

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Legal Compilation

Statutes and Legislative History

Executive Orders

Regulations

Guidelines and Reports



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JANUARY 1973

WILLIAM D. RUCKELSHAUS
Administrator

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U.S. Environmental Protection Agency

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FOREWORD

It has been said that America is like a gigantic boiler in that once the fire is lighted, there are no limits to the power it can generate. Environmentally, the fire has been lit.

With a mandate from the President and an aroused public concern over the environment, we are experiencing a new American Revolution, a revolution in our way of life. The era which began with the industrial revolution is over and things will never be quite the same again. We are moving slowly, perhaps even grudgingly at times, but inexorably into an age when social, spiritual and aesthetic values will be prized more than production and consumption. We have reached a point where we must balance civilization and nature through our technology.

The U.S. Environmental Protection Agency, formed by Reorganization Plan No. 3 of 1970, was a major commitment to this new ethic. It exists and acts in the public's name to ensure that due regard is given to the environmental consequences of actions by public and private institutions.

In a large measure, this is a regulatory role, one that encompasses basic, applied, and effects research; setting and enforcing standards; monitoring; and making delicate risk-benefit decisions aimed at creating the kind of world the public desires.

The Agency was not created to harass industry or to act as a shield behind which man could wreak havoc on nature. The greatest disservice the Environmental Protection Agency could do to American industry is to be a poor regulator. The environment would suffer, public trust would diminish, and instead of free enterprise, environmental anarchy would result.

It was once sufficient that the regulatory process produce wise and well-founded courses of action. The public, largely indifferent to regulatory activities, accepted agency actions as being for the "public convenience and necessity." Credibility gaps and cynicism make it essential not only that today's decisions be wise and well-founded but that the public know this to be true. Certitude, not faith, is *de rigueur*.

In order to participate intelligently in regulatory proceedings, the citizen should have access to the information available to the

agency. EPA's policy is to make the fullest possible disclosure of information, without unjustifiable expense or delay, to any interested party. With this in mind, the EPA Compilation of Legal Authority was produced not only for internal operations of EPA, but as a service to the public, as we strive together to lead the way, through the law, to preserving the earth as a place both habitable by and hospitable to man.

WILLIAM D. RUCKELSHAUS
Administrator
U.S. Environmental Protection Agency

PREFACE

Reorganization Plan No. 3 of 1970 transferred 15 governmental units with their functions and legal authority to create the U.S. Environmental Protection Agency. Since only the major laws were cited in the Plan, the Administrator, William D. Ruckelshaus, requested that a compilation of EPA legal authority be researched and published.

The publication has the primary function of providing a working document for the Agency itself. Secondly, it will serve as a research tool for the public.

A permanent office in the Office of Legislation has been established to keep the publication updated by supplements.

It is the hope of EPA that this set will assist in the awesome task of developing a better environment.

LANE WARD GENTRY, J.D.
Assistant Director for Field Operations
Office of Legislation
U.S. Environmental Protection Agency

ACKNOWLEDGMENT

The idea of producing a compilation of the legal authority of EPA was conceived and commissioned by William D. Ruckelshaus, Administrator of EPA. The production of this compilation involved the cooperation and effort of numerous sources, both within and outside the Agency. The departmental libraries at Justice and Interior were used extensively; therefore we express our appreciation to Marvin P. Hogan, Librarian, Department of Justice; Arley E. Long, Land & Natural Resources Division Librarian, Department of Justice; Frederic E. Murray, Assistant Director, Library Services, Department of the Interior.

For exceptional assistance and cooperation, my gratitude to: Gary Baise, formerly Assistant to the Administrator, currently Director, Office of Legislation, who first began with me on this project; A. James Barnes, Assistant to the Administrator; K. Kirke Harper, Jr., Special Assistant for Executive Communications; John Dezzutti, Administrative Assistant, Office of Executive Communications; Roland O. Sorensen, Chief, Printing Management Branch, and Jacqueline Gouge and Thomas Green, Printing Management Staff; Ruth Simpkins, Janis Collier, Wm. Lee Rawls, Peter J. McKenna, James G. Chandler, Jeffrey D. Light, Randy Mott, Thomas H. Rawls, John D. Whittaker, John M. Himmelberg, and Richard A. Yarmey, a beautiful staff who gave unlimited effort; and to many others behind the scenes who rendered varied assistance.

LANE WARD GENTRY, J.D.
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INSTRUCTIONS

The goal of this text is to create a useful compilation of the legal authority under which the U.S. Environmental Protection Agency operates. These documents are for the general use of personnel of the EPA in assisting them in attaining the purposes set out by the President in creating the Agency. This work is not intended and should not be used for legal citations or any use other than as reference of a general nature. The author disclaims all responsibility for liabilities growing out of the use of these materials contrary to their intended purpose. Moreover, it should be noted that portions of the Congressional Record from the 92nd Congress were extracted from the "unofficial" daily version and are subject to subsequent modification.

