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Contact: Jodi Seth or Brin Frazier, 202-225-5735

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Lawmakers Write EPA Regarding DOD's Defiance of Congress and EPA Orders

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Dingell noted that the EPA is the agency charged with enforcing environmental laws and DOD's failure to comply flies in the face of Congressional intent and clear statutory mandates.

“The EPA is the expert agency charged by Congress with enforcing our environmental laws, and the Administration needs to allow them to do their job to protect the public health and safety,” said Dingell. “As the nation’s largest polluter, the Defense Department must comply with our toxic waste laws in the same manner as private individuals or companies. In this case we have DOD seeking to self regulate, contrary to the law and the clear intent of Congress.”

“Our armed forces are the strongest in the world, but Pentagon lawyers should not be able to carelessly trample our environmental protection laws,” said Green. “If these military bases were private businesses, they would be defending themselves in front of a judge, not appealing to the White House and the Justice Department. These three military bases’ refusal to comply with valid EPA cleanup orders does stand up to public scrutiny.”

“It’s very disturbing that the Department of Defense continues to ignore the EPA’s cleanup orders, thereby leaving the public at risk to unsafe drinking water and other consequences,” said Solis. “The EPA must be allowed to do its job and protect the public health and safety, especially since these sites aren’t just in remote areas, but in fast growing and densely populated ones as well.”

Last year, the EPA issued four orders to Department of Defense (DOD) facilities directing them to respond to imminent endangerment to the public health. The orders concerned Fort Meade in Maryland, McGuire Air Force Base in New Jersey, Tyndall Air Force Base in Florida, and Air Force Plant 44 in Tucson, Arizona. Only one facility, Air Force Plant 44, has complied with the EPA’s orders.

The Committee also noted that DOD has sent letters to the Department of Justice (DOJ) and Office of Management and Budget (OMB), challenging EPA’s authority in this area and seeking intervention and assistance from OMB.

“I find it troubling, not only that the Department of Defense is in flagrant violation of final orders issued by the EPA, but that DOD is now attempting to circumvent the law and Congress’ intent by calling on the Department of Justice and the Office of Management and the Budget to intervene,” Dingell added.

Letter from Reps. Dingell, Green and Solis to EPA »

Department of Defense letter to Department of Justice »

[Department of Defense letter to Office of Management and Budget »](#)

[Status of Department of Defense Federal Facility Superfund Sites Without Superfund Federal Facility Agreements »](#)

[Enforcement Order - May 7, 2008 »](#)

[Enforcement Order - February 4, 2008 »](#)

[Enforcement Order - November 13, 2008 »](#)

Prepared by the Committee on Energy and Commerce

2125 Rayburn House Office Building, Washington, DC 20515