suspects illegal chemical weapons activity is taking place. Any party to the treaty may request a challenge inspection, which is conducted by the International Technical Secretariat of the OPCW with a report of findings to the OPCW's Executive Council.
- Monitoring of munitions destruction operations will be authorized until such operations are completed.

Q4. Will media representatives be allowed to accompany OPCW inspectors during their inspections?

A4. No. Media representatives will not be allowed to accompany inspection teams during the inspections in an effort to ensure the inspection process is not disrupted. Requests to interview inspectors prior to or following inspections can be submitted and will be considered on a case-by-case basis.

Q5. Will the OPCW inspectors be available to answer questions from media representatives? What about extended individual interviews?

A5. Please submit your request to the local installation public affairs officer, who will coordinate your request with the leader of the U. S. team accompanying the OPCW inspection team.

Q6. Will a U. S. representative be available to answer questions from media representatives? What about extended individual interviews?

A6. Yes, the leader of the U. S. team accompanying the Russian inspection team will be available for interviews either before or following the inspection. If enough media interest is expressed to the local installation public affairs office, a press conference may be scheduled at the start of the visit, and at the end of the visit. Requests for extended interviews should be submitted to the local installation public affairs office or the media center.

Q7. Why are OPCW inspectors visiting (NAME OF INSTALLATION)?

A7. As a signatory to the CWC, the United States has declared its chemical weapons facilities. These facilities are subject to routine, or recurring, inspections by international OPCW inspectors. The OPCW inspects these facilities, like (name of installation), in order to confirm the U.S. declaration.

Q8. What are the costs for U.S. participation in the CWC Preparatory Commission? What will be the cost of our participation in the Organization for the Prohibition of Chemical Weapons (OPCW) after the CWC enters into force?

A8. The cost to each state party of the OPCW will be calculated on the basis of the U.N. scale of assessment, adjusted to take into account differences in membership. The U.S. contribution is expected to be about 25 percent of the overall cost. The contributions of the CWC to our national security make it well worth its modest price.

Current estimates of the cost for the first full year of operation of the OPCW are about \$70 million. This includes all operating costs, including but not limited to staffing and running inspections. Therefore, the U.S. assessment for the OPCW will be about \$17.5 million during the first year after entry into force.

In the three years since the Preparatory Commission was established, an average of 95 percent of the budget assessment has been paid each year. This is considerably better than the rate of

payment to other international organizations, indicating enormous international support and commitment to the CWC.

Q9. Will the CWC continue the fight against chemical terrorism? Would the CWC have helped if it had been in force last year when the chemical attack occurred on the Japanese subway?

A9. The CWC is both an arms control and nonproliferation treaty that bans the development, production, acquisition, stockpiling, retention and transfer of chemical weapons. Although the CWC was not designed to prevent chemical terrorism, certain aspects of the Convention, including its law enforcement requirements and nonproliferation provisions, will bolster existing efforts to fight chemical terrorism.

Implementing legislation required by the CWC will strengthen legal authority to investigate and prosecute those who seek to acquire chemical weapons before such weapons actually are used, as in Tokyo in March 1995.

The Aum Shinrikyo case illustrated that a determined terrorist group may still be able to obtain the chemicals needed to produce chemical weapons. Nevertheless, the nonproliferation provisions of the CWC will make terrorist access to chemical weapons more difficult by requiring parties to eliminate national stockpiles and by controlling international transfers of certain chemicals that can be used to make chemical weapons.

Q10. Will the CWC lead to reduced production or use of chemical weapons? Or will countries that want those weapons still find a way to get them? Will the CWC help our nonproliferation efforts? How?

A10. Parties will have to eliminate stockpiles and production capability and end transfers of certain agents and precursors to non parties. The verification regime will increase the risk of detection and the political price of noncompliance. Thus, by deterring CW programs, the CWC will reassure countries in unstable regions that their neighbors are not pursuing chemical weapons, so they can safely avoid such programs of their own. Others may decide that any marginal strategic gain from cheating does not warrant the heightened risk and expense. States parties will also have to worry that clandestine CW programs would be revealed because of increased public awareness and incentives to make such programs known.

The CWC will also strengthen our ability to deal with a problem that we confront anyway with or without the treaty -- discovering which states are developing and producing CW and so might

threaten our forces or their neighbor's. The declaration and verification provisions of the CWC demand unprecedented transparency, providing otherwise unavailable information that will improve our ability to detect clandestine CW programs.

