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Mr. Joseph Miller

AFJAGS Podcast: Episode 31

Environmental Law & Air Force Operations with Mr. Joseph Miller

HOST: MAJOR RICK HANRAHAN, USAF

GUEST: MR. JOSEPH MILLER

We sit down with Mr. Joseph Miller to discuss some of the bigger environmental legal challenges across the Air Force and DoD and the interplay of these issues upon military operations in national security.

MAJOR RICK HANRAHAN:

In today's interview, we speak with environmental expert, Mr. Joseph Miller, on some of the bigger environmental legal challenges across the Air Force and DoD and the interplay of these issues upon military operations in national security. Here are a few clips from today's interview.

[Upbeat Intro Music].

SHOW EXCERPTS, MR. JOSEPH MILLER:

There are several of us who run towards that challenge because the complexity drives us.

We need to factor our environmental advice within the context of the operational law setting and we need to do that in a perfect way.

ANNOUNCER:

Welcome to The Air Force Judge Advocate General's Reporter Podcast, where we interview leaders, innovators, and influencers on the law, leadership, and best practices of the day. And now to your host from [The Air Force Judge Advocate General's School](#).

MAJ HANRAHAN:

Welcome to another episode from The Air Force Judge Advocate General's School at Maxwell Air Force Base. I'm your host, Major Rick Hanrahan. Remember, if you like the show, please consider subscribing on Apple Podcast, Spotify, or your favorite podcast platform and leaving a review. This helps us to grow in outreach to the JAG Corps and beyond.

MAJ HANRAHAN:

Today's interview is the first of two separate interviews with environmental law subject matter experts. Today, we have the pleasure to speak with Mr. Joseph Miller, a retired Air Force judge advocate to discuss environmental law and Air Force operations. We plan to discuss some of the biggest environmental law challenges faced both within the Air Force and Department of Defense and the interplay between these two, an area that is often overlooked, but definitely important from a national security perspective. Sir, thank you for taking some time to speak with us today.

MR. MILLER:

It's my pleasure, Major Hanrahan, and I'm eager to talk about the point you just made of connecting environmental law with national security. So, I look forward to our talk.

GUEST INTRODUCTION

MAJ HANRAHAN:

Mr. Miller's the chief of the Air Force Environmental Law Field Support Center, located in San Antonio, Texas, which is now part of the Operations and International Law Directorate Office of the Judge Advocate General. He leads a team of 32 attorneys and paralegals, located at nine locations, in advising headquarters staff, major commands, and subordinate legal offices of the U.S. Air Force on all environmental and land-use statutes, regulations, and policies.

An ROTC accession, Mr. Miller has served as an Air Force Staff Judge Advocate, deputy SJA, and as the chief of military justice and international law at wing legal offices. He's also been assigned as the chief installations and environmental law division at both Air Combat Command and Air Mobility Command.

In June 2008, he retired from active duty and entered back into the Department of Defense as a civilian attorney as the subject matter expert on airspace and ranges, prior to his current position.

Mr. Miller holds a Bachelor of Arts degree in philosophy and his juris doctor degree, both from Creighton University in Nebraska. He also holds an LL.M., in environmental law from the George Washington University.

Sir, could you start off by providing a little more background on your current duty position and what you do?

MR. MILLER:

Certainly, so in 2019, I moved from being a subject matter expert to the Chief of the Air Force Environmental Law and Field Support Center, which was a great honor to expand my services to the Air Force and Department of Defense, rather than just being focused on a particular subject. I'm now able to work with a very talented team across the board on all environmental and land-use issues. So, it was an opportunity to put all those leadership skills that I learned as a JAG and in the positions that I occupied to the test to led this spread-out team.

We've got some JAGs at MAJCOMs that are embedded in the legal offices there; we've got another civilian attorney up in Alaska, and they're all a part of this fantastic team that provides reach back support across the Air Force.

PODCAST INTERVIEW

MAJ HANRAHAN:

Yes, sir. Thank you. So, just curious, how did you first get interested and involved in environmental law?

