



CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

J-5
DISTRIBUTION: A, B, C

CJCSI 2030.01D
4 September 2015

CHEMICAL WEAPONS CONVENTION IMPLEMENTATION AND COMPLIANCE POLICY GUIDANCE

References: See Enclosure H.

1. Purpose. This instruction provides military guidance and establishes military policy for compliance with the Chemical Weapons Convention (CWC), reference a.
2. Superseded/Cancellation. Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 2030.01C, 9 April 2010, "Chemical Weapons Convention Compliance Policy Guidance," is hereby superseded.
3. Applicability. This instruction applies to the Military Departments/Services, the Combatant Commands, the Joint Staff, and the Defense Agencies.
4. Policy. Enclosure A outlines administrative and operational policies concerning compliance with the CWC. The Secretaries of the Military Departments and the Combatant Commanders (CCDRs) are to use this policy guidance in conjunction with CJCS Manual (CJCSM) 2030.01, reference s, to promulgate their respective detailed plans and policies.
 - a. The CWC is a multilateral treaty that prohibits the development, production, acquisition, stockpiling, retention, transfer, and use of chemical weapons (CW). It also requires the destruction of all CW and CW production facilities (CWPFs). The CWC also prohibits the use of riot control agents (RCAs) as a "method of warfare." Reference v and Enclosure C provide further guidance on U.S. policy regarding use of RCAs.
 - b. The CWC was ratified by the United States on 25 April 1997 and entered into force for the United States on 29 April 1997.
 - c. The CWC (reference a) is a multilateral treaty to which the United States is a State Party. The U.S. national implementation and compliance guidance for the CWC is contained in references b through g. Additionally, references h

through l are regulations that apply to the U.S. implementation of the CWC. Reference l applies to all facilities except those of the Department of Defense (DoD), Department of Energy (DoE), or other U.S. Government (USG) agencies that notify the U.S. National Authority (USNA) of their decision to be excluded from these regulations. DoD guidance includes references m, o through w, and this instruction.

d. An important feature of the CWC is its verification regime, which relies on data declarations, inspections of declared facilities (initial, routine, and closeout), continuous and non-continuous CW destruction monitoring, investigation of alleged CW use, and challenge inspections (CIs). The Organization for the Prohibition of Chemical Weapons (OPCW) receives and reviews declaration updates, and its Technical Secretariat Inspection Teams (ITs) conduct inspections to gather facts as required by the CWC.

e. The CWC requires a national data declaration, which the United States has submitted and updates as required. Schedule 1 CW storage and destruction facilities inside the United States and its territories (IN-U.S.) are subject to routine inspections or continuous monitoring to verify compliance.

f. Military guidance necessary for the Military Departments/Services, Combatant Commands, and Joint Staff to train and to prepare for and support CWC inspections is provided in this instruction and its enclosures.

g. Procedures and policies for conducting and responding to inspections of facilities, both IN-U.S. and outside the United States (OUT-U.S.), are provided in references r and s. Each Military Department has established procedures to respond, as appropriate, with an assistance team knowledgeable in CWC rights, responsibilities, and inspection support, in the case of an inspection affecting any of its Service component commands.

h. U.S.-controlled facilities—including OUT-U.S. facilities, public vessels and state aircraft, and geographically separated units (for example, ground force units participating in peacekeeping operations)—could be subject to a CI on relatively short notice. All DoD Components must be prepared to host a CWC CI. DoD CI planning assumptions that directly affect training requirements are outlined in reference s. (Note: “Public vessels,” which includes U.S. warships, are vessels owned, or demise chartered, and operated by the USG, and not engaged in commercial service, as provided in reference x. “State aircraft” are considered to be aircraft used in military, customs, and police services, as described in reference y.) Also, CIs may be initiated against any facility under the jurisdiction or control of a State Party in countries that have not ratified the CWC. Specific procedures must be in place for each command to respond quickly if a CI occurs at a facility, aboard a public vessel

or state aircraft, or at a geographically separated unit within its area of responsibility (AOR).

i. CI procedures for USG-owned facilities, and USG-operated and/or -leased facilities overseas, have been established between the United States and several host countries in host country agreements (HCAs). The intent of the HCA is to clarify with the host country how the United States will exercise its CWC rights whenever USG facilities, forces, operations, or activities are affected by such inspections. In the case of a CI in an overseas location, the USG will negotiate on an ad-hoc basis with the host country or inspected State Party on inspection activities affecting U.S. assets. If the United States has an HCA with that country, the HCA will serve as the foundation for those negotiations.

5. Definitions. See Part II of the Glossary.

6. Responsibilities. References m and r promulgate CWC-related responsibilities within the Department of Defense. Enclosure B outlines responsibilities regarding CWC compliance requirements for the Director for Strategic Plans and Policy, Joint Staff (DJ-5); Service Chiefs; CCDRs; and Director, Defense Threat Reduction Agency (DTRA). Reference s provides detailed military guidance to instruct joint coordination efforts required to respond to a CWC CI. The Military Departments, Combatant Commands, and Defense Agencies are to use reference s in the preparation of their respective detailed implementation plans. Enclosure C contains guidance on the employment of RCAs. Enclosure D outlines requirements for the Military Departments/Services and Combatant Commands OUT-U.S. CW recoveries. Enclosure E provides the concept of operations for conducting a CWC CI, providing a synopsis of DoD Component, agency, and Combatant Command activities required to execute the outlined phases. Enclosure F provides a visual overview of the CWC CI notification process. Enclosure G outlines HCA CI notification procedures. These enclosures and reference s provide military guidance to the Secretaries of the Military Departments and CCDRs, predominantly for the operational execution of a CWC CI, and do not imply any manpower or funding tasking not already assigned to the Military Departments by references m and r.


7. Summary of Changes. Key changes are as follows:

- a. Substantive changes to guidance based on CJCSM 2030.01, reference s.
- b. Administrative updates to all enclosures.

8. Releasability. UNRESTRICTED. This instruction is approved for public release; distribution is unlimited on NIPRNET. DoD Components (including the Combatant Commands), other Federal Agencies, and the public may obtain copies of this directive through the Internet from the CJCS Directives Electronic Library at: <http://www.dtic.mil/cjcs_directives/>. Joint Staff activities may also obtain access via the SIPRNET Directives Electronic Library Web sites.

9. Effective Date. This INSTRUCTION is effective upon receipt.

For the Chairman of the Joint Chiefs of Staff:


WILLIAM C. MAYVILLE, JR.
LTG, USA
Director, Joint Staff

Enclosures:

- A—Policy
- B—Responsibilities
- C—Employment of Riot Control Agents
- D—Requirements for OUT-U.S. CW Recoveries
- E—Challenge Inspection Phases
- F—Challenge Inspection Initial Notification
- G—Host Country Agreement Challenge Inspection Notification Procedures
- H—References
- GL—Glossary

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ENCLOSURE A

POLICY

1. Administrative Policy

a. Discussion

(1) Overview

(a) The Director for Strategic Plans and Policy, Joint Staff (DJ-5), is responsible for coordinating Combatant Command and Military Department CWC policy issues with the Office of the Under Secretary of Defense for Policy (OUSD(P)) and for coordinating implementation issues with the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (OUSD(AT&L)); coordinating compliance issues with each Military Department/Service and Combatant Command; coordinating Military Department/Service and Combatant Command issues during OPCW proceedings; and coordinating with Military Departments/Services and Combatant Commands on CWC data declarations.

(b) USD(P) develops, coordinates, and promulgates DoD CWC implementation and compliance (I&C) policy. Based on USD(P) CWC policy, the USD(AT&L)—through the Chemical Weapons Implementation Working Group (CWIWG)—processes, develops, coordinates, and promulgates DoD CWC I&C guidance.

(c) The Military Departments are responsible for developing CWC I&C plans in accordance with references m and r. The CCDRs are responsible for developing AOR-specific CWC I&C plans. The CCDRs' I&C plans are to integrate Military Department/Service and Combatant Command requirements with regard to CWC implementation and compliance resource planning, preparation activities, training, reporting requirements, and inspection support within the Combatant Command's AOR. The Services, under the supervision, direction, and control of the Military Departments, are to coordinate with their component commands to ensure their Military Departments' CWC I&C plans address CCDR AOR-specific requirements. CCDR I&C plans should endeavor to incorporate the existing Military Departments' I&C plans, through the Service component command, maintaining consistency with modifications dictated by AOR- and Combatant Command-unique requirements and capabilities.

(d) The CCDRs, through the Chairman of the Joint Chiefs of Staff (CJCS), are to coordinate with other USG departments and agencies to develop uniform CWC I&C plans and procedures.

(2) Issue Resolution

(a) In accordance with reference m, the USD(AT&L) has established the Chemical Weapons Compliance Review Group (CWCRG) to monitor and coordinate guidance on issues arising from questions about the compliance of planned or ongoing DoD activities. The USD(P) is required to address, in consultation with the CWCRG, as appropriate, issues that require resolution to foreclose, or to respond to questions of DoD compliance raised by State Parties to the CWC.

(b) As specified in reference m, the Chairman of the Joint Chiefs of Staff provides a representative as a member of the CWCRG. This designee represents the Chairman on any issue that may potentially affect DoD treaty compliance. The other members and interactions of the CWCRG are as specified in reference m.

(c) The unique and intrusive nature of CWC inspections (especially CIs) and the requirement to maintain unity of command generated a host team (HT) concept as prescribed in references r and s that ensures compliance with the CWC without usurping military command authority. The makeup of the HT is to be in accordance with references r and s. For CIs, the Host Team Leader (HTL) is to be of flag rank or equivalent, filled by the Joint Staff or OUSD(P).