Q11. What if some countries suspected of possessing or seeking to possess chemical weapons do not join the regime? Won't this seriously damage its effectiveness and credibility?

A11. The CWC puts new pressures on countries that remain outside. They will be subject to political isolation and intensified scrutiny for signs of CW activity. The CWC trade restrictions also ban or limit trade in certain important industrial chemicals with countries outside the regime.

The CWC's reporting and verification requirements will strengthen our ability to discover and monitor CW programs, even in countries that do not become parties.

Q12. How will the CWC help if countries join the CWC and cheat?

A12. Cheaters can never be sure they will evade detection. For example, CWC declaration information that is inconsistent with U.S. intelligence could flag or help substantiate concerns about possible noncompliance. Regular monitoring activities at chemical industry facilities will force violators to consider either abandoning CW programs or relocating them to clandestine sites, raising the cost and also risking detection.

In turn, concerns about possible noncompliance can be pursued through challenge inspections, as well as bilateral consultations and multilateral actions of the OPCW Executive Council and ultimately, the U.N. Security Council. The U.S. will be prepared to use any or all of these mechanisms, as appropriate, to address concerns about possible noncompliance.

Q13. How will we protect against chemical weapons in the event they are used against our troops? Won't the CWC create false security, causing our protective capability to erode?

A13. The Department of Defense will maintain a robust chemical weapons defensive capability supported by aggressive intelligence collection efforts. This commitment to protecting our forces, combined with an ability rapidly to bring to bear the overwhelming power of our military capabilities, will form the backbone of military deterrence against any aggressor in the CWC world. Nothing in the treaty restricts our activities in this regard.

TO MAINTAIN DEFENSIVE PROGRAMS AND

The treaty permits parties to the Convention also subjects these programs to monitoring and verification which helps ensure that such activities cannot be used to hide offensive programs.

Q14. Will the U.S. destroy our chemical weapons within the CWC timetable? Isn't it possible that some states may block the construction of destruction facilities and delay the process?

A14. The CWC requires destruction of all existing CW stocks within a 10-year period after entry into force. We have already begun destruction under Public Law 99-145. We fully intend to destroy the U.S. stockpile as required by the Convention. Our current CW destruction program will ensure that we meet this vital obligation.

Q15. The CWC prohibits parties from using riot control agents as a "method of warfare." This phrase is not defined in the treaty. What is the Administration's interpretation of this provision? Did the Joint Chiefs of Staff oppose the Convention's limits on riot control agents.

TO MAINTAIN THAT THE CWC ONLY APPLIES TO THE USE OF RCAs IN INTERNATIONAL AND ARMED CONFLICT

A15. As President Clinton indicated in a letter to the Senate in June 1994, the Administration interprets the CWC prohibition on the use of riot control agents in international or internal armed conflict. Other peacetime uses of RCAs, such as normal peacekeeping operations, law enforcement operations, humanitarian and disaster relief operations, counterterrorist and hostage rescue operations, and noncombatant rescue operations conducted outside such conflicts are unaffected by the Convention.)

(USE OF RCAs IN INTERNATIONAL AND ARMED CONFLICT)

The CWC does not apply to all uses of RCAs in time of armed conflict. Use of RCAs solely against noncombatants for law enforcement, riot control, or other noncombatant purposes would not be considered as a "method of warfare" and therefore would not be prohibited. Accordingly, the CWC does not prohibit the use of RCAs in riot control situations in areas under direct U.S. military control, including against rioting prisoners of war, and to protect convoys from civil disturbances, terrorists and paramilitary organizations in rear areas outside the zone of immediate combat.

THE JOINT CHIEFS OF STAFF OPPOSED THAT THE PROHIBITION OF THE CWC ON THE USE OF RCAs IN INTERNATIONAL AND ARMED CONFLICT WAS TOO BROAD AND THAT THE ADMINISTRATION SHOULD CLARIFY THE PROHIBITION TO INCLUDE ONLY THE USE OF RCAs IN INTERNATIONAL AND ARMED CONFLICT

Q16. Shouldn't we keep some chemical weapons in our stockpile for a retaliatory capability in case some countries cheat or stay outside the regime?

A16. General Shalikashvili, Chairman of the Joint Chiefs of Staff, testified "Desert Storm proved that retaliation in kind is not required to deter the use of chemical weapons." As he explained,

"the U.S. military's ability to deter chemical weapons in a post CWC world will be predicated on both a robust chemical weapons defense capability and the ability to rapidly bring to bear superior and overwhelming military force in retaliation against a chemical attack."

