

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0450.01 Duane Gall

**HOUSE BILL 09-1060**

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**HOUSE SPONSORSHIP**

**McKinley,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires the posting of signs at entrances to the Rocky Flats national wildlife refuge containing 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.

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

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

3           (a) The state of Colorado will be welcoming many visitors who  
4 may decide to visit the Rocky Flats national wildlife refuge, and citizens  
5 of Colorado may also choose to do so;

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

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

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

16           **25-11-103. Radiation control agency - powers and duties -**  
17 **advisories concerning Rocky Flats.** (9) WHEN A NATIONAL WILDLIFE  
18 REFUGE IS ESTABLISHED ON LANDS FORMERLY OCCUPIED BY THE ROCKY  
19 FLATS NUCLEAR WEAPONS PLANT IN JEFFERSON COUNTY PURSUANT TO  
20 THE FEDERAL "ROCKY FLATS NATIONAL WILDLIFE REFUGE ACT OF 2001",  
21 PUB.L. 107-107, THE DEPARTMENT SHALL ENSURE THAT MEMBERS OF THE  
22 PUBLIC, PRIOR TO ENTERING THE REFUGE, ARE PROVIDED WITH COMPLETE  
23 AND OBJECTIVELY SUPPORTABLE INFORMATION INCLUDING, BUT NOT  
24 LIMITED TO, THE FOLLOWING:

25           (a) (I) AT LEAST ONE PROMINENT AND CLEARLY LEGIBLE SIGN AT  
26 EACH FOOT OR VEHICULAR ACCESS POINT TO THE REFUGE, BEARING THE  
27 FOLLOWING NOTICE:

1 **PUBLIC ADVISORY**

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

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

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

23 **"INFORMED CONSENT PUBLIC ADVISORY**

24 THE STATE OF COLORADO HAS DETERMINED THAT MEMBERS OF THE  
25 PUBLIC SHOULD BE INFORMED OF THE FOLLOWING FACTS WHEN DECIDING  
26 WHETHER TO ENTER ROCKY FLATS NATIONAL WILDLIFE REFUGE:

27 ROCKY FLATS NATIONAL WILDLIFE REFUGE WAS A NUCLEAR

1 WEAPONS MANUFACTURING PLANT FROM 1950-1991. DURING THAT TIME,  
2 THE UNITED STATES DEPARTMENT OF ENERGY (DOE) AND ITS  
3 CONTRACTORS BURIED, BURNED, AND SPRAYED PLUTONIUM AND OTHER  
4 RADIOACTIVE AND HAZARDOUS MATERIALS ONSITE AT ROCKY FLATS.  
5 SOME OF THESE ACTIONS WERE LEGAL, OTHERS ILLEGAL.

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

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

26 ACCORDING TO NATIONAL AND INTERNATIONAL  
27 STANDARD-SETTING BODIES, THERE IS NO SAFE LEVEL OF HUMAN

1 EXPOSURE TO PLUTONIUM OR OTHER MATERIALS THAT PRODUCE IONIZING  
2 RADIATION. CANCER AND GENETIC DEFECTS ARE KNOWN EFFECTS OF  
3 EXPOSURE TO LOW LEVELS OF IONIZING RADIATION. CHILDREN AND THE  
4 ALREADY INFIRM ARE THE MOST AT RISK FROM LOW LEVELS OF IONIZING  
5 RADIATION.

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

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

17 (10) (a) THE DEPARTMENT SHALL ATTEMPT TO OBTAIN  
18 REIMBURSEMENT FOR THE COSTS INCURRED IN CARRYING OUT THE  
19 DIRECTIVES OF SUBSECTION (9) OF THIS SECTION FROM THE UNITED  
20 STATES DEPARTMENT OF ENERGY PURSUANT TO THE "ROCKY FLATS  
21 CLEANUP AGREEMENT", ENTERED INTO ON JULY 19, 1996, BETWEEN THE  
22 DEPARTMENT OF ENERGY, THE ENVIRONMENTAL PROTECTION AGENCY,  
23 AND THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
24 TO ACCOMPLISH THE REQUIRED CLEANUP OF RADIOACTIVE AND OTHER  
25 HAZARDOUS SUBSTANCES CONTAMINATION AT AND FROM THE ROCKY  
26 FLATS ENVIRONMENTAL TECHNOLOGY SITE, STATE OF COLORADO DOCKET  
27 NUMBER 96-07-19-01, AND ANY OTHER AUTHORITY. IN ADDITION, THE

1 DEPARTMENT MAY ACCEPT PRIVATE GIFTS, GRANTS, AND DONATIONS FOR  
2 THE PURPOSE OF CARRYING OUT THE DIRECTIVES OF SUBSECTION (9) OF  
3 THIS SECTION. ANY SUCH GIFTS, GRANTS, AND DONATIONS SHALL BE  
4 SEPARATELY HELD AND ACCOUNTED FOR.

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

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

24 (11) EXCEPT IN THE EVENT OF A FAILURE TO OBTAIN NECESSARY  
25 FUNDING AS SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (10) OF THIS  
26 SECTION:

27 (a) THE DEPARTMENT SHALL USE ALL REASONABLE EFFORTS TO

1 ENSURE THAT THE INFORMATION SPECIFIED IN PARAGRAPH (b) OF  
2 SUBSECTION (9) OF THIS SECTION IS INCLUDED IN THE MATERIALS  
3 DISTRIBUTED TO THE PUBLIC AT ANY COLD WAR MUSEUM OR ROCKY FLATS  
4 MUSEUM THAT MAY BE CONSTRUCTED IN COLORADO; AND

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

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