



FOR IMMEDIATE RELEASE
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CARDIN, MIKULSKI URGE PRESIDENT-ELECT OBAMA TO EXPEDITE DOD CLEANUP OF FT MEADE AND FT DETRICK

Washington, DC – U.S. Senators **Benjamin L. Cardin** and **Barbara A. Mikulski** (Both D-MD) sent a joint letter Thursday to President-elect Barack Obama urging him to bring the Department of Defense (DOD) into compliance with orders from the Environmental Protection Agency (EPA) to clean up hazardous sites at Fort Meade, Fort Detrick, and elsewhere across the country, as soon as his administration takes office. Since 2003, the DOD has ducked its environmental responsibilities, despite letters and witness testimony before the Senate Environment and Public Works Committee promising compliance with EPA. Senators Cardin and Mikulski concluded that the only way the DOD will take action for its hazardous mess is with new leadership at the top.

“Rather than being a good neighbor and voluntarily protecting the health and welfare of our servicemen and women, local communities and the environment, for too long, the Department of Defense has stalled its way out of responsibility for cleaning up hazardous waste generated at Fort Meade and Fort Detrick,” said **Senator Cardin, a member of the Senate Environment and Public Works Committee**. “President-elect Obama has committed himself and his administration to policies that are positive for the environment, as well as the health and safety of the American public. I look forward to working with his new team at EPA and DOD to expedite the cleanup of these hazardous sites.”

"For years, the Department of Defense has shirked its responsibility to clean up the hazardous waste material generated at Fort Meade and Fort Detrick. This is an environmental and public safety issue affecting our servicemen and women and the thousands of people living, working, praying and playing on base and in nearby communities," said **Senator Mikulski**. "I look forward to working with President-elect Obama and his new team at EPA and DOD to cut through the red tape and take immediate steps to clean up these sites."

The full text of the letter is below and in the attached PDF document.

November 13, 2008

President-elect Barack Obama
c/o Ms. Melody Barnes, Co-chair
Ms. Lisa Brown, Co-chair
Mr. Don Gips, Co-chair
Via Senator Obama's Office
713 Hart Senate Office Building
Washington, D.C. 20510

Dear President-elect Obama,

As your transition team begins its review of departmental policies, we write to draw your attention to the Department of Defense's (DOD) position that it is not subject to the Environmental Protection Agency's (EPA) authority to administer federal environmental protection statutes. The Department of Defense has been in flagrant and repeated violation of these statutes at installations in Maryland and around the country. We ask that once your administration is in place that it both reinforces EPA's authority over DOD in disputes arising under federal environmental protection statutes and that your new Secretary of Defense address the culture of resistance within DOD that has led to violations of its environmental obligations.

Fort George G. Meade in Maryland has been on the National Priorities Listing of Superfund sites since 1993. To this day, DOD remains in clear violation of Section 120 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), which allows the Department 180 days to enter into an interagency agreement with the EPA setting a legally binding timeline for remediation. Deciding it could no longer wait for DOD cooperation and using its authorities under the Resource Conservation and Recovery Act (RCRA), EPA in 2007 issued a Unilateral Administrative Order requiring remedial action at the site. Instead of adhering to its plain legal obligation to comply with these orders, DOD asked the Department of Justice to find them a legal loophole. DOD also has asked the Office of Management and Budget to shield it from EPA's orders. This pattern is not confined to Fort Meade in Maryland, but has been repeated at McGuire Air Force Base in New Jersey and Tyndall Air Force Base in Florida.

Although we would have expected quick responses from DOJ and OMB recognizing EPA's clear authority over the Department in these circumstances as well as DOD's plain legal obligations under the CERCLA and RCRA statutes, to our knowledge, both agencies are still reviewing DOD's requests.

Since DOD's appeals to Justice and OMB became public, we have written to the Department and held hearings in the Senate Environment and Public Works (EPW) Committee. In testimony before EPW, Undersecretary of Defense Wayne Army assured the Committee that DOD recognizes its legal obligations to comply with CERCLA provisions and RCRA final orders. In staff level briefings, Deputy Assistant Secretary of the Army Addison Davis assured our offices that the Army would work to come into compliance with the Superfund statute at Fort

Meade. In addition, admitting flaws in its characterization of contamination at Ft. Detrick Maryland as well as the handling of the clean-up there, Secretary Davis promised that the Army would not oppose EPA's decision to list Area B at Fort Detrick Maryland on the National Priorities List.

Yet, we now have a clear sign that DOD appears to be shirking its responsibilities and legal obligations to protect the health and welfare of our constituents, particularly the brave men and women who serve our nation on these installations and their neighbors outside the gate. As recently as November 3, 2008, Secretary Davis wrote to the EPA asking that the Agency refrain from placing Ft. Detrick on the Superfund list in spite of the fact that the site meets all the listing criteria.

We believe it is imperative that your new administration state unequivocally that the Department of Defense must abide by its legal obligations to protect the health and welfare of its servicemen and women, its civilian neighbors, as well as the environment. It is critical that your new administration change DOD's recent culture of obstruction and non-compliance so that the Department can once again be a community leader and partner in restoring the environmental health of our military installations and the neighborhoods that surround them.

We look forward to working with you on this and many other issues of importance in the coming years. Thank you for your time and attention in this matter.

Sincerely,

Benjamin L. Cardin
United States Senator

Barbara A. Mikulski
United States Senator

cc: Michèle A. Flournoy
John P. White
David J. Hayes