The CWC prohibits all CW use, including retaliation in kind. However, the CWC allows parties to maintain CW defensive programs and does not constrain non-CWC military responses to CW attack. The United States' superior individual protection and training program, detection capabilities and medical support, further reduce both the effectiveness of a CW attack and an aggressor's incentive to use chemical weapons against U.S. forces.

Q17. How does the CWC contribute to U.S. security?

A17. In numerous ways. By requiring that others eliminate their chemical weapons as we are doing now, the Convention reduces the likelihood that our troops will have to face CW threats in future wars.

The CWC will serve as a basis for international action against those who try to acquire chemical weapons; the CWC makes them completely illegal. The 1925 Geneva Protocol only restricts chemical weapons use.

The CWC's broad verification regime, which requires reports on commercial production and trade in certain chemicals as well as inspections of military and commercial facilities, will strengthen efforts to monitor CW activities worldwide, including efforts to acquire CW whether inside or outside the regime.

Finally, the CWC will bolster efforts to fight chemical terrorism. In Japan last year, we saw the first terrorist use of chemical weapons against innocent civilians. Through its nonproliferation provisions and its requirements for domestic implementing legislation, the CWC will reinforce other antiterrorist measures.

Q18. Will the Organization for the Prohibition of Chemical Weapons detect cheaters in a timely fashion given the large number of facilities to be inspected, their dual-use nature and the ease of concealment of prohibited activities? In fact, isn't the CWC unverifiable?

A18. No treaty is 100 percent verifiable. The Administration has determined that the CWC is effectively verifiable and that it protects and enhances U.S. national security. The CWC is expected to increase the risk that violations will be detected and raise the legal and political price of noncompliance.

Handwritten notes:
 Verifiable from
 Eric Martin

The CWC contains the most comprehensive and intrusive verification regime ever negotiated, covering virtually every aspect of a CW program, from development through production and stockpiling. The Convention's provisions provide access to declared and undeclared facilities, thus making clandestine CW production and stockpiling more difficult, risky, and expensive.

The Administration has also determined that the CWC provisions will detect significant violations and that the U.S. does not need CW to deter CW use against our forces, because superior U.S. military force, coupled with a modern defensive program, is quite adequate to deter or respond to CW use.

Q19. Is the CWC sufficiently intrusive to provide effective verification?

*(Potential activation
by 1994 signature
CWC/70m/2000)*

A19. Yes. The CWC's verification provisions balance competing interests -- our need to protect sensitive non-CW national security information, constitutional rights and non-CW proprietary interests, on the one hand; on the other, our desire for the access necessary to ensure effective verification and deterrence.

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Two successive Administrations have concluded that the CWC strikes the right balance and that the CWC is effectively verifiable and promotes U.S. national security interests.

Routine inspections will enhance deterrence and detection of illicit production by monitoring activities at chemical industry facilities. These inspections will force violators to consider abandoning their CW programs or going to the effort and cost of trying to relocate them to clandestine sites.

Challenge inspections will further enhance deterrence and detection of prohibited activities by allowing parties to request an inspection to resolve a compliance concern. The greater the scope and size of an illicit program, the more likely it will be detected.

Q20. Is it likely the U.S. will be subject to challenge inspection? Are there any quotas limiting the number of challenge inspections we must receive?

A20. There is no quota on the number of challenge inspections that a party must accept. Of course, it is impossible to predict how often challenge inspections will occur and, in particular, whether the U.S. will be subject to a challenge inspection.

In the event a challenge inspection does occur in the U.S., the CWC allows us to control access to facilities in a way that protects sensitive non-CW information as well as constitutional rights. These "managed access" provisions require that we make every reasonable effort to provide alternative means to satisfy concerns about compliance.

Q21. Does the CWC provide adequate protection against a frivolous or unjustified challenge inspection?

A21. The "managed access" provisions in the Convention provide more than adequate protection against unjustified or frivolous challenge inspection requests.

Moreover, a challenge inspection can be blocked, if three-fourths of the 41-member Executive Council vote within 12 hours of the request that it is frivolous or unjustified. In addition, after a challenge inspection, the Executive Council can address concerns as to whether the right to request a challenge inspection has been abused. If abuse has occurred, the Executive Council can consider whether the requesting party should have to bear costs related to the inspection.

Q22. Could the CWC enter into force without U.S. ratification? What will happen if the U.S. does not ratify the CWC to worldwide chemical weapons proliferation? to the spread of other weapons of mass destruction?

