

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0369.01 Duane Gall

HOUSE BILL 10-1127

HOUSE SPONSORSHIP

McKinley,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING INFORMATION TO BE PROVIDED TO VISITORS AT ROCKY
102 FLATS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)

The bill requires the posting of signs and supplementary brochures at entrances to the Rocky Flats national wildlife refuge that contain specified information about the presence of, and risks posed by, plutonium and other toxic substances that were used in the production of nuclear weapons at the site.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds, determines, and declares that:

4 (a) The state of Colorado will be welcoming many visitors to this
5 state who may decide to visit the Rocky Flats National Wildlife Refuge
6 (refuge) and citizens of Colorado may also choose to do so;

7 (b) Current plans for the management of the refuge include
8 promoting field trips for Colorado school children;

9 (c) It is in the public interest and in furtherance of well-known
10 public health goals to fully inform members of the public who are
11 deciding whether to visit the refuge about the history of the former Rocky
12 Flats nuclear weapons plant and about the risk of exposure to
13 contaminants being left on the site.

14 **SECTION 2.** 25-11-103, Colorado Revised Statutes, is amended
15 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
16 read:

17 **25-11-103. Radiation control agency - powers and duties -**
18 **advisories concerning Rocky Flats.** (9) WHEN A NATIONAL WILDLIFE
19 REFUGE IS ESTABLISHED ON LANDS FORMERLY OCCUPIED BY THE ROCKY
20 FLATS NUCLEAR WEAPONS PLANT IN JEFFERSON COUNTY PURSUANT TO
21 THE FEDERAL "ROCKY FLATS NATIONAL WILDLIFE REFUGE ACT OF 2001",
22 PUB.L. 107-107, THE DEPARTMENT SHALL ENSURE THAT MEMBERS OF THE
23 PUBLIC, PRIOR TO ENTERING THE REFUGE, ARE PROVIDED WITH COMPLETE
24 AND OBJECTIVELY SUPPORTABLE INFORMATION INCLUDING, BUT NOT
25 LIMITED TO, THE FOLLOWING:

26 (a) (I) AT LEAST ONE PROMINENT AND CLEARLY LEGIBLE SIGN AT

1 EACH FOOT OR VEHICULAR ACCESS POINT TO THE REFUGE, BEARING THE
2 FOLLOWING NOTICE:

3 **PUBLIC ADVISORY**

4 **THE STATE OF COLORADO WISHES TO PROVIDE YOU**
5 **WITH INFORMATION CONCERNING THE HISTORY OF THE**
6 **ROCKY FLATS NATIONAL WILDLIFE REFUGE, FORMERLY**
7 **ROCKY FLATS NUCLEAR WEAPONS PLANT, THE**
8 **RADIOACTIVE AND OTHER HAZARDOUS MATERIALS THAT**
9 **WERE USED AND RELEASED AT THE SITE WHEN IT WAS IN**
10 **OPERATION, AND THE CLEANUP THAT HAS OCCURRED.**
11 **SOME CONTAMINATION MAY REMAIN IN THE SOIL AND**
12 **GROUNDWATER. DETAILED INFORMATION IS PROVIDED**
13 **IN THE CONTAINERS LOCATED NEAR THIS SIGN.**

14 (II) THE DESIGN AND CONSTRUCTION OF THE SIGNS REFERRED TO
15 IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL BE DEVELOPED IN
16 COLLABORATION WITH, AND SHALL BE SUBJECT TO THE APPROVAL OF, THE
17 EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF
18 TRANSPORTATION OR HIS OR HER DESIGNEE.

19 (b) IN ONE OR MORE WEATHERPROOF CONTAINERS LOCATED AT
20 THE BASE OF, OR IN CLOSE PROXIMITY TO, EACH OF THE SIGNS REFERRED
21 TO IN PARAGRAPH (a) OF THIS SUBSECTION (9), WRITTEN PAMPHLETS,
22 AUDIO RECORDINGS, OR BOTH, IN A FORM READILY ACCESSIBLE BY
23 MEMBERS OF THE PUBLIC AND CARRYING THE FOLLOWING MESSAGE, AT A
24 MINIMUM:

25 **"INFORMED CONSENT PUBLIC ADVISORY**

26 THE STATE OF COLORADO HAS DETERMINED THAT MEMBERS OF
27 THE PUBLIC SHOULD BE INFORMED OF THE FOLLOWING FACTS WHEN

1 DECIDING WHETHER TO ENTER ROCKY FLATS NATIONAL WILDLIFE
2 REFUGE:

3 ROCKY FLATS NATIONAL WILDLIFE REFUGE WAS A NUCLEAR
4 WEAPONS MANUFACTURING PLANT FROM 1950-1991. DURING THAT TIME,
5 THE UNITED STATES DEPARTMENT OF ENERGY (DOE) AND ITS
6 CONTRACTORS BURIED, BURNED, AND SPRAYED PLUTONIUM AND OTHER
7 RADIOACTIVE AND HAZARDOUS MATERIALS ON-SITE AT ROCKY FLATS.
8 SOME OF THESE ACTIONS WERE LEGAL, OTHERS ILLEGAL.

9 SINCE 1992, THE DOE HAS UNDERTAKEN CLEANUP OF THE SITE.
10 THE DOE, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
11 (EPA), AND THE STATE OF COLORADO ACKNOWLEDGE THAT, AFTER THE
12 CLEANUP IS COMPLETE, DETECTABLE LEVELS OF PLUTONIUM AND OTHER
13 RADIOACTIVE AND HAZARDOUS MATERIALS WILL REMAIN IN THE SURFACE
14 AND SUBSURFACE SOILS AND IN THE GROUNDWATER, AND MAY BE PRESENT
15 IN DUST THAT BECOMES AIRBORNE AT THE SITE. PERSONS ACCESSING
16 ROCKY FLATS NATIONAL WILDLIFE REFUGE MAY BECOME EXPOSED TO
17 RADIOACTIVE AND OTHER HAZARDOUS MATERIALS THROUGH DUST IN THE
18 AIR OR THROUGH CONTACT WITH THE SOILS. THE RADIOACTIVE AND
19 HAZARDOUS MATERIALS ARE INVISIBLE TO THE NAKED EYE AND MAY BE
20 CARRIED HOME IN DIRT ON SHOES AND BELONGINGS. PLUTONIUM REMAINS
21 RADIOACTIVE FOR TENS OF THOUSANDS OF YEARS, AND IT CAN BE
22 HARMFUL IN VERY SMALL AMOUNTS IF INHALED, INGESTED, OR OTHERWISE
23 TAKEN INTO THE BODY, SUCH AS THROUGH AN OPEN WOUND.

24 THERE IS CONTROVERSY WITHIN THE SCIENTIFIC COMMUNITY
25 CONCERNING ACCEPTABLE LEVELS OF RISK FROM SUCH EXPOSURE AND THE
26 METHODS OF CALCULATING THAT RISK, AND THERE IS CONSIDERABLE
27 SCIENTIFIC UNCERTAINTY ASSOCIATED WITH THESE ISSUES.

1 ACCORDING TO NATIONAL AND INTERNATIONAL
2 STANDARD-SETTING BODIES, THERE IS NO SAFE LEVEL OF HUMAN
3 EXPOSURE TO PLUTONIUM OR OTHER MATERIALS THAT PRODUCE IONIZING
4 RADIATION. CANCER AND GENETIC DEFECTS ARE KNOWN EFFECTS OF
5 EXPOSURE TO LOW LEVELS OF IONIZING RADIATION. CHILDREN AND THE
6 ALREADY INFIRM ARE THE MOST AT RISK FROM LOW LEVELS OF IONIZING
7 RADIATION.

8 THE EPA AND THE STATE OF COLORADO, USING MATHEMATICAL
9 MODELING, HAVE DETERMINED THAT CLEANUP OF WHAT IS NOW THE
10 ROCKY FLATS NATIONAL WILDLIFE REFUGE HAS MADE THE REFUGE SAFE
11 FOR VISITORS AND WILDLIFE REFUGE WORKERS. THESE AGENCIES HAVE
12 ALSO DETERMINED THAT THE CLEANUP COMPLIES WITH THE WRITTEN
13 AGREEMENT BETWEEN THE EPA, THE DOE, AND THE STATE.

