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Overflights irk Dow Chemical

Bay City, Mich.

The Dow Chemical Company has charged that the Environmental Protection Agency illegally conducted "remote searches" of Dow's Midland, Mich., manufacturing facility through the use of US Air Force and Marine Corps planes.

Dow, in a complaint filed in the US District Court in Bay City, Mich., asked for permanent injunctive relief and compensatory and punitive damages against the agency. The company says that extremely high resolution photos taken by the military craft revealed Dow technology and trade secrets which could become available to Dow's competitors through the Freedom of Information Act.

Dow claims that the government flyovers are an infringement of its Fourth and Fifth Amendment rights. The company charges that at least 50 or 60 flights have been made over its facilities. Furthermore, the company alleges the EPA "has been and is engaged in a continuing program of search activities against US industry using highly sophisticated methods such as aerial photography, thermal infrared scanning, multispectral scanning and light intensive direction and ranging." Dow says the information is also made available to the CIA, Defense Intelligence Agency, National Security Agency, and the Department of Defense. Dow says it has been unable to confirm this finding because of the government's claim of "national security."