(d) In accordance with references r and s, all HT decisions regarding the conduct of the inspection and the meeting of U.S. obligations are to be made on a consensus basis. References r and s provide procedural guidance to be implemented at the lowest level for inspection-related activities and issues within the HT and between the HT and the inspection team (IT). Specific procedures for CIs in another country or non-U.S. territory may be provided in an HCA. In the event U.S. assets are captured in another State Party's CI where an HCA is not in effect, the USNA will negotiate consultations directly with the HT and appropriate host country officials.

(e) OUSD(P) and the Joint Staff are both members of the CWC Interagency Policy Committee (IPC). The IPC serves as the senior interagency forum for consideration of policy issues concerning the USG's obligations under the CWC. It coordinates CWC implementation issues that have diplomatic, economic, or national security implications, and monitors U.S. CWC implementation. The heads of the DoD Components retain full responsibility for the compliance of their respective component with arms control agreements according to reference m and general procedures and, as appropriate, to coordinated military guidance provided by the Chairman of the Joint Chiefs of Staff. OUSD(P) and the Joint Staff are obligated to refer issues

that are determined to be new and substantial and that cannot be resolved on-site during the inspection promptly to the IPC as they arise between the HT and the IT. However, the HT should strive to resolve these issues at the lowest level possible through the CWCRG per reference m, before OUSD(P) and the Joint Staff refer issues to the IPC.

b. Policy

(1) The Military Departments/Services and Combatant Commands are to implement and comply with the provisions of the CWC within their respective AORs in accordance with responsibilities and guidance provided in references m and r and this instruction.

(2) All DoD public affairs (PA) policies, plans, and activities undertaken by DoD Components related to the implementation of the CWC are to be coordinated with and approved by the Office of the Assistant Secretary of Defense for Public Affairs (OASD(PA)). Specific guidance, including sample questions and answers, is provided in references r and s.

(a) OASD(PA) is to coordinate PA materials within the Department of Defense and other USG departments and agencies, as appropriate.

(b) OASD(PA) and Joint Staff PA are to be notified of all CWC inspection-related media requests.

(c) OASD(PA) and Joint Staff PA are to be responsible for coordinating necessary DoD and Department of State (DoS) approvals for all PA matters.

(d) The HT is to be responsible for HT PA organization and coordination necessary for obtaining approvals from OUSD(PA).

(3) The Services are to coordinate with their Military Department and DTRA to provide inspection support. The Services are to coordinate with their Military Department to provide protection planning for susceptible DoD facilities within AORs, as required by the individual CCDR. Consistent with the concept of economy of force, CCDR I&C plans should utilize individual Service or Military Department inspection assistance teams to the maximum extent.

(4) The Services and Combatant Commands, through their respective Military Department or J-5 and in accordance with reference m, are to seek clearance from OUSD(AT&L), through the CWCRG, as appropriate, before taking any action that reasonably may raise an issue of DoD compliance with the CWC.

(5) For CIs, the composition and interaction of the HT is to be as specified in references r and s. Upon notification of a CI, the CCDRs and Military Departments are to determine equities that may be potentially captured within the area described by the CI notification or that could be affected if a larger inspection perimeter was implemented. In the process of preparing for and conducting the inspection, issues may arise with tenant commands that require resolution. The 108-hour preparation and 84-hour inspection periods allow time to ensure that, if required, issues are resolved through the tenant's operational chain of command and the HT.

(6) Reporting and Decision-Making Chain of Command

(a) The responsible Service is to establish procedures for notifying its respective Military Department when issues arise concerning U.S. compliance while conducting routine inspections.

(b) For CIs, each DoD Component that has reason to believe it has equity in the area of the CI is to report any known details of the equity to the CWCRG. Additionally, any component affected by a CI is to provide the CWCRG any relevant information (e.g., compliance data, safety and security information, and information on known tenants, including foreign countries). In addition to providing this information to the CWCRG, DoD Components will need to provide this information to the installation HT member for inspection preparation activities.

2. Operational Policy

a. Discussion

(1) The CWC establishes a rigorous system of routine inspections of declared facilities and CIs of sites that are alleged by another State Party to be the location of possible instances of noncompliance with the CWC, including use of those facilities/locations for CW storage or production. The territorial scope of CIs is unlimited and may extend to "any facility or location in the territory or in any other place under the jurisdiction or control" of a State Party requested by another State Party (reference a, Article IX, paragraph 8). What is inspected within the perimeter of a facility or location is determined through negotiations between the OPCW IT, the designated inspected State Party, and the host country (if applicable and required). For OUT-U.S. CIs, HCAs (or an ad-hoc arrangement, if an HCA is unavailable) will endeavor to establish procedures to include USG and host country representatives in perimeter negotiations, regardless of the designated inspected State Party. Inspections are conducted by the IT, which has the authority to conduct CWC inspections in areas under the jurisdiction or control of State Parties to the Convention. In

a CI, the IT cannot include members from the State Party that initiated the challenge or from the State Party that is being inspected.

(2) One potential operational effect on the United States, as a State Party to the CWC, is the potential for access to public vessels or state aircraft, or geographically separated units (either as direct objects of a CI or entities within the CI perimeter), by inspectors for the very narrow purpose of conducting a CWC CI. Additionally, military facilities located outside the United States are subject to inspection. Since the CWC applies to any area under the jurisdiction or control of a State Party, there may be circumstances in which commanders are required to submit to an inspection both inside and outside the United States. As a State Party to the CWC, the USG has an obligation to demonstrate compliance with the provisions of the Convention. This demonstration may require that the United States provide access to a military facility, public vessel or state aircraft, or geographically separated unit subjected to a CI. Commanders, however, have the obligation to manage access to protect sensitive systems and prevent unauthorized disclosure of classified, sensitive, and proprietary information.

b. Policy

(1) Under no circumstances are commanders to permit an inspection without notifying their chain of command.

(2) Nothing in this guidance alters existing DoD command relationships or the operational chain of command. For inspections of DoD facilities, public vessels or state aircraft, or a geographically separated unit, the unit commander retains ultimate responsibility for the safety and security of his/her command.

(3) DoD Components are to seek clearance from OUSD(AT&L), through the CWCRG, before taking any action that reasonably raises an issue of DoD compliance with the CWC.

(4) Additional compliance guidance on the recovery of CW can be found in reference w and Enclosure D.

(5) It is recognized that the obligation to demonstrate CWC compliance and a commander's responsibility for safety, security, and operations may, in some instances, impose what appear to be competing requirements. When necessary to resolve issues affecting compliance, the HT (which includes a representative from the installation) is to coordinate with the HT chain of command. Resolution of the matter will be transmitted via the respective chain of command to the HT and the CCDR's representative for execution.

(6) Upon approval and as directed by the operational chain of command, all facilities, public vessels, state aircraft, or geographically separated units located inside the CI perimeter in the United States and overseas will comply with the CWC inspection procedures as implemented by the USG. Public vessels, state aircraft, and geographically separated units will normally not be required to remain present in a foreign port/airfield/area longer than a previously scheduled departure time. However, commanders of public vessels, state aircraft, and geographically separated units are to coordinate any departure and any other movement with their operational controlling authority once they have been notified of a CI.

(7) For CIs, the right of “managed access” is to be employed when providing access to military facilities or public vessels, state aircraft, and geographically separated units. Although the circumstances of managed access will be negotiated between the IT and the HT (including the unit commander), a commander’s authority and responsibility for safety and security remain inviolate. U.S. law, which includes both specific requirements for protection of national security information and restricted data and formerly restricted data under the Atomic Energy Act of 1954, as amended, is of paramount concern when determining the degree of access that may be afforded an IT during a CI. In no case will access be granted to restricted data or formerly restricted data. For example, access is not to be granted to naval nuclear propulsion spaces because the application of managed access tools, such as shrouding or covering, is inadequate to shield sensitive and classified information, and to grant access would preclude essential monitoring of the propulsion plant. The HT, in conjunction with the facility commanders, is to make every reasonable effort to demonstrate that any area, structure, or object to which the IT has not been granted access is not used for purposes related to the possible noncompliance concerns.

(8) Public vessels and state aircraft may be subject to CIs even though they may be in international waters or airspace at the time the CI is announced. Unless otherwise directed by their operational controlling authority, commanders are not to permit a CI of their ship or aircraft while under way or airborne.

ENCLOSURE B
RESPONSIBILITIES

1. General Responsibilities. The Joint Staff, Military Departments, Combatant Commands, and Defense Agencies are responsible for complying with the CWC. Responsibilities include the following:

- a. Destroy CW in accordance with the CWC and national guidelines.
- b. Execute operations related to recovered CW munitions in accordance with reference w and Enclosure D.
- c. Collect, compile, and report data as may be required by the CWC.
- d. Host verification inspections conducted by the OPCW.
- e. Record all reimbursable inspection-related costs incurred during OPCW inspections and provide them to the cost settlement agent.
- f. Plan for and use managed access and other provisions of the CWC as appropriate to protect national security.
- g. Conduct Special Access Programs activities in accordance with references o and p.
- h. Support, as required, the drafting and review of CWC-related HCA.
- i. Notify units, installations, and activities of treaty requirements, verification activities, and other responsibilities.
- j. Identify to the Joint Staff J-5 a CWC implementation and compliance review manager.
- k. Participate, as required, in DoD CWCRGs and Chemical Weapons Implementation Working Groups (CWIWGs).
- l. Participate, as requested by the Joint Staff, in conferences, seminars, and working groups developing coordinated military planning guidance for CWC compliance.