A22. It would be possible but highly undesirable for the CWC to enter into force without the U.S. Without our leadership and participation, other countries, including Russia, would likely choose not to ratify the CWC. If this were to happen, chemical weapons stockpiles would not be eliminated and might keep growing. There would be greater pressures in unstable regions to acquire chemical weapons.

If the CWC entered into force without the U.S., we could not participate in the Organization for the Prohibition of Chemical Weapons (OPCW) to have U.S. citizens serve as inspectors on international inspections. The treaty also restricts trade with non-members in certain chemicals, many of which are important to U.S. industry. As a result, U.S. companies could be cut off from their traditional trading partners, which industry experts believe could brand the U.S. an unreliable supplier.

U.S. leadership was essential to completion of the CWC; it is again required if the CWC is to enter into force successfully and begin a transparent and orderly process to eliminate stockpiles, stop production and erect barriers against proliferation.

Q23. How long has the U.S. stored chemical agents and why can't it continue?

A23. The United States has stored chemical weapons since World War I when modern chemical warfare started. The U.S. stopped manufacturing them in 1968. Some of the stored munitions have started to leak, particularly the M55 rockets filled with the nerve agent GB (also known as sarin). Studies show that the risk of continued storage is significantly greater than the risk of disposal.

Q24. What kind of chemical weapons are stored at the nine U.S. stockpile locations and how dangerous are those chemicals?

A24. There are two types of lethal chemical agents in the U. S. stockpile: nerve agents and blister agents. The three nerve agents are: GA, which also is called Tabun; GB, which is also called Sarin; and VX. The blister agents include the mustard-derived agents H, HD, and HT, as well as Lewisite (L). Both the nerve agents and blister agents are hazardous to humans and to animals. The nerve agents act by poisoning the nervous system; exposure to the blister agents can cause severe skin blisters, injuries to the eyes, and damage to the respiratory tract by inhalation of vapors. Nerve agent is a fast-acting lethal agent, while the blister agents are primarily disabling agents. With large enough doses, any of these chemical agents are lethal.

These chemicals currently are stored in three basic types of configurations:

- projectiles, cartridges, mines, and rockets containing propellant and/or explosive components.**
- projectiles and air-deliverable munitions that do not contain explosive components.**
- bulk agent, also without explosive components, stored in steel one-ton containers and bombs.**

Q25. Where are these chemical agents presently stored?

A25. The U. S. lethal chemical stockpile is divided among eight Army installations (all in the continental United States) and on Johnston Island in the central Pacific Ocean approximately 720 miles southwest of Honolulu, Hawaii. The eight sites in the United States are:

- Aberdeen Proving Ground Edgewood area, near Edgewood, Maryland (stores about 5 percent by weight)
- Anniston Army Depot, near Anniston, Alabama (about 7 percent)
- Blue Grass Army Depot, near Lexington, Kentucky (about 2 percent)
- Newport Army Ammunition Plant, near Newport, Indiana (about 4 percent)
- Pine Bluff Arsenal, near Pine Bluff, Arkansas (about 12 percent)
- Pueblo Depot Activity, near Pueblo, Colorado (about 10 percent)
- Tooele Army Depot, near Tooele, Utah (about 42 percent)
- Umatilla Depot Activity, near Hermiston, Oregon (about 12 percent)

Q26. Why is destruction of the U. S. Chemical Stockpile necessary?

A26. Congress enacted Public Law 99-121, directing destruction of the entire U. S. stockpile of lethal unitary (i.e., single component agent) chemical weapons in conjunction with the acquisition of binary chemical weapons. None of the unitary munitions currently in storage have been manufactured since 1969. In 1992, Congress enacted Public Law 102-484, which requires the destruction of all binary chemical weapons, former production facilities, recovered munitions and miscellaneous equipment. The entire U.S. chemical weapons stockpile is required to be destroyed by December 31, 2004. Many of these munitions are obsolete and unserviceable. The deteriorating condition of these weapons over time increases the risk of accidental release of lethal chemical agents.

Under the Chemical Weapons Convention, the United States will join other signatories in a commitment to declare and destroy all chemical weapons munitions and agents (both unitary and binary) and production facilities within 10 years of entry into force. Signatories will also monitor the chemical industry for production, consumption, or use of chemicals of concern.

Q27. Didn't the Army previously use other methods to dispose of similar chemical agents?