EPA Legal Compilation consists of the Statutes with their legislative history, Executive Orders, Regulations, Guidelines and Reports. To facilitate the usefulness of this composite, the Legal Compilation is divided into the eight following chapters:

- | | |
|----------------|------------------|
| A. General | E. Pesticides |
| B. Air | F. Radiation |
| C. Water | G. Noise |
| D. Solid Waste | H. International |

GENERAL

The chapter labeled "General" and color coded red contains the legal authority of the Agency that applies to more than one area of pollution, such as the Reorganization Plan No. 3 of 1970, E.O. 11514, Protection and Enhancement of Environmental Quality, Regulation on Certification of Facilities, Interim Guidelines by CEQ, and Selected Reports. Acts that appear in General are found in full text with their legislative history. When the same Act appears under a particular area of pollution, a cross reference is made back to General for the text.

SUBCHAPTERS

Statutes and Legislative History

For convenience, the Statutes are listed throughout the Compilation by a one-point system, i.e., 1.1, 1.2, 1.3, etc., and Legislative

History begins wherever a letter follows the one-point system. Thusly, any 1.1a, 1.1b, 1.2a, etc., denotes the public laws comprising the 1.1, 1.2 statute. Each public law is followed by its legislative history. The legislative history in each case consists of the House Report, Senate Report, Conference Report (where applicable), the Congressional Record beginning with the time the bill was reported from committee.

Example:

1.4 Amortization of Pollution Control Facilities, as amended, 26 U.S.C. §169 (1969).

1.4a Amortization of Pollution Control Facilities, December 30, 1969, P.L. 91-172, §704, 83 Stat. 667.

- (1) House Committee on Ways and Means, H.R. REP. No. 91-413 (Part I), 91st Cong., 1st Sess. (1969).
- (2) House Committee on Ways and Means, H.R. REP. No. 91-413 (Part II), 91st Cong., 1st Sess. (1969).
- (3) Senate Committee on Finance, S. REP. No. 91-552, 91st Cong., 1st Sess. (1969).
- (4) Committee of Conference, H.R. REP. No. 91-782, 91st Cong., 1st Sess. (1969).
- (5) Congressional Record, Vol. 115 (1969):
 - (a) Aug. 7: Debated and passed House, pp. 22746, 22774-22775;
 - (b) Nov. 24, Dec. 5, 8, 9: Debated and passed Senate, pp. 35486, 38321-37322, 37631-37633, 37884-37888;
 - (c) Dec. 22: Senate agrees to conference report, p. 40718;*
 - (d) Dec. 22: House debates and agrees to conference report, pp. 40820, 40900.

This example not only demonstrates the pattern followed for legislative history, but indicates the procedure where only one section of a P.L. appears. You will note that the Congressional Record cited pages are only those pages dealing with the discussion and/or action taken pertinent to the section of law applicable to EPA. In the event there is no discussion of the pertinent section, only action or passage, then the asterisk (*) is used to so indicate, and no text is reprinted in the Compilation. In regard to the

situation where only one section of a public law is applicable, then only the parts of the report dealing with same are printed in the Compilation.

Secondary Statutes

Many statutes make reference to other laws and rather than have this manual serve only for major statutes, these secondary statutes have been included where practical. These secondary statutes are indicated in the table of contents to each chapter by a bracketed cite to the particular section of the major Act which made the reference.

Citations

The United States Code, being the official citation, is used throughout the Statute section of the compilation. In four Statutes, a parallel table to the Statutes at Large is provided for your convenience.

TABLE OF STATUTORY SOURCE

Statutes	Source
1.1 Reorganization Plan No. 3 of 1970, 35 Fed. Reg. 15263.	EPA's originating act.
1.2 The National Environmental Policy Act of 1969, 42 U.S.C. §§4332(2)(c), 4344(5).	In §4332(2)(c) a mandate was made to all Federal agencies as to environmental impact statements. EPA functioning as appropriate agency, and §4344 cited in Reorganization Plan No. 3 of 1970 as a direct transfer to EPA.
1.3 Environmental Quality Improvement Act of 1970, 42 U.S.C. §4371 <i>et seq.</i> (1970).	CEQ's originating act.
1.4 Amortization of Pollution Control Facilities, as amended, 26 U.S.C. §169(d). (1969).	Direct reference in sections cited to Clean Air Act, Fed. Water Pollution Control Act which were transferred to EPA by Reorg. Plan No. 3 of 1970. Also the certifying authority was transferred to EPA through the Reorg. Plan No. 3 of 1970.
1.5 Department of Transportation Act, as amended, 49 U.S.C. §1653(f) (1968).	Reorg. Plan No. 3 of 1970 transferred Clean Air Act and the functions of the Secty of Interior pertaining to same to EPA and its Administrator. The Clean Air Act at §1857f—10(b) references 1.5 and requires consultation from the Administrator.

