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POLITICS AND POLICY

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Bush Seeks Liability Shield On Perchlorate Pollution

Administration Looks to Protect Military, Contractors From Environmental Laws

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The Bush administration, in the name of military "readiness," is asking Congress to shield the Pentagon and certain defense contractors from a broad array of environmental laws -- exemptions that among other things could greatly diminish the defense establishment's liability for perchlorate pollution in the nation's water supply.

Meanwhile, on a different front in the battle between environmental regulators and defense officials over perchlorate -- a component of rocket fuel that is turning up widely in drinking supplies -- the administration has decided to refer health questions about perchlorate to the National Academy of Sciences for further review. The pending study is likely to delay significantly efforts by the U.S. Environmental Protection Agency to set a national drinking-water standard for the chemical, which the EPA found last year poses risks to human health at drinking-water levels above just one part per billion.

The administration's two-pronged attack on regulating perchlorate comes after a protracted interagency debate on the chemical's health effects. The Pentagon and several of its suppliers, which could face several billion dollars in cleanup costs, have criticized vehemently the EPA's draft assessment of perchlorate's health dangers, arguing the chemical is harmless at drinking-water concentrations up to 200 times what the EPA says. Some EPA officials express concern the defense establishment, with so much money at stake, will attempt to stack the National Academy of Sciences review panel with its own sympathetic consultants.

"We're already hearing rumors the panel will be chosen in an adversarial process like selecting a jury," one EPA official says.

The administration's proposed environmental exemptions, proffered as amendments to the defense-authorization bill, essentially would grant the military greater training flexibility without having to worry about private or state suits over pollution.

Ostensibly, the exemptions would apply only to "operational" ranges and they wouldn't shield pollution that migrates off military properties. But the amendments' language is so sweeping and vague in several places that environmentalists and some state regulators fear the changes would shield the Pentagon from liability for almost any military pollution, even on bases that haven't

been used for years.

For example, one of the amendments gives the defense secretary discretion to label nearly any range as operational, whether in use or not, thus potentially making it impossible to force clean-up at long-abandoned sites. Another amendment would extend the military's antipollution exemptions to off-site defense contractors, as long as they were involved in "military training, research and development or testing."

Possibly shielded under that category would be the dozens of sites nationwide where perchlorate was manufactured and handled during the Cold War, from where it spilled into surface and underground water supplies. One such site, for example, was **Kerr-McGee Corp.**'s massive perchlorate plant near Las Vegas, which regulators have blamed for polluting the Colorado River with perchlorate at roughly seven ppb. The Colorado provides drinking water to more than 15 million people in the Southwest.

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