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EDITORIAL DESK

Invoking War to Ease Rules

(Editorial) 597 words

The Senate Environment and Public Works Committee has begun a campaign it calls, portentously, "Operation End Extremism." The purpose is to expose "the increasing burden U.S. soldiers face on military training bases because of irrational enforcement of environmental laws." The whole thing might be dismissed as another ideological stunt from the committee's reactionary chairman, James Inhofe of Oklahoma, were it not for the fact that the Pentagon is trying to do the same thing. With White House backing, the Defense Department has asked Congress to approve a program it calls the "Readiness and Range Preservation Initiative," which would broadly exempt military bases and some operations from environmental regulation.

The Pentagon's basic complaint, echoed by Mr. Inhofe, is that the laws governing air pollution, toxic waste dumps, endangered species and even marine mammals -- most of which have been on the books for decades -- interfere with training and readiness exercises necessary for national security. The Pentagon thus seeks a host of exemptions. For instance, it would ease the hazardous waste laws to exclude explosives and other potentially toxic material on firing ranges. It seeks exemptions from the Endangered Species Act whenever its duty under that law to protect animals interferes with training operations. And, environmentalists say, the proposed law could transfer to state governments the enormous costs of cleaning up thousands of contaminated sites on military property.

Of particular interest is the Marine Mammals Protection Act, which is also the first target on Mr. Inhofe's hit list. The act is the nation's one legal instrument for protecting whales, dolphins, sea otters, manatees and the like. But the Navy claims that protecting these creatures restricts its ability to test sonar and other underwater detection devices. A recent court-ordered settlement makes about one million square miles of ocean available for such testing but that, apparently, is insufficient.

Mr. Inhofe and the Pentagon are operating from slightly different motives here. The armed services have always found environmental laws inconvenient. Mr. Inhofe plainly does not like these laws. Yet both invoke patriotism to further their ambitions. John Dingell, a senior Democrat in the House but hardly an environmental absolutist, put the matter as well as anyone. "I have dealt with the military for years," he said, "and they constantly seek to get out from under environmental laws. But using the threat of 9/11 and Al Qaeda to get unprecedented immunity is despicable."

Not only despicable but, as it turns out, largely unnecessary. A General Accounting Office report last year found that environmental regulations had not damaged military readiness. Christie Whitman, administrator of the Environmental Protection Agency, said much the same thing in recent Congressional testimony. Finally, as even the Pentagon concedes, most environmental rules can be temporarily suspended in the interests of national security; indeed, Paul Wolfowitz, the deputy defense secretary, has asked his commanders to provide specific cases that might justify emergency exemptions from environmental laws.

But that approach could be cumbersome because it would presumably require a case-by-case demonstration of need. A blanket exemption would be easier and quicker, and the administration is using the climate of war and the ideological fantasies of conservative members of Congress to get it.

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