	Statutes	Source
1.6	Federal Aid Highway Act, as amended, 23 U.S.C. §109(h), (i), (j) (1970).	Direct reference made to EPA in sections cited.
1.7	Airport and Airway Development Act, 49 U.S.C. §§1712(f), 1716(c)(4), (e) (1970).	Direct references made to appropriate agency for air, water and noise pollution which is EPA under Reorg. Plan No. 3 of 1970.
1.8	Disaster Relief Act of 1970, 42 U.S.C. §4401 <i>et seq.</i> (1970).	The Water Quality Administration was transferred to EPA by Reorg. Plan No. 3 of 1970 and together with E.O. 11490, §§703(3), 11102(1), 11103(2) EPA assumes responsibility.
1.9	Interest on Certain Government Obligations, as amended, 26 U.S.C. §103 (1969).	§103(c)(4)(E) & (F) of the Act provides tax relief on industrial development bonds for sewage or solid waste disposal facilities and air or water pollution control facilities.
1.10	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §4601 <i>et seq.</i> (1970).	Act requires Federal and federally assisted projects and programs to deal uniformly and equitably with persons whose property was taken. EPA promulgated regulation at 40 C.F.R. §§4.1—4.263.
1.11	Departmental Regulations, as revised, 5 U.S.C. §301 (1966).	Bases of EPA regulation 40 C.F.R. §§3.735—101 —3.735—107.
1.12	Public Health Service Act, as amended, 42 U.S.C. §§203, 215, 242, 242b, c, d, f, i, j, 243, 244, 244a, 245, 246, 247, 264 (1970).	Referred to in Clean Air Act., basis for authority in Water, Pesticides, and Radiation functions transferred in Reorg. Plan No. 3 of 1970.
1.13	Davis-Bacon Act, as amended, 40 U.S.C. §276a—276a-5 (1964).	Referenced from Clean Air Act, Fed. Water Pollution Control Act, Solid Waste Disposal Act—all of which were transferred to EPA in Reorg. Plan No. 3 of 1970.
1.14	Public Contracts, Advertisements for Proposals for Purchases and Contracts for Supplies or Services for Government Departments; Application to Government Sales and Contracts to sell and to Government Corporations, as amended, 41 U.S.C. §5 (1958).	Referred to in Clean Air Act, Federal Water Pollution Control Act, and Public Health Service Act—all of which transferred to EPA in Reorg. Plan No. 3 of 1970.
1.15	Per Diem, Travel and Transportation Expenses; Experts and Consultants; Individuals Serving Without Pay, as amended, 5 U.S.C. §5703 (1969).	Referred to in Clean Air Act, Federal Water Pollution Control Act—all of which were transferred to EPA in Reorg. Plan No. 3 of 1970.

Statutes	Source
1.16 Disclosure of Confidential Information Generally, as amended, 18 U.S.C. §1905.	Referred to in Clean Air Act, and FWPCA which were transferred to EPA both being transferred by the Reorg. Plan No. 3 of 1970.
1.17 Appropriation Bills	Beginning with the Agricultural-Environmental and Consumer Protection Appropriation Act of 1971 each appropriation bill for EPA will appear.

EXECUTIVE ORDERS

The Executive Orders are listed by a two-point system (2.1, 2.2, etc.). Executive Orders found in General are ones applying to more than one area of the pollution chapters.

REGULATIONS

The Regulations are noted by a three-point system (3.1, 3.2, etc.). Included in the Regulations are those not only promulgated by the Environmental Protection Agency, but those under which the Agency has direct contact.

GUIDELINES AND REPORTS

This subchapter is noted by a four-point system (4.1, 4.2, etc.). In this subchapter is found the statutorily required reports of EPA, published guidelines of EPA, selected reports other than EPA's and inter-departmental agreements of note.

UPDATING

Periodically, a supplement will be sent to the interagency distribution and made available through the U.S. Government Printing Office in order to provide an accurate working set of EPA Legal Compilation.

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History**

1.1 REORGANIZATION PLAN NO. 3 OF 1970

5 U.S.C. Reorg. Plan of 1970 No. 3, Appendix (1970)

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code

ENVIRONMENTAL PROTECTION AGENCY

Section 1. Establishment of Agency. (a) There is hereby established the Environmental Protection Agency, hereinafter referred to as the "Agency."

(b) There shall be at the head of the Agency the Administrator of the Environmental Protection Agency, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

(c) There shall be in the Agency a Deputy Administrator of the Environmental Protection Agency who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) There shall be in the Agency not to exceed five Assistant Administrators of the Environmental Protection Agency who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Assistant Administrator shall perform such functions as the Administrator shall from time to time assign or delegate.

Sec. 2. Transfers to Environmental Protection Agency. (a) There are hereby transferred to the Administrator:

(1) All functions vested by law in the Secretary of the Interior and the Department of the Interior which are administered through the Federal Water Quality Administration, all functions which were transferred to the Secretary of the Interior by Reorganization Plan No. 2 of 1966 (80 Stat. 1608), and all functions vested in the Secretary of the Interior or the Department of the

Interior by the Federal Water Pollution Control Act or by provisions of law amendatory or supplementary thereof.

(2) (i) The functions vested in the Secretary of the Interior by the Act of August 1, 1958, 72 Stat. 479, 16 U.S.C. 742d-1 (being an Act relating to studies on the effects of insecticides, herbicides, fungicides, and pesticides upon the fish and wildlife resources of the United States), and (ii) the functions vested by law in the Secretary of the Interior and the Department of the Interior which are administered by the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries at Gulf Breeze, Florida.