2. Specific Responsibilities

a. Director for Strategic Plans and Policy, Joint Staff (DJ-5)

(1) Represent the Chairman, as required, in the USG decision-making process concerning the CWC, including in the IPC.

(2) Represent the Chairman, as required, in DoD decision-making and working group meetings, including the CWCRG and CWIWG.

(3) Coordinate the development of detailed procedures applicable within the Combatant Commands for implementation of the CWC.

(4) Develop, coordinate, and issue detailed military guidance for CWC compliance policy.

(5) Determine in coordination with the OUSD(P), the Military Departments/Services, the Combatant Commands, and DoS the countries with which the United States should establish HCAs.

(6) Coordinate with OUSD(P), the Military Departments/Services, and Combatant Commands, while in consultation with DoS and other appropriate agencies, to negotiate and conclude HCAs. Disseminate negotiated HCAs to Military Departments and Combatant Commands to facilitate planning.

(7) Coordinate activities, including communications to and from the Combatant Commands, for DoD implementation of, and compliance with, the CWC.

(8) Participate in notification activities that inform the Military Departments/Services and Combatant Commands of any impending CWC inspection.

(9) Maintain CJCSM 2030.01 (reference s) to detail procedures for performing specific tasks associated with a CI.

b. Geographic Combatant Commanders

(1) Notify the Joint Staff J-5 of any concerns with regard to CWC obligations and declarations.

(2) Promulgate and update CCDR-specific implementation and compliance plans in accordance with reference m.

(3) Support negotiations of HCAs.

(4) Plan to host/support a CWC CI in the respective AOR and synchronize the plan with the Joint Staff J-5 Concept Plan (reference s).

(a) Coordinate inspection implementation procedures with the host state and U.S. Embassy per reference r.

(b) Notify the National Military Command Center (NMCC)/National Joint Operations and Intelligence Center (NJOIC) immediately of any OPCW Technical Secretariat request for an inspection of U.S.-controlled facilities, or U.S. public vessels or state aircraft on the territory of a host country.

(c) Conduct point of entry (POE) activities pending arrival of the U.S. HT in accordance with reference s.

(d) Provide a representative to serve as an HT member for the duration of any CWC inspection at U.S.-controlled facilities or U.S. public vessels or state aircraft that are within the affected CCDR's AOR.

(e) Coordinate with DTRA for inspection support, which includes POE support, escorting, technical equipment inspections (TEIs), and on-site technical support.

(f) Coordinate transportation and logistics support and accommodations (at the POE and at the inspection site) for OUT-U.S. HT and U.S. escort team members, the Military Department/Service assistance team, and the Army Mobile Laboratory, as required.

(g) Coordinate, in conjunction with the facility commander/manager, the necessary on-site administrative and logistic support.

c. Commander, U.S. Transportation Command (USTRANSCOM). Provide or coordinate for special assignment airlift missions (SAAMs) for movement of the HT, escort team, IT and requesting State Party observer, the Military Department/Service Assistance Team, and the Army Mobile Laboratory, in support of a request from DTRA and in accordance with the appropriate priority.

d. Service Chiefs

(1) Maintain Service implementation and compliance plans in accordance with reference m.

(2) Promulgate and update Service CI plans in support of reference s.

(a) Provide Service assistance teams (SATs) capable of preparing Service installations, public vessels, state aircraft, and geographically separated units to receive CWC CIs.

(b) Coordinate with the Combatant Commands on all aspects of any impending CI for OUT-U.S. facilities.

(c) Provide representative(s) to the HT for the duration of a CWC CI, if the Service has interests to be considered.

(d) Develop and negotiate relevant memorandums of agreement with other DoD Components, Military Departments, Services, and Combatant Commands to carry out CWC implementation procedures.

(e) Assist DTRA in locating adequate facilities on/off site (lodging, billeting, and hotels with conference rooms, meeting halls, work and storage spaces, etc.), transportation, and other logistics support required during the CI response for the HT, IT, and others involved in the CI response, as appropriate.

(f) Assist DTRA with additional logistical support as required (see subparagraph f.(5)(c)).

(3) Conduct at least one CI training event in accordance with reference z.

(4) Participate in DoD-sponsored CI training, as required.

e. Chief of Staff, U.S. Army. Provide a forensic laboratory to support implementation of the CWC. The laboratory is to:

(1) Maintain certification as an OPCW-designated laboratory for CWC verification.

(2) Deploy personnel and equipment during a CWC CI.

(a) Provide technical advice to the HT, SAT, and inspected facility.

(b) Collect samples and conduct analysis, as directed.

f. Director, Defense Threat Reduction Agency (DTRA)

(1) Provide POE processing and logistical support for CWC inspections of DoD facilities.

(2) Provide national escorts for CWC inspections of DoD facilities.

(3) Provide a representative to the HT. In the absence of a representative from OUSD(P) or the Joint Staff, the National Escort Team Leader is to serve as the HTL for initial, routine, and close-out inspections at DoD declared facilities.

(4) Coordinate and perform U.S. certifications of OPCW equipment and TEI prior to and following inspection activities.

(5) Perform CI planning:

(a) For OUT-U.S. facilities, perform TEI in accordance with the HCA or, when one does not exist, as agreed to with the host country.

(b) Collect from the DoD Components all reimbursable inspection-related costs incurred to support a CI. Report information to OUSD(AT&L), as required.

(c) Arrange lodging and other logistical support for the HT, HT advisors, IT, and other support elements, as required, with assistance from the inspection site and supported Service.

(6) CWC CI Exercises

(a) Lead planning of annual DoD HT CI training events and establish an appropriate planning cell.

(b) Prepare and publish CI training after-action reports.

(7) Assist and support Service Chiefs, Combatant Commands, and DoD Components in coordinated, standardized preparation for inspections.

(8) Provide notification of CWC inspections via e-mail to the Service Chiefs, the NMCC, and other DoD agencies. Follow up via voice communications with agencies that do not respond to receipt of the notification e-mail.

(9) Arrange SAAMs for movement of the HT, national escort team, IT, Requesting State Party observer, SAT, HT support, and the Army Mobile Laboratory, as necessary, in accordance with the appropriate priority.

(10) Conduct a CW Orientation Course and no more than two HT training events per year in accordance with reference z.

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ENCLOSURE C

EMPLOYMENT OF RIOT CONTROL AGENTS

1. Article I of the CWC states: "Each State Party undertakes not to use riot control agents as a method of warfare." The United States, as a State Party to the CWC, must comply with this obligation. However, the CWC does not hinder the use of riot control agents (RCAs) by military forces, when operating in defensive military modes to save lives.

2. Reference d renounced the first use of RCA in war, except in "defensive military modes to save lives." Reference d specifically identified the following situations where RCAs may be used:

a. Situations in areas under direct and distinct U.S. military control, including controlling rioting prisoners of war.

b. Situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.

c. Rescue missions in remotely isolated areas of downed aircrews and passengers, and escaping prisoners.

d. Echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists, and paramilitary organizations.

3. As a condition to the U.S. Senate providing its advice and consent to the ratification of the CWC, the President was required to take no measure, and prescribe no rule or regulation, which would alter or eliminate reference d. In addition, the President was required to certify to Congress that the United States is not restricted by the CWC in its use of RCAs, including the use against combatants, in one of the following additional three cases:

a. The conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict.

b. Consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI (Peacekeeping Operations) of the United Nations Charter.

c. Peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

4. In addition to these legal parameters, the CCDR can expect to receive mission-specific guidance for the employment of RCAs during crisis response from the Secretary of Defense as specified in references v and aa.

ENCLOSURE D

REQUIREMENTS FOR OUT-U.S. CW RECOVERIES

1. Introduction. The guidance in this enclosure covers situations in which CW material may be encountered or discovered (i.e., recovered chemical warfare material, OUT-U.S. territory) during military operations conducted in a non-permissive environment and during operations and activities conducted in a permissive environment in coordination with another nation or international organization.

2. U.S. Requirements. The United States is a State Party to the CWC and must report to the OPCW, either directly or in coordination with another CWC State Party, CW discovered OUT-U.S. by U.S. Forces. The CWC further requires that CW be secured, reported, and destroyed.

3. CW Material Discovered During Military Operations Conducted in a Non-Permissive Environment

a. U.S. Forces routinely deploy into regions of the world where discovery of CW during military operations is a possibility. The United States must plan and be prepared to secure, report, and destroy CW recovered during operations in an uncertain or non-permissive environment.

b. The Joint Staff is to provide further guidance specific to a U.S. military operation.

c. The CWC, at Part IV(A)(12), defines “destruction of chemical weapons” as a “process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of CW.” The CWC does not presuppose a specific destruction method. The CWC, Part IV(A)(13), requires each State Party to determine how it shall destroy CW. However, the CWC prohibits dumping in any body of water, land burial, or open-pit burning as a means of destruction.

d. The CWC specifically calls for State Parties to maintain the highest safety and environmental standards. Furthermore, the CWC emphasizes that the handling and destruction of CW will be in accordance with the local national standards.

e. CW discovered during the conduct of military operations is to be considered reportable CW and destroyed—including empty munitions bodies that are specifically designed for CW use, designed to contain a liquid fill, or that contain a detectable concentration of toxic chemicals. Additionally, non-munition containers suspected of containing CW agent will be assessed. If the

suspect material is determined to contain a CWC schedule chemical at concentrations greater than 1,000 parts per million (ppm) (0.1 percent by weight), the material is to be reported and destroyed accordingly. All discovered CW is to be destroyed to less than 1,000 ppm, which is the U.S.-OPCW standard for agent neutralization.

f. Suspect CW may have to be both packaged, to reduce vapor emissions, and securely stored until a final disposition method has been determined. The CCDR may have to coordinate with the Joint Staff for the deployment of technical personnel and equipment to recover, perform a non-intrusive assessment, and destroy containers or munitions determined most likely to contain a CW agent.

g. Public affairs (PA) activities related to news articles, reports, or preliminary accounts of recovered CW on the territory of another state by a DoD Component will be coordinated, through the component's respective Geographic Combatant Command (GCC), with the DoD CW Treaty Manager, appropriate Office of the Secretary of Defense (OSD) and Joint Staff offices, and DoS.