MR. MILLER:

So, I did take a class while I was in law school that introduced me to environmental law, it was actually on the subject of energy, but closely connected to that is the environmental planning that you need to do. And then as a JAG, right off the bat, one of the first things I was involved with was the noise litigation that was going on at Yakota Air Base that basically was the government

of Japan defending claims for the impacts of Air Force operations on the surrounding community. There a lot of other environmental issues I dealt with there.

When I became a deputy, environmental law was in my portfolio, so I first attended the basic environmental law course and was introduced to the community of environmental law practitioners and the Department of Defense. And as I handled some tough issues, including enforcement actions by regulators, I realized that there was a real risk to our mission from some of the environmental requirements, particularly when we didn't handle them correctly, we, the Air Force. So, I thought it's important that we get this right, and I found out the environmental program and the Air Force offered a Master's degree so I pursued that and was lucky enough to be assigned in Washington with the Air Force environmental law and litigation division at the time. And that led to me serving in a compliance capacity to try to make sure that all of the laws and the policies and the requirements were communicated to everybody throughout the Air Force so they knew what the rules of the road were so that we could protect operations from environmental enforcement.

And I was also fortunate enough, at that time, to be detailed to the Department of Justice as an environmental litigation attorney. So, I represented the United States when we were on the right side of the V. So, when somebody who is suing the United States in a case that involved DoD interests, I was fortunate enough to defend the United States in that capacity.

Ultimately, I came back to environmental law, and both as you mentioned, in Air Mobility Command and then Air Combat Command, and it was really just wonderful timing that, at that point, the Judge Advocate General, Lieutenant General Jack Rives decided to consolidate environmental law resources and that's when we transformed how we deliver environmental law advice, and that created the environmental law field support center. And that's when I made the transition from active duty to civilian attorney.

WHY IS ENVIRONMENTAL LAW IMPORTANT

MAJ HANRAHAN:

Well, thank you for that, sir. It's always interesting to see how people kind of get started off. So, thank you for sharing that with us. So, in today's discussion we'd like to take more of a strategic view at environmental law as a whole, including some of its biggest issues and challenges, and the interplay between environmental law and operations, international law from a national security standpoint, but like, kind of with that backdrop, could you start off by discussing maybe environmental law from like a 30,000 foot view for our non-expert listeners out there? In other words, what constitutes environmental law and why is it important?

MR. MILLER:

That's a great question because you can't capture environmental law in one sentence. But if you tried, you might say it's about protecting people and the earth that we live on through a system of legal requirements. Environmental law is a very complex subject. Many people prefer not to deal with the challenges of environmental law, but there are several of us who run towards that challenge because the complexity drives us, because you have laws that were passed at different times for different reasons. You have an environmental incident that happens and there's enough clamor and enough concern that a law is passed, and then there are regulations that implement it. Because environmental law is administrative law, and so the statutes are what provide it initial authority, and then the regulations that are promulgated by whatever agency, you know, typically it's a federal agency that publishes the regulation that spells out what the requirements are and how they will be implemented.

But because environmental law in United States is a federalist approach, much of that authority of the regulators is delegated to the states, and the states then have programs and they have their state statutes and their state regulations. So, the complexity of all of those legal requirements are what sort of make this an area of

the law that, you know, it's not lend itself to just a simple statement. But the overall goal is typically to protect people and the resources of the earth, whether they're natural resources or historical resources, and to do that in a way that is based upon science, not just the whim of whoever may be in charge, but the science should drive the environmental requirements that should help you to calculate the risks that you're trying to protect against.

And so, when you couple that then, with land-use, how people use their land and in America, they cherish their land and how they want to use it, but there's a thing involving incompatible land-use where we have to be mindful of our impacts to our neighbors and then we have to be aware of what impacts our neighbors can have on our activities and operations. So, you roll that all together and that's what environmental law is.

STATUTES AND REGULATIONS

MAJ HANRAHAN:

And sir, for our listeners, could you perhaps discuss some of the main governing statutes and regulations within the environmental law space?

MR. MILLER:

Sure. So, a lot of people have heard of [NEPA](#), the National Environmental Policy Act, so that's a federal law that says, you've got to look before you leap. Basically, agencies need to plan with what their proposal is and how it could impact the environment and there's a whole process that's outlined as a part of that. You have several media laws, you know, so, I kind of break laws down between procedure and substantive.