14 IN LIGHT OF THE SCIENTIFIC UNCERTAINTIES AND THE
15 CONTROVERSIES ABOUT RISK, MEMBERS OF THE PUBLIC CONSIDERING A
16 VISIT TO ROCKY FLATS NATIONAL WILDLIFE REFUGE SHOULD DECIDE FOR
17 THEMSELVES WHETHER THE RISKS ARE ACCEPTABLE TO THEM AND THEIR
18 FAMILIES."

19 (10) (a) THE DEPARTMENT SHALL ATTEMPT TO OBTAIN
20 REIMBURSEMENT FOR THE COSTS INCURRED IN CARRYING OUT THE
21 DIRECTIVES OF SUBSECTION (9) OF THIS SECTION FROM THE UNITED
22 STATES DEPARTMENT OF ENERGY PURSUANT TO THE "ROCKY FLATS
23 CLEANUP AGREEMENT" AND ANY OTHER AUTHORITY. IN ADDITION, THE
24 DEPARTMENT MAY ACCEPT PRIVATE GIFTS, GRANTS, AND DONATIONS FOR
25 THE PURPOSE OF CARRYING OUT THE DIRECTIVES OF SUBSECTION (9) OF
26 THIS SECTION. ANY SUCH GIFTS, GRANTS, AND DONATIONS SHALL BE
27 SEPARATELY HELD AND ACCOUNTED FOR.

1 (b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
2 DEPARTMENT NOT BE REQUIRED TO SOLICIT GIFTS, GRANTS, OR DONATIONS
3 FROM ANY SOURCE FOR THE PURPOSES OF THIS SECTION AND THAT NO
4 GENERAL FUND MONEYS BE USED TO PAY FOR SIGNS OR OTHER MATERIALS
5 PURCHASED IN ACCORDANCE WITH SUBSECTION (9) OF THIS SECTION.

6 (c) IF, WITHIN TWELVE MONTHS AFTER THE OPENING OF THE
7 REFUGE TO THE PUBLIC, THE AMOUNT OF MONEYS COLLECTED BY THE
8 DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF ENERGY AND
9 PRIVATE GIFTS, GRANTS, AND DONATIONS IS NOT SUFFICIENT TO PURCHASE
10 THE SIGNS REQUIRED BY PARAGRAPH (a) OF SUBSECTION (9) OF THIS
11 SECTION AND AT LEAST A THIRTY-DAY SUPPLY OF THE PAMPHLETS,
12 RECORDINGS, OR OTHER MATERIALS REASONABLY ANTICIPATED TO BE
13 REQUIRED UNDER PARAGRAPH (b) OF SUBSECTION (9) OF THIS SECTION,
14 THE DEPARTMENT SHALL NOT UNDERTAKE ANY DUTIES PURSUANT TO
15 SUBSECTION (9) OF THIS SECTION AND SHALL RETURN TO EACH GRANTOR
16 OR DONOR AN AMOUNT EQUAL TO SUCH GRANTOR'S OR DONOR'S
17 CONTRIBUTION. THE INTEREST, IF ANY, EARNED FROM THE INVESTMENT
18 OF GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSFERRED TO THE
19 GENERAL FUND.

20 (11) EXCEPT IN THE EVENT OF A FAILURE TO OBTAIN NECESSARY
21 FUNDING AS SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (10) OF THIS
22 SECTION:

23 (a) THE DEPARTMENT SHALL USE ALL REASONABLE EFFORTS TO
24 ENSURE THAT THE INFORMED CONSENT PUBLIC ADVISORY PAMPHLETS AND
25 RECORDINGS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (9) OF THIS
26 SECTION ARE INCLUDED IN THE MATERIALS DISTRIBUTED TO THE PUBLIC AT
27 ANY COLD WAR MUSEUM OR ROCKY FLATS MUSEUM THAT MAY BE

1 CONSTRUCTED; AND

2 (b) NO MINOR PERSON ENROLLED IN ANY SCHOOL IN COLORADO
3 MAY ENTER THE ROCKY FLATS NATIONAL WILDLIFE REFUGE AS PART OF
4 A SCHOOL FIELD TRIP WITHOUT FIRST RECEIVING A WRITTEN COPY OF THE
5 INFORMED CONSENT PUBLIC ADVISORY INFORMATION SPECIFIED IN
6 PARAGRAPH (b) OF SUBSECTION (9) OF THIS SECTION.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.