4. Reporting Requirements for Storage and Destruction of CW, Including Suspect CW, Recovered During Military Operations Conducted in a Non-Permissive Environment

a. A CCDR involved in the discovery of any CW or suspect CW is to make a detailed, For Official Use Only (FOUO) report to the DoD OUSD(AT&L) CW Treaty Manager, through the Joint Staff, as soon as possible, but not later than 30 days from the date of discovery. The CW Treaty Manager is to package the data, in coordination with OUSD(P) and the Joint Staff J-5, for the USNA to report directly to the OPCW or to coordinate with the host country to allow its national authority to make the CWC report.

b. At a minimum, the following information and supporting documentation are to be included in the CCDR report:

(1) Field Report/Incident Report/Serious Incident Report—Units responding to the recovery of munitions or containers with an unknown liquid, chemical munitions, or containers with a CW fill are to complete a detailed report. This report may be classified. However, a redacted, FOUO version is required for reporting to the OPCW. The report will include information on the number of munitions or containers; the type and caliber of munitions; the suspect CW fill, if known; the condition of the munitions or containers; and the general location of recovery. It will also include the steps taken to secure the items.

(2) Photographs—Photographs and/or video recordings of individual rounds, groups of items, recovery site, detonation site, and scrap metal after destruction. If possible, individual photographs of each item with an identifying placard will be provided. Photographs of items prepared for destruction (e.g., a munition or groups of munitions layered with the appropriate amount of donor explosives) is also recommended. Photographs are to have placards that associate the item to the original discovery. For example, if there is a group of 10 munitions from a cache of 50 munitions, the placard could read “contains munitions 21–30 of 50.” The placard and photograph are to allow for the visual confirmation of the number of items recovered.

(3) Non-Destructive Evaluation (NDE) and Analytical Data—X-rays, when taken, are to include an identifier that refers the x-ray to the item. This should also apply to any other type of NDE conducted on the item. Analytical data (e.g., strip charts, handwritten laboratory reports) on the items prior to their destruction and analysis of the site after detonation are also to be included.

(4) Checklist for Destruction—Checklists prepared and used for pre- and post-destruction operations.

(5) Operations Order—The tasking order authorizing the CW destruction operation.

(6) Limiting Condition Report—Report required if a condition was encountered that prevented destruction or required a reassessment prior to destruction.

(7) Memorandum for Record of Destruction Operation—Either a certificate of destruction or a memorandum documenting the destruction. This document is to include dates and times of specific actions taken, details of the methods used, and a summary of the circumstances that require immediate destruction.

c. Upon discovering CW, the CCDR is to request guidance immediately from the Joint Staff regarding information sharing with the host country. The USG and host country are to consult to coordinate reporting requirements to the OPCW.

5. CW Discovered in the Territory of Another CWC State Party in a Permissive Environment

a. Development, construction, military operations, or other activities on the territory of another State may lead to the discovery of CW. In some cases,

where the discovered CW is of U.S. origin, the United States may have an obligation to destroy it in accordance with the provisions of the CWC. In other cases, a State may discover CW and not have the technical capability to recover, assess, or destroy it. As such, the State or an international organization, such as the OPCW, may request U.S. assistance. The USG must be prepared to respond to inquiries regarding discovered CW of U.S. origin and other requests for assistance. Categorization of discovered CW and the appropriate funding source for CW recovery, assessment, and destruction operations are to be based on agreement among DoS, the Department of Defense, and the appropriate State Party.

b. Requests for assistance regarding assessment of, and/or destruction of, CW recovered on the territory of another State are to be referred to the USNA, which then may contact OSD and the Joint Staff. Based on the USG policy determination, the CW Treaty Manager is to provide CWC guidance and reporting requirements, as necessary, to the Joint Staff for conveyance to affected Combatant Commands.

c. PA activities related to news articles, reports, or preliminary accounts of recovered CW on the territory of another State by DoD Components are to be coordinated, through their respective GCC, with the DoD CW Treaty Manager and with DoS and appropriate OSD and Joint Staff offices.

d. The Department of Defense may provide support to the OPCW to facilitate the destruction of another State's CW as coordinated among the OPCW, USNA, National Security Council staff (NSCS), Department of Defense, and the possessor State.

ENCLOSURE E

CHALLENGE INSPECTION PHASES

1. Introduction. The following information provides a synopsis of activities described in detail in reference s, integrating DoD Component, agency, and Combatant Command activities that will occur during the phases of a challenge inspection (CI). The challenged State Party is referred to as the inspected State Party. The host country is the State Party on whose territory the facilities or areas subject to the inspection are located. For OUT-U.S. inspections that capture, in whole or in part, USG facilities or U.S. public vessels or state aircraft, the country on whose territory the inspection is being held will be the host country. The United States may or may not be the inspected State Party; this will be determined by the CI notification.

2. Phase 0: Steady State. This phase is characterized by the conduct of normal and routine activities to ensure compliance with the CWC. Actions in this phase include planning, training, exercises (joint or multinational), interagency coordination, any advance warning of an impending CI of the United States, and activities to promote transparency and assure other State Parties of U.S. compliance. This phase includes OPCW activities prior to notification, including OPCW Director-General receipt of a CI request from a State Party and OPCW Executive Council deliberations.

3. Phase I: Pre-Arrival Operations (see also Enclosure G). Actions in this phase include the official OPCW notification of intent to conduct a CI to the U.S. National Authority through the Nuclear Risk Reduction Center (NRRC). The information provided will be as specified in paragraph 4 of Part X of the CWC Verification Annex and will include the IT time of arrival at the U.S.-designated port of entry (POE) (Dulles International Airport, Virginia), the location of the inspection site, and the nature of the noncompliance allegation(s). DoD notification operations are to commence upon receipt.

a. IN-U.S. Challenge Inspection

(1) After receiving notification from the NRRC, DTRA Operations Center immediately transmits an e-mail notification via NIPRNET to the Military Departments/Services, the NMCC/NJOIC, and other DoD Agencies with cognizance over the facility to be inspected. The DTRA Operations requires confirmation of message receipt within 30 minutes. The NMCC/NJOIC is to notify affected Combatant Commands, appropriate members of the Joint Staff (Director, Joint Staff (DJS); J-5; and J-2), and designated OUSD(P) and OUSD(AT&L) offices via a conference call. The NMCC/NJOIC is not to contact the Service Operations Centers unless previous arrangements are made with J-5.

(2) In accordance with references r and s, DTRA is to establish POE operations and the designated HT members are to be notified, assembled, and prepared to meet the IT at the POE and commence required negotiations. The IT is to arrive at the POE no earlier than 12 hours following OPCW notification to the National Authority.

(3) The inspected site is to commence preparations to host the inspection. The Military Department/Service and DTRA Assistance Teams are to deploy to the facility to assist site inspection preparations.

b. OUT-U.S. Challenge Inspection

(1) If the inspected State Party is the host country (i.e., a State Party in which the United States has interests to be considered), the OPCW notifies the host country that a CI has been initiated. If the United States is the inspected State Party, the OPCW notifies the United States and the host country that a CI has been initiated against an OUT-U.S. facility. Information should include the time of arrival of the IT at the designated POE and the location of the inspection site, as well as the nature of the noncompliance allegation(s). The NRRC notifies the DTRA Operations Center, which in turn immediately transmits an e-mail notification via NIPRNET to the Military Departments/Services, the NMCC/NJOIC, and other DoD Agencies with cognizance over the facility to be inspected. The DTRA Operations Center requires confirmation of notification receipt within 30 minutes. The NMCC/NJOIC is to notify affected Combatant Commands; appropriate members of the Joint Staff (DJS, J-5, and J-2); and designated OUSD(P) and OUSD(AT&L) offices. When the host country is the inspected State Party, a concluded HCA often establishes procedures for the host country to notify the United States via the NRRC and representative(s) in the area; e.g., the embassy or the Combatant Command's operations center. In a case where the United States is the inspected State Party, a concluded HCA may establish procedures for the United States to notify the host country. In the event the Combatant Command receives notification from the host country prior to DTRA notification, the Combatant Command is to notify the facility and the NMCC/NJOIC immediately, and the NMCC/NJOIC is to notify DTRA.

(2) The U.S.-affected facility, public vessel, state aircraft, or geographically separated unit may not be specifically designated within the CI request. If an HCA has been finalized, it will usually establish the method and procedures for the host country to notify the United States in the event of any CI to the host country that may involve U.S. assets. The Combatant Command representatives are to notify NMCC/NJOIC, which is to initiate notification procedures. The Combatant Command is to assess the potential impact on a DoD facility and relay this assessment to the Joint Staff, J-5. Subject to the

HCA, U.S. representatives are expected to observe perimeter negotiations to confirm or determine the possibility of a U.S. facility, public vessel, state aircraft, or geographically separated unit being captured within or near the perimeter (up to 50 meters outward from the perimeter) and will disseminate that information. In the absence of an HCA, the USG will negotiate with the host country on inspection activities affecting U.S. assets. If a draft HCA is available, it should be used as a basis for commencing these negotiations.