So, NEPA would be more of a procedural law; you've got to follow the process and as long as you follow the process, you're relatively safe. There are more substantive laws that are deeper entrenched in scientific standards and measurements, and examples of those might be the Clean Air Act and the Clean Water Act, the simple references to those laws. But we have this other law that deals with cleanup, [CERCLA](#), and it is what some people think of when they hear of Superfund, right,

so it's how we clean up old messes, and there's a lot of money involved in that, a tremendous amount of money. And when I was with Department of Justice, almost all of my cases were CERCLA cases; Comprehensive Environmental Response Compensation and Liability Act. That would be another example.

But you have the [Endangered Species Act](#), which people are familiar with, right, those species that are endangered or threatened and how they have to be protected. There's the [National Historic Preservation Act](#), how do we deal with our historic and cultural resources, which can also include how do we deal with resources that are important to Native Americans.

So, those are some of the laws. There's many, many different laws, and they are often amended throughout the years and what you see, Major Hanrahan's is a continuous sort of ratcheting down of the requirements and a tightening of those requirements as maybe more technology comes along that enables us to deal with an environmental risk better, or we understand new things about environmental risks, such as some of the emerging contaminants that weren't identified earlier on in environmental law but are becoming more and more understood today and we're wrestling with them.

HOW ENVIRONMENTAL LAW HAS CHANGED

MAJ HANRAHAN:

Yes, sir. So, it sounds like, I mean, we have a dozen or more federal statutes, and then we also have state regulations, we have the legislation, we have litigation that's going on, so as you mentioned, it's very complex, the environmental law space. How, in your opinion, kind of again, from a strategic standpoint, has environmental law changed over the years and where do you see it going in the future?

MR. MILLER:

As I was alluding to—there towards the end of my previous answer, the laws are becoming more stringent, and we see some states that are, you know,

tightening down, again, the requirements to be more protective, and we need to understand when Congress has legitimately waived sovereign immunity and allowed federal agencies to be subject to those state requirements and where those lines are drawn. I think, again, as we understand more and more about the chemical compounds that that we've developed over the years and what those risks are, there's an area now with perfluorinated compounds, I'll just try to keep that simple, where the studies are ongoing to tell us what those risks are, but yet we already have the [Environmental Protection Agency](#) coming up with a lifetime advisory standard for that. But there are additional standards that are needed to implement all of the protections.

So, I see things becoming more complicated and a need to continue to advise our clients on what requirements apply, what requirements may not apply, and what the risks are for the Air Force and the Space Force in this arena.

CHALLENGES

MAJ HANRAHAN:

So, sir, what are some, in your opinion, some of the biggest environmental law challenges that we face today, both within the Air Force and within the Department of Defense.

MR. MILLER:

So the emerging contaminants that I mentioned is taking up a lot of our resources and our commitment to try to understand the real risks there and to protect against those risks and what authority we have to do things, because as a federal agency, we can't just do whatever we want, we can only do what Congress has empowered us to do. So, we have certain limitations to what actions we can take and sometimes, you know, we can identify those areas where there's a need for clarification and Congress may help clarify those, and you see some of those provisions in the National Defense Authorization Act sometimes.

Where we spend a lot of our time is under the law that I referred to, the National Environmental Policy Act; we're bedding down our new weapon systems. We have the B-21 Raider, the new bomber, that's going to be coming online. So, we need to be preparing now. We need to be planning now, and we are planning now and following the legal requirements for doing that. Meanwhile, we're still taking actions relative to the F-35, the fighter jet, because of its impacts to the environment. Those need to be studied and understand and applied to a particular location. So, we've spent a lot of time on that.

We do spend a lot of time making sure that the air emissions that we produce, whether it's from an energy plant or maybe some of the air emissions generated by our operational equipment, like the generators that we use to light our airfields or to power up the jets, and the emissions from the jets while they're on the ground and until they hit a higher altitude. We have to make sure that we're addressing all of those requirements, particularly in those locations where they already have challenging conditions under the Clean Air Act. There are locations that are not in compliance with the standards for that area. So, if we happen to have a base in that area and we're considering putting aircraft at that base, maybe as a replacement or whatever, we've got to work into that. And so, we are dealing with a lot of those issues.

