

the cases described here, the policy performance stakes appear to have been very high, and the variability of potential outcomes substantial. The seemingly high costs of engagement were probably worthwhile, therefore; but this will not always be true. In any case, I offer the contributions in this symposium mainly to provoke interest in public engagement among those who now think little about it.

Engaging the public is only one dimension along which policy analysis as a field of professional practice is “opening up” relative to its practices of, say, 35 years ago, when it was just coming into being. Other dimensions concern who does it, where it is done, the forms it takes, the methods it employs, and what its purposes might be. The next issue of *Professional Practice* will explore the opening up of policy analysis in all these, and other, ways.

**THE SUCCESS OF A NATIONAL DIALOGUE ON
SUSTAINABLE MILITARY RANGE MANAGEMENT**

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Military munitions are the silent giant of hazardous waste management and cleanup in the United States. From 5 to 10 percent of the bombs, shells, rockets, grenades, and other ordnance do not explode, as designed, when dropped, fired, or launched. They litter the surface or lie buried under as much as tens of millions of acres, not only posing the threat of detonation, but also long-term toxicity as munitions or unburned explosive chemicals leach into surface and groundwater.

The Defense Department is slowly addressing the problem, spending nearly \$180 million this year on former ranges, and an undetermined sum on environmental and explosive management at active ranges. But fearing a drain on its budget and experiencing increasing environmental constraints on operations, testing, and training, it has long argued that unexploded ordnance is not generally a hazardous waste, subject to cleanup orders from U.S. Environmental Protection Agency (EPA) and state and tribal regulatory agencies.

Toward the end of the first Clinton administration, the Navy and Air Force prevailed upon the Army—the armed service with the biggest ordnance problem—to consider co-sponsoring a formal dialogue on military munitions facilitated by the Colorado-based Keystone Center. The dialogue on the ordnance problem would, it was hoped, build on a previous success with respect to the investigation and remediation of industrial hazardous wastes on its current and former properties. Along with the Energy Department—the other major federal polluting agency—Defense had taken part in the Federal Facilities Environmental Restoration Dialogue Committee in the early 1990s. Through this committee, it had agreed to a partnership approach with federal, state, and tribal environmental regulatory agencies. Based on the resulting recommendations, it had established nearly 300 community-based Restoration Advisory Boards and initiated its own Technical Assistance for Public Participation program in support of those boards.

Immediately after Clinton’s second inauguration, to determine the scope of the problem, the armed services and U.S. EPA convened in Alexandria, Virginia, the

National Dialogue on Military Munitions, including many of the stakeholder groups from the previous dialogue. The military not only brought in its environmental officials, but it made range “operators” regular participants. This slowed dialogue startup because many of these people are suspicious of outsiders. Some had never met environmentalists, but convenors correctly concluded that operator support was essential if the dialogue were to succeed. It took several months to convene this meeting, and three meetings over about a year to establish enough trust to move forward.

The dialogue consisted of 30 full members, including 7 from the military, 5 from other federal agencies, 5 from states, 2 from tribes, and 11 from environmental, community, and environmental justice constituencies (including myself and a colleague from the Center for Public Environmental Oversight). Military organizations sent numerous support staff as well as official members to both plenary and working group meetings; thus they became the constituency with the greatest consistent representation. Typically at these meetings, members sat at tables linked in a rectangle, with the constituencies interspersed. Support personnel and observers usually sat in chairs behind the lead participants. Facilitators from the Keystone Center organized and ran each meeting. The Dialogue held seven plenary sessions before it disbanded in 2000.

The dialogue organized itself into three working groups: Management, Technology, and Communications. I was an active member of the Management Working Group, whose draft product influenced Department of Defense policy even before the language was finalized.

In 1998 the Management Working Group undertook to draft a list of Principles for Sustainable Range Use and Management. “Sustainability” suggests that resources are used in a way that tends to preserve them for future use. At the time, I explained it with the old backpackers’ motto: “Take only pictures, leave only footprints.”

Environmental members of the group offered a statement of purpose for the principles:

- to assure that military munitions ranges are used in a way that protects human health and the environment,
- to enable continuing use of the same ranges for military training and testing missions, and
- to allow, when the military no longer requires their use, the return of these ranges to other purposes.