4. Phase II: POE Activities

a. IN-U.S. Challenge Inspection. The U.S. HT is to assemble at the POE prior to the arrival of the IT. The site is to prepare to commence site self-monitoring per references r and s. POE activities will end at a time that will permit the IT and HT to arrive at the alternative or final perimeter no later than 36 hours after IT arrival at the POE.

(1) The HT is to review the status of preparation and site self-monitoring, which must commence, per references r and s, no later than 11.5 hours after IT arrival at the POE, but may take the full 12 hours allowed by the CWC should it be necessary.

(2) Upon arrival of the IT at the POE, the HT is to review the mandate and the requested perimeter. The HTL is to request the ITL to provide clarifications as required.

(3) DTRA is to meet, process, and provide logistic support for the IT at the POE. These arrangements will include meals and lodging for the inspectors while at the POE as well as conference and working spaces for the conduct of POE negotiations.

(4) DTRA is to perform the TEI of all OPCW inspection equipment at the POE.

(5) DTRA, in coordination with the HT, is to provide the appropriate transportation to the inspection site within the Convention's time requirements. DTRA is to coordinate with the appropriate Military Department/Service to arrange necessary administrative and logistical support for the IT, on a reimbursable basis, at the inspected site.

b. OUT-U.S. Challenge Inspection. The HT is to assemble at the U.S. POE, Dulles International Airport, for further transportation to the OUT-U.S. POE.

(1) Before departing Dulles and upon arrival at the designated POE, the HT will review the status of preparation and site self-monitoring, which must commence, per reference r, no later than 11.5 hours after IT arrival at the host

country POE, but may take the full 12 hours allowed by the CWC should it be necessary.

(2) When allowed by the host country and determined to be required by the CWCRG, the Army Mobile Laboratory will be transported to the POE or a U.S. facility near the inspection site. Time and distance factors may require the HT aircraft to fly directly to or near the site, bypassing POE perimeter negotiations.

(3) Military Department(s) and DTRA assistance teams are to deploy to the inspection site by the quickest available means. The Combatant Command, applicable Service Combatant Command components, and DTRA contingents are to deploy representatives to the designated POE to commence and participate in POE discussions per instructions in references r and s.

(4) The CCDR representative is to engage in POE activities until arrival of the IN-U.S. HT contingent. The CCDR representative is to become an HT member.

(5) The host country and DTRA, if available, are to perform the TEI and arrange for meals and lodging for the IT on a reimbursable basis, while at the POE. If the HCA is not finalized or fails to achieve this presumed cooperation and DTRA representatives are not available, the Combatant Command is required to fulfill this responsibility. In the absence of the ability to conduct a POE TEI, DTRA will be prepared to inspect the equipment prior to its use in the inspection process.

5. Phase III: Pre-Inspection Operations

a. IN-U.S. Challenge Inspection. In accordance with reference r, the Department of Defense will fully exercise its rights under the CWC and will therefore use, if required, the full 108 hours allowed by the CWC (from the IT's arrival at the POE until access within the final perimeter is granted) for facility safety, security, and operational considerations.

(1) The site is to continue to conduct site self-monitoring and provide all necessary information to the HT to support pre-inspection negotiations, including alternative perimeter recommendations and information regarding areas that may be sensitive or not related to the CI mandate.

(2) The HT, IT, Requesting State Party Observer (RSO), National Escort Team (NET), and supporting organizations are to arrive at the alternative or final perimeter. The HT and IT are to conduct continued perimeter negotiations, if required, and inspection plan development and agreement. The

HT should be proactive by recommending an inspection plan rather than waiting for the IT to develop one.

(3) If a perimeter is not agreed upon within 72 hours from the IT's arrival within the vicinity of the site, then the proposed alternative perimeter is to be designated the final perimeter.

(4) Upon IT arrival at the alternative or final perimeter and prior to granting access to the inspection site, the site will deliver the pre-inspection briefing that addresses the compliance concern and includes a safety and logistical briefing to the IT, per reference s.

(5) The site will transition to IT exit monitoring and support the initiation of perimeter activities, including sampling and analysis and possible building access inside the 50-meter band extending outward from the alternative or final perimeter.

(6) If queried by the media, site PA officers are to seek OASD(PA) guidance. Guidance will include a CI statement to be given to the press and specific questions and answers that may be used only in response to queries. Additional queries from both U.S. and foreign media are to be referred to OASD(PA). Reference r contains additional PA guidance.

(7) Per reference r, DTRA is to record inspection-related expenses and provide this information to the DoD CW Treaty Manager, who is to submit it to the DoD Comptroller for reimbursement consideration.

b. OUT-U.S. Challenge Inspection. The IT, accompanied by HT members who arrived at the designated POE, is to depart the POE for the inspection site.

(1) The HT, which includes the facility commander or his/her designee, is to continue perimeter negotiations if not agreed to previously in accordance with subparagraph 3.b.

(2) The HCA, if in effect, will likely designate the transportation responsibilities of the host country during a CWC CI. However, in the absence of an HCA or other agreement between the United States and the host country, the Combatant Command should be prepared to support in-country transportation, as required, on a reimbursable basis.

(3) Subparagraphs 5.a.(1) through (7) above apply.

6. Phase IV: Inspection Operations

a. IN-U.S. and OUT-U.S. Challenge Inspection. This phase may begin at any point after IT arrival in the vicinity of the final perimeter when the site signifies its readiness to begin on-site activities, but must begin no later than 108 hours after arrival of the IT at the POE, when the IT must be allowed access to the final perimeter and begin inspection activities.

(1) The HT and IT should reach agreement on a basic inspection plan prior to the start of inspection activities. There is an 84-hour period allotted for the inspection.

(2) DTRA will escort inspectors for all DoD CWC CIs.

(3) If an issue arises during the inspection and consensus cannot be reached among the HT, the issue is to be referred to the CWCRG, per reference r. If there is no consensus, the issue is to be referred up the respective operational chains of command for resolution at the lowest level possible. The DoD CWCRG is to be kept informed and accessible for inspection process decisions. Each command representative on the HT is to ensure that it has effective communications with its respective chain of command. OUSD(P) and the Joint Staff J-5 are to communicate those issues needing interagency consideration to the IPC.

7. Phase V: Post-Inspection Operations

a. IN-U.S.

(1) After completion of the inspection, DTRA National Escorts are to transport the IT back to the POE for departure as soon as possible following the inspection.

(2) In accordance with Military Department/Service I&C plans, the HT is to conduct a debrief at the facility and begin preparing an after-action report of the inspection.

(3) If provided, the HTL is to ensure that all members of the HT, the Executive Secretariat, and the CWCRG members receive a copy of the draft preliminary inspection report (PIR) for review and comment. The HTL is to request the PIR, if not provided.

(4) Per the CWC, the IT will submit the PIR to the Director General of the OPCW no later than 72 hours after the IT returns to its primary work location. The report will be transmitted promptly to the United States, the requesting State Party, and the Executive Council of the OPCW. The affected Military

Department/Service and Combatant Command will be provided with the report for review and comment.

(5) Per the CWC, the OPCW Director-General is required to make a draft final inspection report available to the United States no later than 20 days after the completion of the CI. The affected Military Department/Service and Combatant Command are to review the report for accuracy and provide any comments to J-5 for inclusion in the USG comments to the draft final inspection report. USG comments on the final draft of the inspection report are to be submitted to the Technical Secretariat not later than 10 calendar days after receipt. The Technical Secretariat is required to consider U.S. proposals for changes wherever possible for adoption. The final report will be submitted to the Director General, OPCW, not later than 30 days after completion of the CI for further distribution.

b. OUT-U.S.

(1) The Combatant Command, in conjunction with DTRA and the host country, is to ensure transport of the IT, on a reimbursable basis, back to the POE for departure as soon as possible following the inspection.

(2) The CCDR and J-5 are to coordinate efforts with OUSD(P) to release applicable PIR and FIR information, in accordance with the HCA, to the host country for its comments on the report.

(3) Subparagraphs 7.a.(2) and (5) above apply.