ENVIRONMENTAL LAW AND OPERATIONS

MAJ HANRAHAN:

Yes, sir. And you kind of alluded to this already through this discussion already, but the area that I think is quite fascinating and interesting is that interplay, right, between environmental law and operations and how it impacts our national security. Could you speak to that a little bit more in more detail?

MR. MILLER:

So recently, a decision was made to realign our division within the operations and international law directorate. So, we are now a part of that directorate, which is great

because now we're teaming with other operations lawyers as they're providing advice on operational issues and international issues, and allowing them to see the much broader picture and the more nuanced complexities that they may not have seen, we're able to team with them more effectively and learn about operational initiatives earlier in the process so that we can apply our skills and our experience. The great thing about the Air Force environmental law and litigation division is tremendous amount of experience. Many, many people who are retired JAGs who had practiced environmental law on active duty and are now in a civilian capacity, you couple that with the less experienced JAGs who maybe just went through a Master's program, and they bring all of that energy to the fight. So, we have that experience which is the vector, and we have the energy which is the thrust. So, you put those together and we have flight, you know?

And so, you combine that by putting us, locating us, within the operations and the international law directive and there's a lot of firepower that we can bring to bear. I think I calculated that we had over 465 years of practicing law just within the environmental law field org center. It's a mind-boggling amount of experience and that's the beauty of how this division was structured and created because we work with the other elements, the litigation center, right? So, they're located in Joint Base Andrews with our division leadership, Colonel Scott leads the entire team, Colonel Damon Scott, and the litigation center lawyers are there.

But we also have regional counsel on the east and the west side because they're working with those state regulators and those regional environmental entities, and with the other partners within DoD; the Army, and the Navy, and the Marines. So, we're able to connect with them through the regional counsel.

You add to that the utility law team field support center down at Tyndall, that works with our energy component and all of the other utilities, fantastic team that we have down there at Tyndall, you combine all that together

and you work it in harmony with one another, it just, like I said, it adds to that firepower that help strengthen the environmental operations and international law domain, and then the directorate that consists of those attorney supporting it.

MAJ HANRAHAN:

So, it sounds, sir, that this realignment under these legal domains with the Air Force JAG Corps that we recently did has added a greater sense of synergy, at least, to the environmental law and operations space.

MR. MILLER:

That's exactly what I have seen and witnessed and believe it will increase and enhance our ability. We're trying to maximize the commander's decision space, trying to present the COAs within the framework of all these complicated legal requirements, so the commanders can make decisions that are based upon operational requirements understanding the risks that they're derived from applicable requirements and truly appreciating and understanding those risks because we're able to provide them that guidance. And we do that, not to replace any of the insulation staff judge advocates or the MAJCOM we're lockstep with the legal team that's there and a part of that command structure. So, that blending of our expertise in a way that the commander can appreciate it, that's the art of operational law, I think.

JOINT ENVIRONMENT

MAJ HANRAHAN:

And sir, obviously in operations law we have a lot of joint environments, we're working with our sister services. How does that work from your standpoint?

MR. MILLER:

So, we—our subject matter experts participate in many working groups that are established within DoD under particular laws, like there's the Clean Water Act Services Steering Committee, there's the mission sustainment working group at HAF, and you have the MAJCOM mission sustainment teams at the MAJCOM, you have

the installation mission sustainment teams at the at the installation. But those bigger working groups, they enable us to crosscheck with our sister services, like, okay so, the regulators are telling the Air Force this is a particular requirement, Army, Navy, are they telling you that, if so, what—how did you handle it?

Doesn't mean that we have to do it the same way, but we need to crosscheck because we need to understand where there might be any potential diversions, and if we can, work it out in a way that harmonizes the legal principles that we're applying, and if necessary elevate it higher to headquarters for perhaps a more global sort of solution.

And I've seen that work, particularly within the DoD regional environmental coordinator process. We deploy folks downrange and in that environment, there are certain environmental requirements that are going to apply based upon the COCOM, you know, guidance and whatever country they may be operating in, and whether it's an enduring or contingency basis. So, we need to factor our environmental advice within the context of the operational law setting, and we need to do that in a purple way.