(3) The functions vested by law in the Secretary of Health, Education, and Welfare or in the Department of Health, Education, and Welfare which are administered through the Environmental Health Service, including the functions exercised by the following components thereof:

- (i) The National Air Pollution Control Administration,
- (ii) The Environmental Control Administration:
 - (A) Bureau of Solid Waste Management,
 - (B) Bureau of Water Hygiene,
 - (C) Bureau of Radiological Health,

except that functions carried out by the following components of the Environmental Control Administration of the Environmental Health Service are not transferred: (i) Bureau of Community Environmental Management, (ii) Bureau of Occupational Safety and Health, and (iii) Bureau of Radiological Health, insofar as the functions carried out by the latter Bureau pertain to (A) regulation of radiation from consumer products, including electronic product radiation, (B) radiation as used in the healing arts, (C) occupational exposures to radiation, and (D) research, technical assistance, and training related to clauses (A), (B), and (C).

(4) The functions vested in the Secretary of Health, Education, and Welfare of establishing tolerances for pesticide chemicals under the Federal Food, Drug, and Cosmetic Act, as amended, 21 U.S.C. 346, 346a, and 348, together with authority, in connection with the functions transferred, (i) to monitor compliance with the tolerances and the effectiveness of surveillance and enforcement, and (ii) to provide technical assistance to the States and conduct research under the Federal Food, Drug, and Cosmetic Act, as amended, and the Public Health Service Act, as amended.

(5) So much of the functions of the Council on Environmental Quality under section 204(5) of the National Environmental Policy Act of 1969 (Public Law 91-190, approved January 1, 1970, 83 Stat. 855), as pertains to ecological systems.

(6) The functions of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, administered through its Division of Radiation Protection Standards, to the extent that such functions of the Commission consist of establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, standards mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(7) All functions of the Federal Radiation Council (42 U.S.C. 2021(h)).

(8) (i) The functions of the Secretary of Agriculture and the Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135–135k), (ii) the functions of the Secretary of Agriculture and the Department of Agriculture under section 408(l) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a(l)), and (iii) the functions vested by law in the Secretary of Agriculture and the Department of Agriculture which are administered through the Environmental Quality Branch of the Plant Protection Division of the Agricultural Research Service.

(9) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Administrator of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Administrator made by this section shall be deemed to include the transfer of (1) authority, provided by law, to prescribe regulations relating primarily to the transferred functions, and (2) the functions vested in the Secretary of the Interior and the Secretary of Health, Education, and Welfare by section 169(d) (1) (B) and (3) of the Internal Revenue Code of 1954 (as enacted by section 704 of the Tax Reform Act of 1969, 83 Stat. 668); but shall be deemed to exclude the transfer of the functions of the Bureau of Reclamation under section 3(b) (1) of the Water Pollution Control Act (33 U.S.C. 466a(b) (1)).

(b) There are hereby transferred to the Agency:

(1) From the Department of the Interior, (i) the Water Pollution Control Advisory Board (33 U.S.C. 466f), together with its functions, and (ii) the hearing boards provided for in sections 10(c) (4) and 10(f) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g(c) (4); 466g(f)). The functions of the Secretary of the Interior with respect to being or designating

the Chairman of the Water Pollution Control Advisory Board are hereby transferred to the Administrator.

(2) From the Department of Health, Education, and Welfare, the Air Quality Advisory Board (42 U.S.C. 1857e), together with its functions. The functions of the Secretary of Health, Education, and Welfare with respect to being a member and the Chairman of that Board are hereby transferred to the Administrator.

Sec. 3. Performance of Transferred functions. The Administrator may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this reorganization plan by any other officer, or by any organizational entity or employee, of the Agency.

Sec. 4. Incidental transfers. (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Administrator or the Agency by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Agency at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Sec. 5. Interim officers. (a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator, authorize any such person to act as Assistant Administrator, and authorize any such person to act as the head of any principal constituent organizational entity of the Administration.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

Sec. 6. Abolitions. (a) Subject to the provisions of this reorgani-

zation plan, the following, exclusive of any function, are hereby abolished:

(1) The Federal Water Quality Administration in the Department of the Interior (33 U.S.C. 466-1).

(2) The Federal Radiation Council (73 Stat. 690; 42 U.S.C. 2021(h)).

(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of the Interior in the case of the Federal Water Quality Administration and by the Administrator of General Services in the case of the Federal Radiation Council.

Sec. 7. Effective date. The provisions of this reorganization plan shall take effect sixty days after the date they would take effect under 5 U.S.C. 906(a) in the absence of this section.

**1.1a MESSAGE OF THE PRESIDENT RELATIVE TO RE-
ORGANIZATION PLAN NO. 3**

July 9, 1970, Weekly Compilation of Presidential Documents, Vol. 6, No. 28,
p. 908 (July 13, 1970)

**MESSAGE OF THE PRESIDENT RELATIVE TO REORGANIZATION
PLANS NO. 3 OF 1970, JULY 9, 1970**

To the Congress of the United States:

As concern with the condition of our physical environment has intensified, it has become increasingly clear that we need to know more about the total environment—land, water and air. It also has become increasingly clear that only by reorganizing our Federal efforts can we develop that knowledge, and effectively ensure the protection, development and enhancement of the total environment itself.

