NOT SCHEDULED FOR ORAL ARGUMENT

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

IOWA ENVIRONMENTAL COUNCIL, et al., *Petitioners*, v. U.S. ENVIRONMENTAL PROTECTION AGENCY, et al., *Respondents*.	Case No. 26-3374

THE GOVERNMENT'S NOTICE ON BEHALF OF THE DEPARTMENT OF THE ARMY OF CHANGE TO CONTROLLED DETONATION DATE

On Saturday, November 21, 2026, the Government notified the Court that the Army intended to perform a controlled detonation by Tuesday, November 24, 2026, to treat unstable lead azide at the Iowa Army Ammunition Plant to protect the public from the risks of an uncontrolled explosion. Notice, Dkt. No. 5708596. The Government now notifies the Court that the Army has moved the intended date to Wednesday, November 25, 2026.[1] As set forth below, Wednesday is expected to have favorable conditions for a controlled detonation that will reduce the risk to the public and allow the Army to implement additional safety measures.

[1] *See* https://x.com/SecArmy/status/2125060405605154940?s=20

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The Army has moved the controlled detonation to Wednesday instead of Tuesday because of more favorable weather, which is more protective of the public. *See* Declaration of Maj. Gen. Eric P. Shirley ¶ 9. Notably, the wind direction is reasonably expected to be East to West/Southwest, and away from high population areas and larger water bodies. *Id.* The weather after Wednesday is predicted to be less favorable, and thus less protective of the public for a controlled detonation. *Id.* ¶ 11.

The additional day also is favorable because the Army is applying additional blast barriers around the bunkers to help reduce lead dispersion caused by the detonation. *Id.* ¶ 8. Additionally, the Army will apply thousands of gallons of water during the detonation to help absorb the explosion and reduce lead dust. *Id.* And the Army has secured from the Department of Energy highly advanced ballistic gels and foams designed to reduce particulate matter from high explosive detonations and will apply them before the controlled detonation. *Id.* ¶ 7.

These additional protections and the protections under EPA's Emergency Permit detailed in the Government's stay opposition brief are designed to limit the risk to the public from the controlled detonation. Thus, Wednesday is currently expected to be the most favorable day to conduct the controlled detonation. *See id.* ¶ 10.

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Respectfully submitted,

ADAM R.F. GUSTAFSON
Principal Deputy Assistant Attorney General

Dated: November 23, 2026

/s/ David Mitchell

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CERTIFICATE OF SERVICE

I certify that on November 23, 2026, I electronically filed the foregoing notice via the Court's CM/ECF system, which will provide notice to all registered counsel.

/s/ David Mitchell
David D. Mitchell

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

IOWA ENVIRONMENTAL COUNCIL, et al., *Petitioners,* v. U.S. ENVIRONMENTAL PROTECTION AGENCY, et al., *Respondents*.	Case No. 26-3374 **DECLARATION OF MAJOR GENERAL ERIC P. SHIRLEY**

I, Major General Eric P. Shirley, declares as follows:

1. The facts set forth in this declaration are based on my personal knowledge and, if called to testify as a witness, I could and would competently testify thereto under oath.

2. I am the Commander of Army Sustainment Command (ASC), which I assumed in July 2025. In June 2026, through an Army reorganization, I assumed responsibility for the now former Joint Munitions Command and the entities under that command, including all Army ammunition plants.

3. As the ASC Commander, I have been closely following the situation at the Iowa Army Ammunition Plant (IAAAP).

4. The lead azide has been stored at IAAAP since 2009 in two Earth Covered Magazines (ECMs). Lead azide is stored in a mixture of water and ethanol to keep it stable, but over the decades of storage, due to seasonal temperature changes, the lead azide has degraded, causing the formation of needle-shaped crystals that are highly unstable due to a substantial increase in the lead azide's sensitivity. Because of this crystallization, the barrel lids are no longer safe to remove, which prevents the water/ethanol solution in the barrels from being refilled. This has caused the solution to be more susceptible to freezing within the barrels, which

can cause an unintended detonation because of the increased sensitivity of the crystals. Even a small amount of friction can break the crystal formation, causing a chain reaction, which prevents any movement of the barrels. As a result of the degraded condition of the lead azide, there is an imminent risk of an unintentional detonation and immediate action is needed.

5. This declaration provides clarifying information as to why the date of the controlled detonation of the lead azide explosives was changed from Tuesday, November 24, 2026, until Wednesday, November 25, 2026.

6. The change in detonation timing allowed for increased mitigation measures to be put in place to better protect human health, public safety, property, and the environment from the controlled detonation. Based on scientific judgment, it is predicted that these additional measures should decrease the lead emission fraction to .26 or lower. The emission fraction is the measure of lead put into the atmosphere during the detonation.

7. The adjusted time also allowed the Army to secure highly advanced materials from the Department of Energy, to include ballistic gels and foam, which are designed to reduce the particulate matter caused from high explosive detonations. This material will be applied before the controlled detonation.

8. Further, the extra time allowed the Army to construct additional barriers around the ECMs, reducing the lead dispersion caused by the detonation. These barriers include a water wall consisting of thousands of gallons of water that help absorb the explosion and minimize any lead dust created by the detonation.

9. The change in date also allows the Army to conduct the detonation during favorable weather conditions. The Army has worked closely with the Defense Threat Reduction Agency (DTRA) and the National Oceanic and Atmospheric Administration (NOAA) to model

the plume created by the detonation based on atmospheric conditions at the time of the detonation. The forecasted weather for Wednesday is anomalous for this time of year, in that the winds are blowing from East to West/Southwest, which will direct any plume created away from high population areas and large bodies of water. This wind pattern will only remain for a short period of time.

10. After Wednesday, there will be more risk to human health, public safety, property, and the environment as the forecasted weather is less favorable. Also, the forecast is for the temperatures to continue to plummet, creating a greater risk of an unintentional detonation, which will increase the harm to human health, public safety, property, and the environment.

11. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of knowledge, information, and belief.

Executed at Middletown, Iowa, on this 23rd day of November, 2026.



Major General Eric P. Shirley
Commander
U.S. Army