That offering, in itself, was a compromise, recognizing the Defense Department’s primary concern—the ability to continue training on its ranges. In fact, the military replied by proposing—successfully—to move the second purpose to first place, even though no formal ranking was implied. Those three goals survived a long drafting process, with only minor wording changes, and a fourth one, focusing on responses on former ranges, was added.

It may seem strange to apply the concept of sustainability to the use of products designed to destroy, but that initial agreement made possible the eventual listing, by consensus, of nine principles on explosives safety and nine principles on toxic and radioactive releases.

In drafting the principles, the environmentalist members again took the lead. We proposed, for example, that munitions releases be recorded permanently and that the firing or dropping of ordnance be “timed and targeted to protect sensitive

wildlife and habitat.” We suggested, for example, “Depleted uranium weapons should not be fired into the same areas as explosive ordnance.”

Military representatives responded positively, recognizing that the initial list recognized best practices and innovative policies within the military. However, they initially saw the principles as potential outside mandates. One Defense participant called them “Lenny’s principles.” While I usually like to take credit for my work, this worried me, and I countered that, as a group, we were unlikely to get much done if our ideas were seen as coming from one person or even one constituency.

Gradually, as equals at the table, the working group as a whole absorbed “ownership” over the list. Some ideas were added, some dropped, some moved; and the language was modified. For example, the habitat statement quoted above was changed to “timed and targeted to protect sensitive natural and cultural resources.”

Participants and their staff wrote explanatory text for each principle. That’s what took the most time. Military representatives wrote primarily about existing Defense Department policies and accomplishments, and the group integrated that language into explanations of the need for additional progress. Each constituency had the opportunity to raise its issues. For example, because the habitat principle bore directly on the turf of federal land management agencies, representatives of the Departments of Interior and Agriculture were given extra time to vet the language within their agencies.

Dialogue negotiations differed from legislative deliberations because most of the participants realized that implementation would be voluntary. If Congress enacts a law, the military has to at least attempt to carry it out. Therefore, winning the debate—that is, passing language that says what one wants—is critical. In the dialogue, however, those of us who were critical of the military’s past environmental performance sought to come up with improvements that the Pentagon could—in fact, would want to—implement.

Thus, I sought to determine the military’s satisfaction with each new proposal or idea as it arose. Getting something great on paper wouldn’t do us much good if it were simply ignored. Perhaps I went too far: when a high-level Army participant returned to a dialogue meeting after an appointment elsewhere, his staff dutifully reported that I had been looking out for the Army’s interests.

By the spring of 1999, the principles were nearly in final form. The other working groups were still hashing out their sections, and some Defense officials questioned whether the dialogue was in full compliance with the Federal Advisory Committee Act (FACA). The full dialogue did not meet for over a year, but its final report, issued in September 2000, contained a strong set of principles, endorsed by all participating constituencies, on Sustainable Range Use and Management (CPEO, 2000).

The dialogue also helped build working relationships between military officials and their critics. As they continue to tackle related issues, such as the funding of range cleanup, people who took part in the munitions dialogue work closely together even today.

IMPLEMENTATION

Defense Department leadership must have been pleased with the constructive criticism embedded in the principles. On August 17, 1999, while FACA issues put the dialogue in limbo, Deputy Secretary of Defense John Hamre signed two new internal directives. Directive 4715.11, “Environmental and Explosives Safety Management on Department of Defense Active and Inactive Ranges within the United

States” closely followed the recommendations being developed by the dialogue. Directive 4715.12, addressing U.S. bases overseas, was somewhat weaker, but foreign bases were not ever the focus of the dialogue.

Directives are policies that are supposed to be implemented by the armed services. They are not statutory requirements enforceable by outside agencies or the courts. Still, in promulgating them, Defense leadership set a new standard for the operation of military ranges, even where the military does not acknowledge legal obligations. Like other military directives, 4715.11 has been implemented unevenly. Some installations were already in compliance, others moved quickly to comply, and still others have received critical reviews from Defense Department audit agencies over their failure to comply.

The key result, however, is that by sitting down with environmentalists, regulatory agencies, and others, military environmental officials and range operators learned that they could manage their ranges better, protecting the environment and reducing the obstacles to continued training. On behalf of the Defense Department, Deputy Assistant Secretary of the Army Ray Fatz thanked members of the Munitions Dialogue: “We believe the Dialogue has established a solid foundation of mutual respect and understanding that will result in a meaningful and lasting contribution to sustain both the military of our Nation and our environment over the years to come.”