The Government's environmentally-related activities have grown up piecemeal over the years. The time has come to organize them rationally and systematically. As a major step in this direction, I am transmitting today two reorganization plans: one to establish an Environmental Protection Agency, and one to establish, within the Department of Commerce, a National Oceanic and Atmospheric Administration.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Our national government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action.

Despite its complexity, for pollution control purposes the environment must be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness.

Many agency missions, for example, are designed primarily along media lines—air, water, and land. Yet the sources of air, water, and land pollution are interrelated and often interchangeable.

ble. A single source may pollute the air with smoke and chemicals, the land with solid wastes, and a river or lake with chemical and other wastes. Control of the air pollution may produce more solid wastes, which then pollute the land or water. Control of the water-polluting effluent may convert it into solid wastes, which must be disposed of on land.

Similarly, some pollutants—chemicals, radiation, pesticides—appear in all media. Successful control of them at present requires the coordinated efforts of a variety of separate agencies and departments. The results are not always successful.

A far more effective approach to pollution control would:

- Identify pollutants.
- Trace them through the entire ecological chain, observing and recording changes in form as they occur.
- Determine the total exposure of man and his environment.
- Examine interactions among forms of pollution.
- Identify where in the ecological chain interdiction would be most appropriate.

In organizational terms, this requires pulling together into one agency a variety of research, monitoring, standard-setting and enforcement activities now scattered through several departments and agencies. It also requires that the new agency include sufficient support elements—in research and in aids to State and local anti-pollution programs, for example—to give it the needed strength and potential for carrying out its mission. The new agency would also, of course, draw upon the results of research conducted by other agencies.

Components of the EPA

Under the terms of Reorganization Plan No. 3, the following would be moved to the new Environmental Protection Agency:

- The functions carried out by the Federal Water Quality Administration (from the Department of the Interior).
- Functions with respect to pesticides studies now vested in the Department of the Interior.
- The functions carried out by the National Air Pollution Control Administration (from the Department of Health, Education, and Welfare).
- The functions carried out by the Bureau of Solid Waste Management and the Bureau of Water Hygiene, and portions of the functions carried out by the Bureau of Radiological Health of the Environmental Control Administration (from the Department of Health, Education and Welfare).

- Certain functions with respect to pesticides carried out by the Food and Drug Administration (from the Department of Health, Education and Welfare).
- Authority to perform studies relating to ecological systems now vested in the Council on Environmental Quality.
- Certain functions respecting radiation criteria and standards now vested in the Atomic Energy Commission and the Federal Radiation Council.
- Functions respecting pesticides registration and related activities now carried out by the Agricultural Research Service (from the Department of Agriculture).

With its broad mandate, EPA would also develop competence in areas of environmental protection that have not previously been given enough attention, such, for example, as the problem of noise, and it would provide an organization to which new programs in these areas could be added.

In brief, these are the principal functions to be transferred:

Federal Water Quality Administration.—Charged with the control of pollutants which impair water quality, it is broadly concerned with the impact of degraded water quality. It performs a wide variety of functions, including research, standard-setting and enforcement, and provides construction grants and technical assistance.

Certain pesticides research authority from the Department of the Interior.—Authority for research on the effects of pesticides on fish and wildlife would be provided to the EPA through transfer of the specialized research authority of the pesticides act enacted in 1958. Interior would retain its responsibility to do research on all factors affecting fish and wildlife. Under this provision, only one laboratory would be transferred to the EPA—the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries. The EPA would work closely with the fish and wildlife laboratories remaining with the Bureau of Sport Fisheries and Wildlife.

National Air Pollution Control Administration.—As the principal Federal agency concerned with air pollution, it conducts research on the effects of air pollution, operates a monitoring network, and promulgates criteria which serve as the basis for setting air quality standards. Its regulatory functions are similar to those of the Federal Water Quality Administration. NAPCA is responsible for administering the Clean Air Act, which involves designating air quality regions, approving State standards, and

providing financial and technical assistance to State Control agencies to enable them to comply with the Act's provisions. It also sets and enforces Federal automotive emission standards.

Elements of the Environmental Control Administration.—ECA is the focal point within HEW for evaluation and control of a broad range of environmental health problems, including water quality, solid wastes, and radiation. Programs in the ECA involve research, development of criteria and standards, and the administration of planning and demonstration grants. From the ECA, the activities of the Bureaus of Water Hygiene and Solid Waste Management and portions of the activities of the Bureau of Radiological Health would be transferred. Other functions of the ECA including those related to the regulation of radiation from consumer products and occupational safety and health would remain in HEW.

Pesticides research and standard-setting programs of the Food and Drug Administration.—FDA's pesticides program consists of setting and enforcing standards which limit pesticide residues in food. EPA would have the authority to set pesticide standards and to monitor compliance with them, as well as to conduct related research. However, as an integral part of its food protection activities, FDA would retain its authority to remove from the market food with excess pesticide residues.

