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Assembly  
California Legislature

ASSEMBLY COMMITTEE ON  
ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

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April 14, 2003

Honorable Diane Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

Re: National Defense Authorization Act for Fiscal Year 2004

Dear Senator Feinstein,

We, the undersigned members of the California State Legislature, would like to express our deep concerns over the efforts of the Pentagon to exempt its activities from a broad range of environmental laws designed to protect the health of the public and the environment.

The Defense Authorization bill would exempt various military activities from the Clean Air Act, hazardous waste and Superfund laws, the Marine Mammal Protection Act and the Endangered Species Act. These laws are the backbone of our country's environmental policy and ensure accountability for the contamination of our air, water, and land.

We agree that a well-trained and equipped military force is necessary for the security of our nation and its citizens. However, in depth studies of whether we must jettison laws, which protect our health and the environment in which we live, have concluded that these laws and regulations have not, and will not, weaken national defense in any way. Last June, the General Accounting Office (GAO) said that the Department of Defense (DoD) has failed to produce any evidence showing that environmental laws or other "encroachments" have significantly affected military readiness. As recently as February 26, 2003, head of the US EPA, Christie Todd Whitman, testified before the Senate that she has "been working very closely with the Department of Defense and I don't believe that there is a training mission anywhere in the country that is being held up or not taking place because of environmental protection regulation."

In our view, this country's environmental protection policies prevent short and long term harm caused by human activities to the greatest extent possible by assuring proper advance planning, important public participation and serious examination of less damaging alternatives. These laws also assure that those who pollute our environment remain responsible for cleaning up the contamination. In California alone, there are 3,912 contaminated sites on 441 current and former DoD properties. Indeed, if it is truly

a matter of "paramount interest of the United States," many of these laws have a case-by-case exemption provision already.

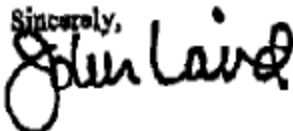
The economic health of our state depends on the health of its citizens and the environment in which they live. From tourism to fisheries to agriculture, many of our jobs and much of the income of our state are dependent on maintaining a robust environment. Experience repeatedly demonstrates that prevention is always the cheapest and best way to maintain a clean and safe place to live and play.

States are already overwhelmed by the increased expenses due to homeland security costs. If federal entities exempt themselves from the protections offered by these laws, Californians will be forced to pick up the additional costs resulting from activities beyond their control and supervision. In addition to being unnecessary, forcing states to assume this burden is fundamentally unfair.

We fully support the need for first-class training and readiness for U.S. troops, but this request by the DoD for sweeping exemptions from environmental laws is extremely troubling. The laws in question are the product of many years of debate on behalf of citizens, businesses, and legislators and, thus, we cannot agree with this shortsighted and unnecessary attempt to skirt our nation's legislation.

Please use your best efforts to resist the attempt of the Department of Defense to exempt its activities from the laws that protect the health and well being of Californians and their environment.

Sincerely,

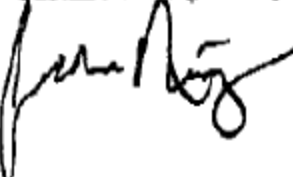


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