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Green Go! - The Military's Sustainability Mission

Felix Mormann

University of Miami School of Law, mormann@law.tamu.edu

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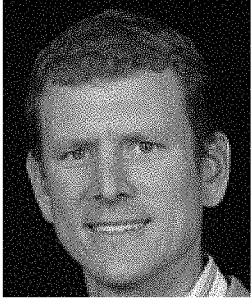
Felix Mormann, *Green Go! - The Military's Sustainability Mission*, JOTWELL (October 20, 2014) (reviewing --Sarah E. Light, *The Military-Environmental Complex*, 55 B.C. L. Rev. 879 (2014)), <http://lex.jotwell.com/green-go-the-militarys-sustainability-mission/>.

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--Sarah E. Light, *The Military-Environmental Complex*, 55 B.C. L. Rev. 879 (2014).



Felix Mormann

“Green Go!” The U.S. battle cry in the Mexican-American War that, according to some etymologists, earned Americans their nickname as “gringos” offers a fitting description of the Department of Defense’s growing interest in sustainable energy generation and use. In *The Military-Environmental Complex*, Sarah E. Light takes stock of the military’s complicated, often conflicted relationship with environmental objectives and explores the drivers behind the armed forces’ recent promotion of sustainable energy. Building on the military-industrial complex’s history of fostering technology innovation while also enabling abusive rent-seeking, Light offers recommendations to ensure that the emerging military-environmental complex strikes a socially beneficial balance between mission objectives and broader environmental goals.

From an environmentalist perspective, the military’s many statutory and regulatory exemptions from environmental laws that conflict with its national security mission raise concerns that military and sustainability objectives are inherently at odds with one another. But Light makes a convincing case that both types of objectives may, in fact, be more aligned than is commonly recognized.

As the nation’s single largest consumer of energy, the Department of Defense has a natural interest in enhancing the efficiency of its energy use. The case for more efficient and, hence, more sustainable energy technologies and practices is even more compelling for forward operating bases whose fuel costs are orders of magnitude higher than at our local gas station, not to mention the risks to soldiers who must escort fuel convoys through the theater of war. In Light’s words, “[e]nergy costs – both economic and political – are high, and ... the DoD’s costs can be measured not in dollars, but in lives.” Accordingly, the armed forces characterize climate change as a “threat multiplier” and energy efficiency as a “force multiplier.” Energy efficiency and on-site renewable energy generation, among others, have the potential to unleash the military from the “tether of fuel.”

Just in case such intrinsic motivation may prove insufficient, a suite of congressional and presidential mandates both require and enable the military to bolster its sustainability efforts. Of particular interest to Light’s analysis are military-specific statutory authorities that allow the Department of Defense to serve as financier, testbed, and customer of innovative energy technologies. The article notes the Pentagon’s long-term contracting authority for energy procurement for up to 30-year terms, enhanced-use leases with in-kind remuneration such as power from a privately owned and operated solar facility on military land, and energy-savings performance contracts.

Viewed through the lens of technology innovation, the military’s recent interest in sustainable energy builds on the military-industrial complex’s track record as a catalyst for novel technologies that have since become fixtures of civilian life, including GPS navigation, transistors, semiconductors, and the internet. Once more,

Light tells us, the Department of Defense is stepping in to provide critical funding and technological validation, and to create markets bridging the notorious valley of death between successful demonstration and first commercialization of new technology, this time for the benefit of solar panels, battery storage, and other emerging energy technologies. These striking parallels raise the question of what exactly it is that distinguishes Light's military-environmental complex from the traditional military-industrial complex. Is it the (ancillary) environmental benefits that energy-optimizing technologies deliver in addition to enhancing the military's mission objectives? And what is the relationship between the two complexes?

If there's a critique of Light's insightful piece it is that she remains somewhat vague on this pivotal point. Her closing recommendations suggest a vision for the military-environmental complex that battles as much against the undue influence and pork barrel politics marring the military-industrial complex as it combats climate change and other environmental problems. In the process, the article lays out the framework for a more equitable, more efficient, and more environmentally oriented version of the traditional military-industrial complex. One can see why Light chose to hone in on the environmental or, rather, energy aspects of the military complex. A broader framing, however, could help ensure that her thoughtful recommendations regarding the political process, innovative procurement authorities, and agency coordination, among others, will be considered beyond the environmental aspects of the military-industrial complex. Light's proposed research agenda to further investigate the impact of military R&D funding and procurement on the development and diffusion of emerging clean energy technologies gives cause for hope that her follow-up work will more closely engage with and seek to answer these critical questions. I, for one, look forward to learning what she finds.

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