General ecological research from the Council on Environmental Quality.—This authority to perform studies and research relating to ecological systems would be in addition to EPA's other specific research authorities, and it would help EPA to measure the impact of pollutants. The Council on Environmental Quality would retain its authority to conduct studies and research relating to environmental quality.

Environmental radiation standards programs.—The Atomic Energy Commission is now responsible for establishing environmental radiation standards and emission limits for radioactivity. Those standards have been based largely on broad guidelines recommended by the Federal Radiation Council. The Atomic Energy Commission's authority to set standards for the protection of the general environment from radioactive material would be transferred to the Environmental Protection Agency. The functions of the Federal Radiation Council would also be transferred. AEC would retain responsibility for the implementation and enforcement of radiation standards through its licensing authority.

Pesticides registration program of the Agricultural Research Service.—The Department of Agriculture is currently responsible for several distinct functions related to pesticides use. It conducts research on the efficacy of various pesticides as related to other pest control methods and on the effects of pesticides on non-target plants, livestock, and poultry. It registers pesticides, monitors their persistence and carries out an educational program on pesticide use through the extension service. It conducts extensive pest control programs which utilize pesticides.

By transferring the Department of Agriculture's pesticides registration and monitoring function to the EPA and merging it with the pesticides programs being transferred from HEW and Interior, the new agency would be given a broad capability for control over the introduction of pesticides into the environment.

The Department of Agriculture would continue to conduct research on the effectiveness of pesticides. The Department would furnish this information to the EPA, which would have the responsibility for actually licensing pesticides for use after considering environmental and health effects. Thus the new agency would be able to make use of the expertise of the Department.

Advantages of Reorganization

This reorganization would permit response to environmental problems in a manner beyond the previous capability of our pollution control programs. The EPA would have the capacity to do research on important pollutants irrespective of the media in which they appear, and on the impact of these pollutants on the total environment. Both by itself and together with other agencies, the EPA would monitor the condition of the environment—biological as well as physical. With these data, the EPA would be able to establish quantitative "environmental baselines"—critical if we are to measure adequately the success or failure of our pollution abatement efforts.

As no disjointed array of separate programs can, the EPA would be able—in concert with the States—to set and enforce standards for air and water quality and for individual pollutants. This consolidation of pollution control authorities would help assure that we do not create new environmental problems in the process of controlling existing ones. Industries seeking to minimize the adverse impact of their activities on the environment would be assured of consistent standards covering the full range of their waste disposal problems. As the States develop and ex-

pand their own pollution control programs, they would be able to look to one agency to support their efforts with financial and technical assistance and training.

In proposing that the Environmental Protection Agency be set up as a separate new agency, I am making an exception to one of my own principles: that, as a matter of effective and orderly administration, additional new independent agencies normally should not be created. In this case, however, the arguments against placing environmental protection activities under the jurisdiction of one or another of the existing departments and agencies are compelling.

In the first place, almost every part of government is concerned with the environment in some way, and affects it in some way. Yet each department also has its own primary mission—such as resource development, transportation, health, defense, urban growth or agriculture—which necessarily affects its own view of environmental questions.

In the second place, if the critical standard-setting functions were centralized within any one existing department, it would require that department constantly to make decisions affecting other departments—in which, whether fairly or unfairly, its own objectivity as an impartial arbiter could be called into question.

Because environmental protection cuts across so many jurisdictions, and because arresting environmental deterioration is of great importance to the quality of life in our country and the world, I believe that in this case a strong, independent agency is needed. That agency would, of course, work closely with and draw upon the expertise and assistance of other agencies having experience in the environmental area.

Roles and Functions of EPA

The principal roles and functions of the EPA would include:

- The establishment and enforcement of environmental protection standards consistent with national environmental goals.
- The conduct of research on the adverse effects of pollution and on methods and equipment for controlling it, the gathering of information on pollution, and the use of this information in strengthening environmental protection programs and recommending policy changes.
- Assisting others, through grants, technical assistance and other means in arresting pollution of the environment.

—Assisting the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

One natural question concerns the relationship between the EPA and the Council on Environmental Quality, recently established by Act of Congress.

It is my intention and expectation that the two will work in close harmony, reinforcing each other's mission. Essentially, the Council is a top-level advisory group (which might be compared with the Council of Economic Advisers), while the EPA would be an operating, "line" organization. The Council will continue to be a part of the Executive Office of the President and will perform its overall coordinating and advisory roles with respect to all Federal programs related to environmental quality.

The Council, then, is concerned with all aspects of environmental quality—wildlife preservation, parklands, land use, and population growth, as well as pollution. The EPA would be charged with protecting the environment by abating pollution. In short, the Council focuses on what our broad policies in the environmental field should be; the EPA would focus on setting and enforcing pollution control standards. The two are not competing, but complementary—and taken together, they should give us, for the first time, the means to mount an effectively coordinated campaign against environmental degradation in all of its many forms.

AN ON-GOING PROCESS

The reorganizations which I am here proposing afford both the Congress and the Executive Branch an opportunity to re-evaluate the adequacy of existing program authorities involved in these consolidations. As these two new organizations come into being, we may well find that supplementary legislation to perfect their authorities will be necessary. I look forward to working with the Congress in this task.