So, the courses that we teach on environmental law, say, for example, are handled there AFJAGS, the Air Force is the executive agent for environment law training. So, when we put on the basic environmental law course, and when we hold the advanced environmental law course we do it in conjunction with the other services; the other services send their attorneys to us for us to provide that training, and we're joined by our colleagues from the other services in delivering that training.

We just got a basic environmental law course that we did for the first time ever, remotely, based on the pandemic and we had attorneys from the Army, and from the Navy, and from the Marines, participating as instructors in that. And I think we were able to reach, if I recall, from the numbers about 115 students, which is much larger than the typical classes that we get at Maxwell because

we were able to offer it remotely. But I know that the Chief of the Army Environmental Law division, Colonel Raleigh, she was thrilled with that opportunity. So, we're working collaboratively amongst the services, yes.

LOCAL REQUIREMENTS

MAJ HANRAHAN:

Is there any interplay to, you mentioned state and local agencies and authorities, what's the interplay there from the environmental law perspective?

MR. MILLER:

So, we have to advise our clients on what requirements a state has enacted, or a locality, or an authority. Oftentimes, you have like, air quality control regions or you might have a water authority, and so they have implemented their state laws. And sometimes, by virtue of the federal designation of that state program, it is the law that applies. And so, we have to advise the Air Force on what that law is, and many times that requires us to, again, crosscheck with the other services who have installations in that state or within that jurisdiction to make sure that the laws being applied fairly and equally and the federal agency is not facing a requirement that other regulated entities within that jurisdiction are not, and making sure that we're, to the extent we can, be consistent in our approaches.

The local requirements can very well be hard, mandatory requirements that we have to follow, depending again, upon how the sovereign immunity waiver is crafted in that particular federal legislation, because not all waivers are the same. Sometimes congresses has developed different standards so we have to apply those very carefully.

COVID IMPACT

MAJ HANRAHAN:

One question I think some of the listeners may have is, obviously we're living in a new age right now with COVID and just curious how the environmental law space has been impacted by COVID, or only conversely how has COVID impacted environmental law?

MR. MILLER:

That was one of the questions that we helped our clients understand, primarily the civil engineers, and many of the commanders to understand what requirements would apply. And so, we had guidance initially from EPA on how they were going to apply environmental requirements. And so, we wanted to make sure that our clients understood that because there were certain adjustments that needed to be made. For example, there were certain testing that we had planned to do, but we couldn't travel a team to that area to do the testing, and so we had to identify that and see whether or not there was some kind of an acceptable substitute for doing that, or have a plan on how we were going to it.

So, it very much impacted our ability to implement some of the requirements, and there was a little bit of latitude that was recognized from a human health perspective. We saw it coming into play, also, with how we involved the public in some of our planning considerations. So, we typically will have public meetings or even a more formal public hearing when we analyze the impacts of some of our proposed activities and want to find out what concerns the public may have.

So, we had to craft a way to accomplish that in the COVID environment, and so we worked closely with the council on environmental quality and also with our headquarters and the Secretariat because Secretariat has the authority to implement this program for the Air Force to design the hearing so that we could involve the public and engage them in a virtual setting. So, there were several ways that we needed to do that to try to make sure that we could accommodate people who perhaps didn't have the greatest technology available to them to become involved as a member of the public, so there were additional steps that we made to try to distribute information and to do outreach. But it led to us—and we're still doing this in some actions to conduct a virtual public hearing. So, for the public hearing, we have a hearing officer, who is typically a military judge who's able to maintain a neutral position because they're

not involved in advising the Air Force on a particular action, but they're able to make sure that the public has a fair opportunity to participate in the hearing. And so, we had hearing officers monitor and preside over these virtual hearings.

So, it's affected our ability to do some things because of travel limitations, particularly initially, and it's affected how we engage the public, but we have found suitable opportunity. So, we do have the public participate, we have public still being able to make oral statements and still being able to submit written comments. So, we're adapting to it in a way to satisfy the legal requirements.

SPACE FORCE

MAJ HANRAHAN:

Well, that's interesting, sir. I mean, we're all facing these challenges with COVID and we all have to adapt and modify kind of how we were doing business, more or less. So, interesting to hear how that is playing out in the environmental law space. Also curious, too, to see what your perspective is on environmental law involvement or impact on the new and burgeoning Space Force.

