



13 May 2003

To Members of the Senate:

I write as a member of the National Academy of Sciences, the incoming President of the Ecological Society of America, and Dean of the Nicholas School of the Environment and Earth Sciences at Duke University.

In the matter of HR 1588—the Defense Authorization Bill for FY 2004—I strongly urge you to oppose any provisions that would exempt the Department of Defense (DOD) from adhering to public health and environmental laws, including the Clean Air Act, the Resource Conservation and Recovery Act, the Superfund Act (i.e., CERCLA), the Endangered Species Act, and the Marine Mammal Protection Act.

Specifically, the language proposed by the Department of Defense would:

- Strip EPA and states of virtually any authority to protect public health and the environment from toxic contamination caused by military munitions under the Resource Conservation and Recovery Act (RCRA);
- Allow toxic contamination of groundwater, air, and soil at “operational” military ranges without oversight under CERCLA (Superfund), until the contamination migrates into surrounding communities;
- Block any designation of critical habitat under the Endangered Species Act on any lands owned or controlled by the military.
- Undermine protections of marine mammals by drastically weakening DoD’s obligations under the Marine Mammal Protection Act.

Under existing laws, lands managed by the Pentagon represent some of the most important habitat for endangered species in the United States. The military has protected our natural heritage of our wildlife with the same success that has trained and protected our men and women in uniform. As we learn the value of species diversity in nature, we should ensure that the military continues to protect our natural heritage with the same fervor that it protects our lives, families and livelihood.

The Pentagon currently has the authority to use provisions in the laws or the Armed Forces Code to exempt military activities from environmental compliance in the interest of national security or seek special relief for military readiness. Regulatory agencies already provide great latitude to the DOD to allow the most effective military training. The existing laws strike a proper balance between protection of public health and the environment and military readiness. DOD’s proposed sweeping new exemptions would undermine the role of states to administer pollution control laws. It would also

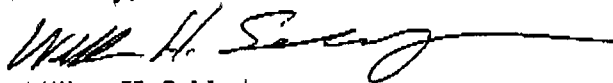
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dramatically weaken protections for marine mammals and endangered species that depend on habitat controlled by the military.

Rather than granting the military *carte blanche* with respect to compliance with environmental and public health regulations, I believe that any of its concerns can be addressed through existing waiver provisions, through advance planning between the Department of Defense and environmental agencies, and through the process of local cooperation and consultation that has been so successful at many sites. Sweeping exemptions, such as those proposed by the Pentagon, will endanger public health and the environment and lead to costly, future efforts to clean up contamination. Unfortunately, since extinction is forever, our nation is left forever impoverished by their loss.

I urge you to voice your opposition to the DOD proposals and to oppose any language that grants DOD new broad exemptions from public health and environmental laws.

Sincerely,



William H. Schlesinger  
James B. Duke Professor, Biogeochemistry  
And Dean