In formulating these reorganization plans, I have been greatly aided by the work of the President's Advisory Council on Executive Organization (the Ash Council), the Commission on Marine Science, Engineering and Resources (the Stratton Commission, appointed by President Johnson), my special task force on oceanography headed by Dr. James Wakelin, and by the information developed during both House and Senate hearings on proposed NOAA legislation.

Many of those who have advised me have proposed additional

reorganizations, and it may well be that in the future I shall recommend further changes. For the present, however, I think the two reorganizations transmitted today represent a sound and significant beginning. I also think that in practical terms, in this sensitive and rapidly developing area, it is better to proceed a step at a time—and thus to be sure that we are not caught up in a form of organizational indigestion from trying to rearrange too much at once. As we see how these changes work out, we will gain a better understanding of what further changes—in addition to these—might be desirable.

Ultimately, our objective should be to insure that the nation's environmental and resource protection activities are so organized as to maximize both the effective coordination of all and the effective functioning of each.

The Congress, the Administration and the public all share a profound commitment to the rescue of our natural environment, and the preservation of the Earth as a place both habitable by and hospitable to man. With its acceptance of these reorganization plans, the Congress will help us fulfill that commitment.

RICHARD NIXON.

THE WHITE HOUSE.

**1.1b MESSAGE OF THE PRESIDENT TRANSMITTING RE-
ORGANIZATION PLAN NO. 3**

July 9, 1970, Weekly Compilation of Presidential Documents, Vol. 6, No. 28,
p. 917 (July 13, 1970)

**MESSAGE OF THE PRESIDENT TRANSMITTING REORGANIZATION
PLAN NO. 3 OF 1970, JULY 9, 1970**

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1970, prepared in accordance with chapter 9 of title 5 of the United States Code and providing for an Environmental Protection Agency. My reasons for transmitting this plan are stated in a more extended accompanying message.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 3 of 1970 is necessary to accomplish one or more of the purposes set forth in section 901 (a) of title 5 of the United States Code. In particular, the plan is responsive to section 901 (a) (1), "to promote the better execution of the laws, the more effective management of the execu-

tive branch and of its agencies and functions, and the expeditious administration of the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in the plan make necessary the appointment and compensation of new officers as specified in section 1 of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the executive branch who have similar responsibilities.

Section 907 of title 5 of the United States Code will operate to preserve administrative proceedings, including any public hearing proceedings, related to the transferred functions, which are pending immediately prior to the taking effect of the reorganization plan.

The reorganization plan should result in more efficient operation of the Government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action.

RICHARD NIXON.

THE WHITE HOUSE.

**1.1c HEARINGS ON REORGANIZATION PLAN NO. 3 OF
1970 BEFORE THE SUBCOMMITTEE ON EXECUTIVE RE-
ORGANIZATION AND GOVERNMENT RESEARCH OF
THE SENATE COMMITTEE ON GOVERNMENT OPERA-
TIONS, 91st CONG., 2d SESS. (1970)**

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

JULY 23, 1970.

Staff Memorandum No. 91-2-23

Subject: Reorganization Plan No. 3 of 1970—Environmental Protection Agency

Reorganization Plan No. 3 of 1970 was transmitted by the President to the Congress on July 9, 1970, and referred to the Subcommittee on Executive Reorganization on July 15, 1970. Unless it is disapproved by a majority vote of either House of the Congress, prior thereto, the last day for floor action on a resolution of disapproval will be September 7, 1970. A reorganization plan becomes effective on the 61st day following its transmittal to the Congress, unless the plan, as in the case of Reorganization Plan No. 3, provides for a later effective date. Under the provisions of section 7 of this plan, it will become effective on November 7, 1970.

Hearings on Plans 3 and 4 have been scheduled by the Executive Reorganization Subcommittee for July 28 and 29, 1970.

PURPOSE

Plan No. 3 of 1970 is part of an effort to organize rationally and systematically the activities of the Federal Government which relate to the environment, by centralizing in one new agency the responsibility for the major Federal pollution control programs, now located in three Cabinet departments, one independent agency and two interagency councils.

The plan would (1) establish as a new independent agency, the Environmental Protection Agency, headed by an Administrator and a Deputy Administrator who would be appointed by the President, subject to Senate confirmation, at Levels II (\$42,500) and III(\$40,000), respectively, of the Executive Schedule Pay Rates; (2) authorize the President to appoint, subject to Senate confirmation, no more than five Assistant Administrators at Level IV (\$38,000); (3) transfer to the Administrator the major statutory functions and responsibilities, relative to water and air pollution control from (a) the respective Secretaries and Departments of the Interior, Agriculture and of Health, Education and Welfare; (b) the Atomic Energy Commission and (c) the Federal Radiation Council; (4) transfer to the Agency from the Department of the Interior the Water Pollution Advisory Board, together with its functions, and certain hearing boards provided for in the Federal Water Pollution Control Act, and transfer to the Administrator the functions of the Secretary of the Interior with respect to being or designating the Chairman of the Water Pollution Control Advisory Board; (5) transfer to the Agency from the Department of HEW the Air Quality Advisory Board, together with its functions, and the functions of the Secretary of HEW with respect to being a member and Chairman of that Board; and (6) abolish, exclusive of any functions, the Federal Water Quality Administration in the Department of the Interior and the Federal Radiation Council.