MR. MILLER:

I mentioned our environmental liaison officers before, so we have an environmental law officer, Major Katie Bries who's embedded with the U.S. Space Force. So, she provides that liaison reach back support and her predecessor was heavily involved in looking at a lot of the plans that went into developing the Space Force and how we would provide environmental support. So, they're in the Department of the Air Force, so we're environmental attorneys that are available to support that mission, and it's kind of exciting.

Following the National Environmental Policy Act, we're doing environmental impact analysis for Space Force on different considerations, you know, from where the headquarters is established to the different kinds of launch activities, and the different kinds of facilities that they need on the ground.

PARIS AGREEMENT

MAJ HANRAHAN:

Very interesting, sir. I'd like to talk a little bit about the, as you're well aware, of the [Paris Agreement](#) that was signed back at the end of 2015. It was signed by nearly every country in the world to combat climate change and accelerate actions and investments for a low carbon footprint. More recently, here in November, 2020 President Trump and the administration pulled the United States out of this agreement, and now President-elect Joe Biden has said that within his first day in office or thereabouts he will bring the United States back within this agreement. And just want to hear what your thoughts were on that and in where that may take us from an operations standpoint.

MR. MILLER:

Well, my thought on that is that the commander-in-chief is the leader of military forces and we follow whatever legal requirements apply to us, regardless of what those are, or who made what decision at what point. We take into account the concerns and the considerations with regard to climate control and, you know, the potential impacts to our operations and potential losses of insulation infrastructure space if seas rise. So, we deal with that. And we just deal with it objectively and according to the applicable law.

MEMORABLE PUBLIC HEARINGS

MAJ HANRAHAN:

Sir, you mentioned earlier the importance of public involvement in public hearings with environmental law issues, especially in times of COVID, might you be able to share a memorable public hearing that you recall on and environmental law issue?

MR. MILLER:

We had a proposal to do low-level bomber flying in West Texas and East New Mexico, and so, the Air Force did an environmental impact statement and got to its record of decision and got sued. And one of the District Court, there were a couple of glitches that the appellate court hung on and so basically we had to do a supplemental impact to articulate how the way we fly might generate

enough energy to call wind vortices or the wake vortex to come off the wings. I don't know if you've ever seen a picture of the B-1 low and over the water, but you'll see swirls of water coming up off of the wingtips. There's a poster around in many military buildings that has this, or you can find it.

But, so we had to go back to do a supplement, which means we had to go and do the public hearings again. So, we get to one little town in West Texas and one of the ranchers that had sued us got up and his lawyer made some remarks, and then this one gentleman got up and he held his hat, and he said, "Billy, it's hard for me to get up here and talk because I've known you all my life, and you know, I've work together with you and we've been through many things and I understand what you're saying, you have concerns, but let me tell you, I got a boy that's a Marine and he's over there. And so, if there's anything that these Air Force guys can do to protect him, I've got to stand with them."

Can you imagine in a little town where there's not that many people, right, somebody you've known all your life, you're basically taking a public stand. And that was one of the most powerful moments I've ever witnessed.

On the other side of it, I've talked to a guy who was in a German POW camp from World War II, and he gets up and I think he's going to say great things about the Air Force and what does he say, this is a different action, this is air space up in the Dakotas. He gets up and he says, "I can't allow you guys to fly over my life. You of all people, I would think would want people not to be in a POW camp."

ADDITIONAL RESOURCES

MAJ HANRAHAN:

Yes, sir. And, you know, maybe you've sparked some people's interest just on this discussion today, or maybe they already had interest. Are there any additional resources that you might recommend where listeners can go to just learn a little bit more about this area of the law?

MR. MILLER:

Well, for those of you who are in the military, I would encourage you to go to the Air Force Environmental Law and Litigation division website. We have a lot of materials there. A lot of our primers that introduce you to different environmental laws and how we practice in that. The [EPA](#) is a very widespread organization and they have a lot of materials, so I would visit EPA's website and explore that. But more importantly, I would talk to somebody who does environmental law. Find somebody. Reach out to somebody and ask them about it. Let them tell you their story and see if that story resonates with you.