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ENCLOSURE F

CHALLENGE INSPECTION INITIAL NOTIFICATION

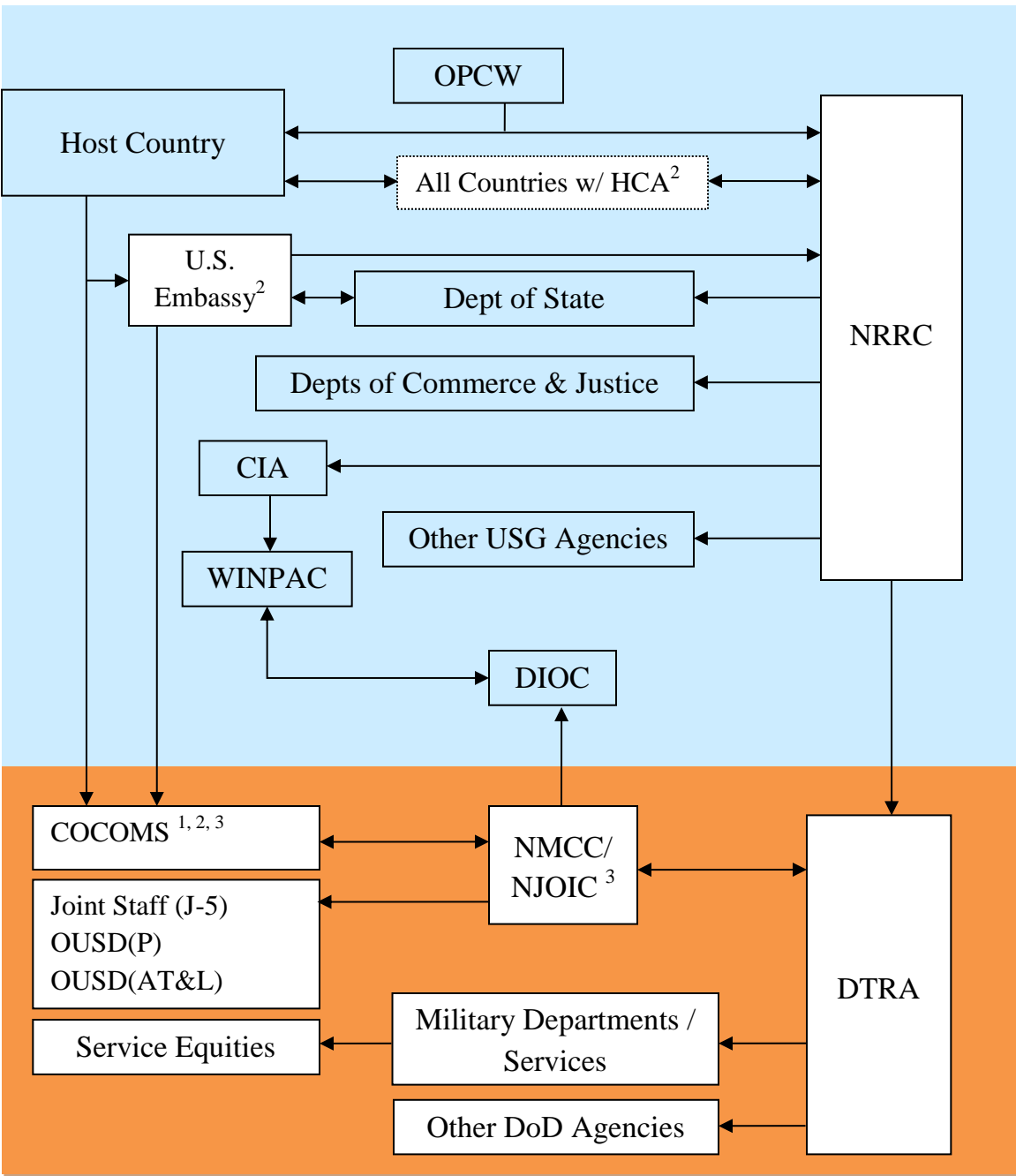


Figure 1. Challenge Inspection Initial Notification

¹ USSTRATCOM and U.S. Special Operations Command are not included.
² Specific notification procedures may be uncertain without an HCA. Even with an HCA, some countries notify the NRRC, CDR, and/or the embassy.
³ For OUT-U.S. notifications to the GCC from the host country and/or the U.S. embassy, the Combatant Command will notify the NMCC/NJOIC, which in turn will notify DTRA, Joint Staff/J-5, OUSD(P), and OUSD(AT&L)

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ENCLOSURE G

HOST COUNTRY AGREEMENT CHALLENGE INSPECTION NOTIFICATION
PROCEDURES

1. The Department of Defense negotiated host country agreements (HCAs) with some foreign governments with which it maintains high-level cooperation or on whose territory it retains sensitive assets to ensure close cooperation in the event of a CI on the territory of either Party. HCAs are intended to accomplish two important ends: first, to establish basic procedures for coordination during a challenge inspection; and second, to be reciprocal in nature.¹
2. HCAs require two notifications. First, the United States will notify a foreign government if it has reason to believe that the assets of its foreign partners may be captured by a CI. Second, most agreements require that parties share the notification within a specified period of time (2 to 4 hours) after receipt of notification from the OPCW.
3. The Joint Staff is to coordinate with OUSD(P), OUSD(AT&L), and DoS to ensure the initial notification requirement is supported to the fullest extent possible.
4. DoS provides notification to all governments with a final HCA according to HCA requirements, as outlined by a DoD memorandum of understanding with DoS.
5. Upon notification of a CI, the Services and Combatant Commands are to survey the challenged installation for foreign government equities and relay that information to the host team and Joint Staff J-5.
6. The Joint Staff is to coordinate any issues involving other foreign government assets with OUSD(P) and DoS.

¹ Copies of official agreements are available on the Joint Staff secure Web site at <http://www.intelink.sgov.gov/wiki/Security_Cooperation_and_Partner_Activities>. Last accessed on SIPRNET on 21 August 2015.

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ENCLOSURE H

REFERENCES

- a. Organisation for the Prohibition of Chemical Weapons international treaty, 13 January 1993, “Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction”
- b. Senate Resolution 75, 105th Congress, 1st Session, 24 April 1997, “U.S. Senate’s Conditions to Ratification of the CWC”
- c. Public Law 105-277, Div. I, 21 October 1998, “Chemical Weapons Convention Implementation Act of 1998”
- d. Executive Order (EO) 11850, 8 April 1975, “Renunciation of Certain Uses in War of Chemical Herbicides and Riot Control Agents”
- e. EO 13128, 25 June 1999, “Implementation of the Chemical Weapons Convention and the Chemical Weapons Convention Implementation Act”
- f. Presidential Decision Directive 70, 17 December 1999, “National Implementation of the Chemical Weapons Convention”
- g. Supplement to EO 13128 and Presidential Decision Directive 70, 27 December 1999, “Chemical Weapons Convention Implementation Policy Guidance”
- h. 15 C.F.R. 734.5, 1 January 2009, “Activities of U.S. and Foreign Persons Subject to the Export Administration Regulations”
- i. 15 C.F.R. 745, 1 January 2009, “Chemical Weapons Convention Requirements”
- j. 22 C.F.R. 120-130, 1 April 2009, “Consolidated International Traffic in Arms Regulations”
- k. 22 C.F.R. 103, 1 April 2009, “Regulations for Implementation of the Chemical Weapons Convention and the Chemical Weapons Convention Implementation Act of 1998 on the Taking of Samples and on Enforcement of Requirements Concerning Record Keeping and Inspections”
- l. 15 C.F.R. 710–721, 1 April 2009, “Department of Commerce Chemical Weapons Convention Regulations”

- m. DoD Directive (DoDD) 2060.1, 9 January 2001, “Implementation of, and Compliance with, Arms Control Agreements”
- n. DoDD 5100.1, 21 December 2010, “Functions of the Department of Defense and its Major Components”
- o. DoDD O-5205.7, 1 July 2010, “Special Access Program (SAP) Policy”
- p. DoDD O-5205.11, 1 July 1999, “Management, Administration, and Oversight of DoD Special Access Programs (SAPs)”
- q. DoD Instruction 5210.65, 12 March 2007, “Minimum Security Standards for Safeguarding Chemical Agents”
- r. Deputy Assistant to the Secretary of Defense for Treaties and Threat Reduction memorandum, 28 May 2009, “Department of Defense Planning Guidance for Implementation of the Chemical Weapons Convention (CWC)”
- s. CJCSM 2030.01 Series, “Defense Response to a Chemical Weapons Convention Challenge Inspection”
- t. Deputy Assistant Secretary of Defense (Threat Reduction and Arms Control) memorandum, 9 January 2013, “Strategic Planning Guidance for the Implementation of Chemical and Biological Treaties for FY 2014–2020”
- u. Deputy Assistant to the Secretary of Defense for Treaties and Threat Reduction memorandum, 21 December 2010, “DoD Planning Assumptions for Chemical and Biological Treaties and Agreements FY 2013–2019”
- v. CJCSI 3110.07 Series, “Guidance Concerning Chemical, Biological, Radiological and Nuclear Defense and Employment of Riot Control Agents and Herbicides”
- w. Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health memorandum, 1 April 2009, “Interim Guidance for Chemical Warfare Material (CWM) Responses”
- x. 46 U.S.C. 2101(24)(A)-(B)
- y. Convention on International Civil Aviation of 1944
- z. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs memorandum, 10 July 2014, “DoD Challenge inspection Host Team Training Program”

aa. CJCSI 3121.01, 13 June 2005, “Standing Rules of Engagement/Standing Rules for the Use of Force for U.S. Forces”

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GLOSSARY

PART I—ABBREVIATIONS AND ACRONYMS

AOR	area of responsibility
CIA	Central Intelligence Agency
CCDR	Combatant Commander
C.F.R.	Code of Federal Regulations
CI	challenge inspection
CJCS	Chairman of the Joint Chiefs of Staff
CJCSI	Chairman of the Joint Chiefs of Staff instruction
CRG	Compliance Review Group
CW	chemical weapons
CWC	Chemical Weapons Convention
CWCRG	CWC Compliance Review Group
CWIWG	Chemical Weapons Implementation Working Group
CWPF	chemical weapons production facility
DJS	Director, Joint Staff
DoD	Department of Defense
DoDD	Department of Defense directive
DoE	Department of Energy
DoS	Department of State
DTRA	Defense Threat Reduction Agency
EC	Executive Council (of the OPCW)
EIF	entry into force
EO	executive order
ET	escort team
ETL	Escort Team Leader
FOUO	For Official Use Only
HC	host country
HCA	host country agreement
HT	host team
HTL	Host Team Leader
I&C	implementation and compliance
IN-U.S.	inside the United States (including Hawaii and Alaska and U.S. territories)
IPC	Interagency Policy Committee
ISP	Inspected State Party
IT	inspection team (OPCW Technical Secretariat)