A27. Between World War I and 1969, the Army disposed of chemical agents and munitions by various methods, such as open-pit burning, atmospheric dilution, burial, and ocean dumping. Such methods of chemical disposal (involving many compounds that are now defined as "hazardous chemicals") were also commonly practiced by industry during this same period. However, in 1969, in response to many concerns, the Army abandoned these practices in favor of developing methods which were more environmentally sound.

Q28. Were other modes of off-site transportation considered? What about wide-scale use of truck or air transport?

A28. Both truck and air transport were considered but were rejected at an early point because of safety concerns and due to the severe limitation of transport operations. The sheer number of trucks and/or planes required to move the entire stockpile to either a national disposal center or to regional disposal centers would create overwhelming logistical problems. A limited version of air transport was considered by the Army, but that alternative involved only two depots with small inventories of chemical agents and munitions. However, even this small-scale movement by air was determined to have unacceptable risks. In addition, several thousand flights would be required.

Q29. Will the Army do anything to assist local communities in regard to preparing for other accidents or unplanned events?

A29. The Army is committed to working with local, state and Federal officials to enhance off-site emergency preparedness. Site-specific emergency response plans are being developed in coordination with the local communities at each of the eight storage sites. The Army is currently working with Federal Emergency Management Agency regarding the development and implementation for the Emergency Response Program.

Q30. Will the U. S. Army's binary chemical weapons also be destroyed under the Chemical Weapons Convention?

A30. Yes.

Q31. Did the U. S. ever obtain additional DC from private companies for production of binary chemical weapons? Two companies had, in the spring 1990, refused to provide it.

A31. The U. S. never obtained DC from commercial sources.

Q32. Who provided the hydrogen fluoride?

A32. The Army bought this material from multiple commercial sources. It is a chemical available on the commercial market.

Q33. Did Combustion Engineering complete the DC plant in Pine Bluff? If so, when? If not, why not? Did the U. S. ever run tests on it?

A34. Combustion Engineering completed the plant in December 1990. Engineering tests were performed during January-February 1991. The plant was then placed in stand-by status.

— spent on design
Q34. Did construction on the DF plant in Pine Bluff, Ark. ever proceed past Phase I? If so, how far did it go?

A34. Phase I was the DF plant. Phase III, the MLRS plant, is discussed in questions 10-12.

Q35. What is the Wyoming Memorandum of Understanding?

A35. The 1989 Wyoming Memorandum of Understanding (MOU) provided for a detailed exchange of information on the size, location, and composition of the chemical stockpile, production facilities, and developmental facilities in the U.S. and the Soviet Union (now Russia). It also provided for inspections at sites in each country. Both Countries completed the final inspections under the MOU in December 1994.

Q36. Were chemical munitions retrograded from the European stockpile accidentally brought into the United States when workers at Johnston Atoll failed to unload one of the secondary steel containers?

A36. On February 5, 1991, workers at the Naval Weapons Center, Concord, California, were unpacking empty military van containers and secondary steel containers (SSC) which had been used to carry the European chemical munitions stockpile during the retrograde operation to Johnston Atoll in the Pacific. The workers found what they thought were live projectiles inside one of the SSCs. An explosive Ordnance Disposal Team was called and determined the projectiles were inert training rounds used on Johnston Atoll in training activities prior to the retrograde operation. The Army has positively confirmed that all SSCs containing live chemical munitions were certified as empty prior to shipment off of the island. All munitions moved from Europe had been accounted for at Johnston Atoll. (It was an experiment in CW bilateral verification and data exchange for the purpose of facilitating the CWC negotiations, demonstrating increased openness on CW capabilities, and gaining experience on verification procedures.)

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Q37. How will the Army dispose of wastes generated by the Johnston Atoll Chemical Agent Disposal System?

A37. Three types of waste will be generated by the JACADS, liquid process waste, solid waste with value, and solid waste without value. The types of waste include 6.5 million gallons of brine from the pollution abatement system (liquid process waste); about 6,650 tons of scrap metal (solid waste with value); and ash and other incinerator residues (solid waste without value).

The Army's preferred alternative -- ocean disposal of the brine -- could not be implemented, with the passage of the Ocean Dumping Ban of 1988, an amendment to the Marine Protection, Research and Sanctuaries Act. The Army selected a second alternative -- dry the brine, containerize it, and ship it to a hazardous waste landfill in the continental United States. For solid waste with value, the Army selected sale of the scrap metal after it is certified agent-free. For solid waste without value, the Army selected shipping the ash and incinerator residues to a hazardous waste landfill in the continental United States.

Through these methods, the Army can dispose of all process waste generated by JACADS with minimal harm to the environment.