A NEW CHALLENGE: ENCROACHMENT

With two dialogue-induced successes under its belt, the Pentagon is now considering applying the process to yet a third issue, that of encroachment. In the spring of 2001, Pentagon flag officers (generals and admirals) raised a larger series of range management issues. In a series of congressional hearings, they warned that urban sprawl and environmental laws, particularly those designed to protect species and habitats, were severely constraining the armed services’ ability to train, test, and operate—fly planes, for example. They cited successful efforts to work with natural resource management agencies, environmental regulators, and their neighbors, but they argued that this “encroachment” was impairing military readiness. A number of members of Congress and the Senate asked how they might weaken the nation’s environmental laws to facilitate readiness activities, but the administration hesitated to recommend changes in those laws. Other agencies were reluctant to put the Defense Department above the law—recognizing that most environmental laws contain provisions for presidential national security waivers.

At the Center for Public Environmental Oversight, where we constantly monitor every nuance of military environmental behavior, we saw conflict on the horizon. We were feared that a legislative proposal would trigger a knock-down-drag-out fight over who has ultimate authority to make military environmental decisions—environmentalists and regulatory agencies, on the one hand; the military on the other. The two sides would devote significant resources to a blood-letting that would solve few problems. We were also concerned that legislation focused on habitat preservation issues would not solve many of the land use conflicts that impair training.

Therefore we suggested an alternative approach: a dialogue on sustainable range management. The new dialogue would apply the goals of sustainable range management, as codified by the Munitions Dialogue, to the broader issues raised at the hearings. In cooperation with participants and high-level supporters of the

Munitions Dialogue, both within and outside the Defense Department, we took the proposal to key decisionmakers at the Pentagon, EPA, and other agencies. We received a seemingly positive response.

Many advocates of the dialogue approach believe that urban sprawl, not environmental protection, is the greatest threat to military readiness. Former Assistant Secretary of the Army Ray Clark wrote, "The real battle for the Army is poor development of communities around its installations. It is time for one of America's great institutions to get engaged in the fight to help stem the tide of sprawl." If the military focuses on smart growth, not rolling back the Endangered Species Act and the Clean Air Act, it may find that environmental organizations are its best allies, not its nemeses.

On March 14, 2002, Deputy Undersecretary of Defense Ray Dubois told a congressional committee that the department planned a balanced response, ranging from land-buying partnerships to dialogue to statutory relief. He promised to work with critics, testifying: "We have begun the necessary planning that will lead to the start of a national-level stakeholder involvement effort to discuss our range sustainability challenges. We are hopeful that such a process, which we hope to begin later this year, will not only lead to a greater understanding of our problems but that it will also lead to development of 'win-win' solutions for everyone."

Still, in the wake of the September 11, 2001, terrorist attacks and the U.S. "War on Terror," pressure for statutory relief increased. Pentagon appointees—above the environmental decisionmakers in the bureaucracy—ordered an internal task force to quickly develop a legislative fix. In April 2002, the Defense Department submitted a legislative package to Congress, essentially suggesting that certain aspects of environmental protection are unpatriotic. If enacted, this legislation would exempt or roll back enforcement of several environmental laws that affect military readiness. However, national environmental organizations that usually ignore the Pentagon and state environmental officials quickly mobilized to oppose the legislation, arguing that national security and environmental protection are compatible, and that there are ways to solve the problems of "encroachment" without weakening environmental laws. For now most of the military's proposals seem stalled.

The Pentagon's approach has created some mistrust from non-federal stakeholders, but it has also gotten their attention. There is still time to establish a constructive dialogue. As Dubois suggested, we at CPEO believe that a win-win outcome is indeed possible, based upon our experiences with the Munitions Dialogue and the earlier Federal Facilities Environmental Restoration Dialogue Committee. Inviting the public "adversaries" of powerful government agencies to the table to solve mounting problems might not always work, but it has a solid record of success dealing with military environmental issues, and that performance can easily be extended if Defense political leaders decide to continue the effort.

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REFERENCE

CPEO [Center for Public Environmental Oversight]. (2000). Munitions dialogue report. Available at: <http://www.cpeo.org/pubs/Munitions%20Dialogue.pdf>. Accessed August 2002.