ITL	Inspection Team Leader
JCS	Joint Chiefs of Staff
MILAIR	military aircraft
NDE	non-destructive evaluation
NET	National Escort Team
NJOIC	National Joint Operations and Intelligence Center
NMCC	National Military Command Center
NRRC	Nuclear Risk Reduction Center
NSCS	National Security Council staff
OASD(PA)	Office of the Assistant Secretary of Defense for Public Affairs
OPCW	Organization for the Prohibition of Chemical Weapons
OSD	Office of the Secretary of Defense
OUSD(AT&L)	Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics
OUSD(P)	Office of the Under Secretary of Defense for Policy
OUT-U.S.	outside the United States
PA	public affairs
PIR	preliminary inspection report
POE	point of entry
PPM	parts per million
RCA	riot control agent
RCWM	recovered chemical warfare material
RSO	Requesting State Party Observer
SAAM	special assignment airlift mission
SAT	Service assistance team
TEI	Technical Equipment Inspection
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(P)	Under Secretary of Defense for Policy
USG	U.S. Government
USNA	U.S. National Authority
USSTRATCOM	U.S. Strategic Command
USTRANSCOM	U.S. Transportation Command

PART II—DEFINITIONS

alternative perimeter. The alternative perimeter is proposed by the host team, based on coordination and recommendation from the inspection site, if the requested perimeter is not acceptable. Presentation of the alternative perimeter by the host team to the inspection team must occur no later than 24 hours after arrival of the OPCW inspection team at the POE. The alternative perimeter must contain the entire requested perimeter and meet at least two of the following conditions:

- a. Does not extend to an area significantly greater than that of the requested perimeter.
- b. Is a short, uniform distance from the requested perimeter.
- c. At least part of the requested perimeter is visible from the alternative perimeter.

It should, as a rule, bear a close relationship to the requested perimeter, taking into account natural terrain features and man-made boundaries. It should normally run close to the surrounding security barrier, if such a barrier exists

approved equipment. The devices and/or instruments necessary for the performance of the international inspection team's duties that have been certified for use in the United States.

assistance team. A team deployed by a Military Department or Service or DTRA to assist the installation in preparing for a CI. The team is to arrive at the site within 12 hours of the initial notification. At the inspection site, the assistance team will support the installation/site commander by clarifying any CWC compliance questions, advising on preparation and support procedures for the inspection, and augmenting the installation staff, as needed.

Battle Captain. The Battle Captain assists the Host Team Leader in synchronizing and coordinating host team (HT) activities including the following: overseeing the work of the Executive Secretariat, tracking and prioritizing open taskings, and coordinating HT working groups.

challenge inspection (CI). A short-notice inspection of a specific site of one State Party requested by another State Party, conducted by the Organization for the Prohibition of Chemical Weapons Inspection Team. States may be "challenged" by other states to resolve Chemical Weapons Convention (CWC) compliance concerns. CI procedures are covered under Article IX of the CWC and Parts II and X of the CWC Verification Annex.

chemical weapons (CW). Chemical weapons include the following, together or separately:

- a. Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities involved are consistent with such purposes.
- b. Munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph a. that would be released as a result of the employment of such munitions and devices.
- c. Any equipment specifically designed for use directly in connection with the employment of such munitions or devices specified in subparagraph b.

Note: The term “chemical weapons” does not apply to nonlethal chemicals that are used by a State Party for domestic law enforcement or riot control purposes (e.g., riot control agents or specifically approved instances such as search and rescue where the use of riot control agents are used in prescribed circumstances and not as a method of warfare. (See also riot control agent.)

Chemical Weapons Convention (CWC). The Chemical Weapons Convention is a multilateral arms control agreement that bans the development, production, stockpiling, and use of chemical weapons. Its full name is the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. The Organization for the Prohibition of Chemical Weapons, based in The Hague, Netherlands, was established by the State Parties to the Convention to achieve the object and purpose of the Convention; to ensure the implementation of its provisions, including those for international verification of compliance with it; and to provide a forum for consultation and cooperation among State Parties.

Chemical Weapons Production Facility (CWPF). Any equipment or building housing equipment that was designed, constructed, or used at any time since 1 January 1946 for: (1) the production flow of any Schedule 1 chemical or any other chemical that has no use for permitted purposes under the CWC above 1 metric ton per year; and (2) filling chemical weapons, including the filling of Schedule 1 chemicals into munitions, devices, or bulk containers.

Chemical Weapons Convention Compliance Review Group (CWCRG). A DoD-wide working group, chaired by the DoD Chemical Weapons Treaty Manager, which conducts an executive-level review of CWC compliance issues. The CRG meets on an as-needed basis to address key issues. Membership is as specified in reference m.

consensus decision-making. The conduct of the inspection is to be accomplished by consensus among HT members. All matters involving safety, operations, and security are intended to have the concurrence of all members of the HT, and if not, the issue is to be referred to the CRG for resolution.

declared facility. A chemical weapons-related installation, factory, or plant that was declared by the United States in accordance with the requirements of the CWC. Declared facilities must comply with specific verification activities, such as routine inspections, that may include on-site continuous instrument monitoring. Specific site requirements will be defined in a facility agreement (see also facility agreement). Facilities are declared based on a range of criteria, including production, storage, or a history of chemical weapons research, development, or testing.

entry into force (EIF). The specific date, 29 April 1997, when the provisions of the Convention entered into force for the United States. Entry into force for those countries whose instruments of ratification or accession were deposited subsequent to 29 April 1997 is on the 30th day following the date of deposit of their instrument of ratification or accession.

escort team (ET). The escort team is an extension of the host team that will accompany inspectors during inspection activities based on guidance from the host team on how specific activities will be conducted. The composition of the team is activity dependent.

Executive Council (EC). OPCW governing body based in The Hague, Netherlands.

Executive Secretariat. The Executive Secretariat is provided by the DoD CBW Treaty Manager to support the host team in managing the flow of documents generated during the challenge inspection and maintaining the official DoD record of inspection.

exit monitoring. During a CI, the inspection team (IT) has the right to monitor the perimeter exits of the inspected site to ensure that prohibited materials are not being surreptitiously removed. This monitoring begins when the IT arrives at the alternative or final perimeter, as determined by negotiations prior to IT arrival, and may continue for the duration of the inspection.

facility agreement (FA). An agreement between a State Party and the OPCW relating to a specific declared facility subject to routine inspection and on-site verification. The agreement will include detailed provisions governing inspection procedures at that facility.

final (inspection) perimeter. Site perimeter as agreed in CWC CI negotiations between the international inspection team and the inspected State Party. If no agreement is reached, the alternative perimeter becomes the final perimeter. (See also requested perimeter, alternative perimeter.)

host country. The state on whose territory lie facilities or equities of another State Party to the CWC, which are subject to inspection under the CWC.

host country agreement (HCA). A bilateral agreement or arrangement establishing mutually agreed procedures between the United States and a host country to be used during a CWC CI to address the issue of protecting USG facilities and assets abroad. The proposed agreement or arrangement covers issues from the arrival of the inspection team to the final inspection report. By its terms, the agreement or arrangement would operate within the framework of any status of forces agreement or other arrangements already in place between the United States and the host country. U.S. commercial facilities are not covered by these agreements.

host team (HT). The group of designated DoD representatives assembled in the event of a challenge inspection directed at, or affecting, any DoD facility or equity worldwide. It functions as the primary USG interface with the inspection team. The HT composition and operations are as specified in references r and s.

host team advisors. Various representatives from other DoD Components and agencies or other USG departments and agencies, as appropriate, who provide subject-matter advice to the host team.

Host Team Leader (HTL). Representative of flag rank or equivalent appointed by the Director for Strategic Plans and Policy, Joint Staff (DJ-5), to lead the HT if a Service installation is identified for a CI. Serves as the head of the delegation for negotiating with the OPCW IT concerning inspections in the United States or U.S. territory, and between the HT and the HC or ISP for inspections outside of U.S. territory.

host team members. The HTL and voting representatives from DoD Components as specified in references r and s.

host team support. All DoD personnel officially associated with the HT, including the HT support staff, the Battle Captain, and the Executive Secretariat.

Inspected State Party (ISP). The State Party on whose territory, or in any other place under its jurisdiction or control, an inspection pursuant to the CWC takes place.

inspection mandate. The authorization issued by the Director General to the inspection team that provides instructions for the conduct of a particular inspection. For a CI, the inspection mandate will also outline the compliance concern raised by the requesting State Party.

inspection period. The time period from when the IT crosses the final perimeter until the completion of verification activities.

inspection site. The facility or location where the CI is to occur.

Inspection Site Member. The commander, commanding officer, officer-in-charge, or manager of the inspection site or entity undergoing inspection, or his or her designated representative, who provides advice on base/facility equities.

inspection team (IT). The purpose of the IT is to conduct inspections or visits in accordance with the CWC. The number of inspectors will be determined by the Technical Secretariat and will depend on the size of the facility being inspected. For routine inspections, CIs, and investigations of alleged use, an IT may be composed of members approved by the United States from any of the State Parties. For CIs, the team may be composed of inspectors approved by the United States from any of the State Parties, except for the requesting and the inspected State Parties.