FINAL THOUGHTS

MAJ HANRAHAN:

Great words of advice there, sir. And kind of to conclude here, any final thoughts on today's topic that either we didn't get a chance to discuss, or you'd just like to leave our listeners to ponder?

MR. MILLER:

I think we're not done trying to figure out what the risks are to people and our resources on this planet. You know, you've seen more and more laws passed depending upon environmental incidents, and I would expect the laws to become more complex, more laws to be passed, more requirements. And so, what I would say is, don't think that you've ever got it figured out. It will change and it will require lawyers who are professionals that diligently seek to find the answer and zealously represent their clients by apprising them of the risks. If you love challenges, please look at environmental law and see if it's right for you, and find out, you know, what you can from the people who have experience practicing in the area.

MAJ HANRAHAN:

Well, thank you so much, sir, for taking sometime today to speak with us. I know I got a lot of value out of this and I think our listeners will as well. Thank you again for coming on the show, sir.

MR. MILLER:

It's been my pleasure, Major Hanrahan. And, Air Power.

TAKEAWAYS

MAJ HANRAHAN:

Air Power, sir. That concludes our interview with Mr. Joseph Miller here are my top three takeaways from the interview.

NUMBER ONE: the synergy between environmental law and military operations will continue to evolve and grow in complexity.

Mr. Miller mentioned on multiple occasions the importance and synergy between environmental law and military operations. Essentially, every military operation has some impact on the environment, from the air, land and sea around us, to the burgeoning Space Force and future of space exploration before us. As science and technology continue to develop and become more sophisticated, so too will environmental laws impact on military operations. Everything from emerging contaminants, energy development, new air emissions, and the like will continue to evolve and grow in complexity.

NUMBER TWO: environmental law is a web of statutes and regulations, and policies. It's rare to find an issue in environmental law that can be solved with a single law.

Rather, most issues span across multiple environmental law and land-use statutes, regulations, and/or policies both at the federal, state, and even local levels. I think one of the bigger points from this observation is to ensure you don't minimize or inadvertently compartmentalize an environmental law issue. In other words, sometimes you don't know what you don't know.

This leads me to the last point, **NUMBER THREE, help is just a phone call away.**

The team at the Air Force environmental law and litigation division operations and international law directorate is filled with subject matter experts or SMEs. These means are just a phone call, e-mail, or video chat away with expertise to assist, such as through the field support center or through a dedicated environmental liaison officer, or ELO. They add synergy to the operational mission by maximizing the commander's decision space to duly appreciate, consider, and evaluate environmental impacts upon operations.

In closing, we all have an active role to play when it comes to the environment, whether you're in the military or a civilian.

If you're a civilian, stay apprised of military operations and environmental impact. Consider taking part in the public discourse, such as through a public hearing or offering comments on the environmental impact of military operations if you live near a military base.

And if you're a military practitioner, don't forget to account for environmental issues and impact when applicable in your legal analysis.

Thank you for listening to another episode. If you liked this episode, please let us know by leaving a review on Apple Podcast, Spotify, or your favorite podcast platform, and consider subscribing to the show.

Last, if you have any interesting stories on law, leadership, or innovation, please reach out to the professional outreach division at The Air Force JAG School to see if your idea might be a good fit for a podcast interview. We'll see you on the next episode.

[Upbeat Music].

ANNOUNCER:

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DISCLAIMER:

Nothing from this show or any others should be construed as legal advice. Please consult an attorney for any legal issue. Nothing from this show is endorsed by the Federal Government, Air Force, or any of its components. All content and opinions are those of our guests and host. Thank you.

GLOSSARY

- **AFJAGS:** Air Force Judge Advocate General's School
- **CERCLA:** Comprehensive Environmental Response Compensation and Liability Act
- **COA:** course of action
- **COCOM:** combatant command (command authority)
- **ELO:** environmental liaison officer
- **EPA:** Environmental Protection Agency
- **HAF:** Headquarters Air Force
- **JAG:** judge advocate general
- **LL.M.:** Master of Laws
- **MAJCOM:** major command
- **NEPA:** National Environmental Policy Act
- **POW:** prisoner of war
- **SJA:** Staff Judge Advocate
- **SME:** subject matter expert