Inspection Team Leader (ITL). Senior OPCW inspector designated by the OPCW Director General and charged with carrying out the mandate for the CI.

inspector. An individual designated by the Technical Secretariat and representing the OPCW who will carry out an inspection or visit in accordance with the CWC and its verification annexes and facility agreements between State Parties and the OPCW. Inspectors must be citizens of a State Party to the Convention. Members of an inspection team are to be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961. Inspectors are designated on a list provided to and approved by each State Party to the Convention. In the case of a CI, no inspector is to be from the requesting or inspected State Party.

Interagency Policy Committee (IPC). The IPC serves as the senior interagency forum for consideration of policy issues concerning the USG's obligations under the CWC. It coordinates CWC implementation issues that have diplomatic, economic, or national security implications, and monitors U.S. CWC implementation. The head of each department or agency is responsible to the President of the United States for ensuring that all of the activities of his or her respective department or agency are fully compliant with the legal

obligations of the USG. The IPC includes the Chairman of the Joint Chiefs of Staff and representatives from the Departments of State, Treasury, Defense, Justice, Commerce, and Energy; the Intelligence Community; the NSCS; and such other departments or agencies as needed and invited by the Chairman of the IPC.

IN-U.S. Inside the United States, including Hawaii and Alaska and U.S. territories. This definition assumes the United States is the inspected State Party.

managed access. A method of protecting sensitive information while facilitating inspector access to an area of a facility that has overriding national security or proprietary concerns not related to chemical weapons. Such measures may include, but are not limited to, removal of sensitive papers from office spaces; shrouding of sensitive pieces of equipment, displays, or dials on such equipment; logging off computer systems and turning off data-indicating devices; providing access to a certain percentage of buildings or rooms within a building; or, in exceptional cases, providing access only to selected members of an international inspection team. The actual methods to be used for managed access will be determined on a case-by-case basis and, if necessary, negotiated between the IT and the HT.

Mobile Laboratory. The U.S. Army Edgewood Chemical Biological Center (ECBC) Mobile Laboratory. Deployed from Edgewood, Maryland, in support of CWC inspections and processing of samples taken by the IT.

national escort team. A team provided by DTRA to serve as the escort team facilitator and provide treaty expertise on CWC implementation matters.

Nuclear Risk Reduction Center. An organization within the Department of State's Bureau of Arms Control, Verification, and Compliance that operates the U.S. communications links used to exchange information with foreign governments in support of arms control treaties and security-building agreements. Inspection notifications associated with the CWC are transmitted via the NRRC.

Organization for the Prohibition of Chemical Weapons (OPCW). The international organization established under Article VIII of the CWC to achieve the object and purpose of the Convention; to ensure the implementation of its provisions, including those for international verification of compliance with it; and to provide a forum for consultation and cooperation among State Parties. Its membership is composed of nations that have signed and ratified or acceded to the Convention. It is located in The Hague, Netherlands.

OUT-U.S. Outside the continental United States, Alaska, Hawaii, and U.S. territories. The definition assumes there is a host State Party involved in the CI whereby U.S. assets are captured within the inspected perimeter.

perimeter. In the case of a CI, the external boundary of the inspection site, defined by either geographic coordinates or a description on a map. In the case of an inspection of a declared site, it is the external boundary of the facility declared as shown in the declaration or the negotiated facility agreement.

perimeter activities. Activities conducted by the IT at the perimeter of an inspected site. In the case of a CI, these activities occur upon the IT's arrival at the alternative or final perimeter, determined by negotiations prior to arrival, and may continue for the duration of the inspection. Perimeter activities explicitly permitted by the CWC text include using monitoring instruments and taking wipes, air, soil, or effluent samples. The IT may also conduct additional activities agreed to by the inspected State Party. Perimeter activities at a non-declared site must take place within a band up to 50 meters in width, measured outward from the perimeter. Upon agreement with the inspected State Party, the IT may have access to any building or structure within the 50-meter band. All directional monitoring at the perimeter must be directed inward. In the case of declared facilities, at the discretion of the inspected State Party, the 50-meter perimeter band could run inside, outside, or on both sides of the declared perimeter. Perimeter activities include exit monitoring by the IT, which includes the identification of vehicular exits, the making of traffic logs, the taking of photographs, and the making of video recordings by the inspection team of exits and exiting traffic. The IT has the right to go, under escort, to any other part of the perimeter to check that there is no other exit activity. The IT has the right to inspect, on a managed access basis, vehicular traffic exiting the site with the exception of personnel and personal passenger vehicles leaving the site. Personnel and vehicles entering the site are not subject to inspection.

perimeter monitoring team. IT members designated to perform perimeter activities.

point of entry/exit. The location designated for the United States in-country arrival of ITs and for their departure after completion of each inspection mission. Washington Dulles International Airport is the United States designated point of entry for CI teams conducting inspections at IN-U.S. U.S. facilities wherein the United States is the inspected State Party under the CWC. For OUT-U.S. facilities, the POE will most likely be those designated by the host country.

pre-inspection activities. Activities described in Part X, Section B of the CWC Verification Annex, including all necessary welcome, orientation, safety, medical, and informational briefings, office and lodging assignments, and the provision of answers to general questions before the commencement of an inspection.

precursor. Any chemical reactant that takes part at any stage in the production, by whatever method, of a toxic chemical. This includes any key component of a binary or multi-component chemical system.

requested perimeter. The inspection perimeter specified by the requesting State Party and clarified, if required, by the IT upon its arrival at the point of entry to conduct a CI. The requested perimeter must conform to the following:

- a. Run at least 10 meters outside any buildings or other structures.
- b. Not cut through any existing security enclosures.
- c. Run at least 10 meters outside any existing security enclosures that the requesting State Party intends to include within the requested perimeter.

If the initial requested perimeter does not conform to the above specifications, it is to be redrawn by the IT. The requested perimeter, as modified by the IT, is presented to the inspected State Party at the point of entry. If the inspected State Party does not agree to the requested perimeter, it may propose an alternative perimeter for consideration by the IT. If no agreement is reached on a perimeter within 24 hours after the IT arrives at the point of entry, then the IT will be transported to the alternative perimeter, arriving no later than 12 hours after departure from the point of entry.

Requesting State Party. A State Party requesting a CI of a facility or location under the jurisdiction or control of another State Party.

Requesting State Party Observer (RSO). A representative of a requesting State Party or a third State Party, who, subject to agreement of the inspected State Party, is sent as a representative of the requesting State Party to observe the conduct of the challenge inspection.

riot control agent (RCA). Any chemical not listed in on the CWC schedules, which can rapidly produce sensory irritation or disabling physical effects that disappear within a short time following termination of exposure.

routine inspections. Systematic on-site inspections and monitoring with on-site instrumentation by the OPCW to confirm that CWC declarations are accurate and that the country is meeting its obligations under the CWC.

Schedules of Chemicals. Collectively refers to the three lists of toxic chemicals and precursor chemicals that will be monitored under the CWC. The three lists are referred to individually as Schedule 1, Schedule 2, and Schedule 3.

self-monitoring. Refers to exit monitoring procedures undertaken by the inspected State Party during a CI. These self-monitoring procedures must begin no later than 12 hours after the arrival of the IT at the point of entry and involve the collecting of factual information on all vehicular exit activity (land, water, and air) from the requested perimeter.

special assignment airlift mission. All domestic requirements and those requiring special pickup or delivery by Air Mobility Command at points other than those within the established Air Mobility Command route pattern, or requirements for movement within this pattern that require special consideration because of the number of passengers involved, the weight or size of the cargo, or other special factors.

specialized equipment. Equipment used for filling CW or any other equipment specially designed, built, or installed for the operation of the facility as a chemical weapons production facility. (CWC Verification Annex, Part I, subparagraph 5(a).)

State Party. Any nation that has deposited its instrument of ratification prior to 29 April 1997 (CWC entry into force) or has deposited its instrument of ratification or accession with the United Nations Secretary General after 29 April 1997 and the required 30 days have passed.

supported Service. The Service with primary control or ownership (host Service) of base/facility where the challenge inspection is to occur.

supporting Service. The Service that does not have primary control or ownership (host Service) of base/facility where the challenge inspection is to occur, but possesses significant assets or equities within the inspectable area, and that can be expected to provide a commensurate level of physical and technical support to the inspection process.

Technical Equipment Inspection. A DTRA-managed, community-developed and supported program created to address safety, environmental, and technical countermeasure concerns of foreign arms control equipment.

Technical Secretariat. The organizational body of the OPCW responsible for implementing CWC verification procedures. Among its many functions, the Technical Secretariat maintains lists of accredited inspectors, prescribes inspection procedures, schedules routine inspections, and conducts CIs.

toxic chemical. Any chemical that, through its chemical action on life processes, can cause death, temporary incapacitation, or permanent harm to humans and animals. This includes all such chemicals, regardless of their origin, method of production, or whether they are listed in the CWC Schedule of Chemicals.

U.S.-approved and certified CWC equipment. All foreign arms control equipment intended for use in U.S. facilities is to be subject to formal DTRA technical equipment inspection certification. This process ensures that safety, environmental, and technical countermeasure considerations for all the types of facilities at which such equipment is likely to be used are taken fully into account.

verification. The cumulative process of determining that a State Party is complying with the provisions of the CWC. On-site inspections and visits will be used for verification. The purpose of these verification activities is to confirm that declarations are accurate, no undetected removal of chemical weapons from facilities takes place, the identity and quantity of the chemical weapons stocks and facilities to be destroyed are accurate, and they have been destroyed.