THE PRESIDENT'S MESSAGE

In his message accompanying Reorganization Plan No. 3, the President stated that it had become increasingly clear that more knowledge was required concerning our environment—land, air and water—that the development of such knowledge and the effective protection and enhancement of our environment required a reorganization of Federal efforts, and that the Government's environmentally-related activities have grown up piecemeal over the years.

Addressing himself to the need for an Environmental Protection Agency, the President concluded that "our national government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food" and that "the present governmental structure for dealing with environmental pollution often defies effective and concerted action. Despite its complexity, for pollution control purposes the environment must be perceived as a single, inter-related system * * *" but "present assignments of departmental responsibilities do not reflect this interrelatedness."

Elaborating further, the President said:

"Many agency missions, for example, are designed primarily along media lines—air, water, and land. Yet the sources of air, water and land pollution are interrelated and often interchangeable. A single source may pollute the

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air with smoke and chemicals, the land with solid wastes, and a river or lake with chemical and other wastes. Control of the air pollution may produce more solid wastes, which then pollute the land or water. Control of the water-polluting effluent may convert it into solid wastes, which must be disposed of on land.

"Similarly, some pollutants—chemicals, radiation, and pesticides—appear in all media. Successful control of them at present requires the coordinated efforts of a variety of separate agencies and departments. The results are not always successful."

The President suggested that a far more effective approach to pollution control would be to (a) identify pollutants, (b) trace them through the entire ecological chain, observing and recording changes in form as they occur, (c) determine the total exposure of man and his environment, (d) determine interactions among forms of pollution, and (e) identify where in the ecological chain interdiction would be most appropriate.

Referring to the organizational structure required to achieve this approach, the President said:

"* * * this requires pulling together into one agency a variety of research, monitoring, standard-setting and enforcement activities now scattered through several departments and agencies. It also requires that the new agency include sufficient elements—in research and in aids to State and local anti-pollution programs. For example—to give it the needed strength and potential for carrying out its mission. The new agency would also, of course, draw upon the results of research conducted by other agencies."

Following a review of the components which comprise the Environmental Protection Agency, the President concluded that:

"With its broad mandate, EPA would also develop competence in areas of environmental protection that have not previously been given enough attention, such, for example, as the problem of noise and it would provide an organization to which new programs in these areas can be added."

MAJOR FUNCTIONS TO BE TRANSFERRED

The principal pollution control functions, agencies and components to be transferred to the Administrator, or the Environmental Protection Agency, and the agency now having responsibility for them, are summarized below:

1. From the Department of the Interior

(a) the functions carried on by the Federal Water Quality Administration, including control of pollutants which impair water quality, research, establishment and enforcement of standards, and construction grants and technical assistance;

(a) the functions relative to pesticides, which include research on the effects of pesticides upon fish and wildlife at the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries, which laboratory would be transferred to the new Agency. However, the Department of the Interior would retain its present responsibility for research on all factors affecting fish and wildlife;

(c) the Water Pollution Control Advisory Board, and its functions (advising, consulting with and making recommendations to the Secretary relative to water pollution control policy);

(d) the functions of the Secretary relative to being or designating the Chairman of the Board;

(e) the hearings boards provided for in the Federal Water Pollution Control Act to hear disputed cases involving the enforcement of water quality standards and to make recommendations to the Secretary with respect thereto; and

(f) the functions relative to certifying amortization of pollution control facilities under section 169 (d)(1) (B) and (3) of the Internal Revenue Code of 1954, as amended.

2. From the Department of Health, Education and Welfare

(a) the functions carried on by the National Air Pollution Control Administration, including research relative to air pollution, operating a monitoring network, promulgating criteria which serve as the basis for setting air quality standards, administering the Clean Air Act, which involves designating air quality regions, approving State standards and providing financial and technical assistance to State Control agencies to enable them to comply with the Act's provisions, and enforcing Federal automotive emission standards;

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(b) the functions carried out by the Bureau of Solid Waste Management and Water Hygiene, and some of the functions carried out by the Bureau of Radiological Health, all of which are now administered through the Environmental Health Service, including research, demonstrations and experiments and the establishment of criteria and standards relative to the reduction of solid wastes, improvement of water quality and safe limits of radiation exposure. Specifically exempted from the transfer are those functions of the Environmental Control Administration of the Environmental Health Service which are carried out by its Bureau of Community Environmental Management (general well being in the living environment of the community), the Bureau of Occupational Safety and Health (health and safety of the working population), and those functions of the Bureau of Radiological Health relating to the regulation of radiation from consumer products, its use in the healing arts or occupational exposures to radiation, all of which will remain in the Department of HEW;

(c) those functions of the Secretary of HEW, administered through the Food and Drug Administration under the Federal Food, Drug and Cosmetic Act, which relate to the establishment of tolerances for pesticide chemicals, together with authority to set standards which limit pesticide residues in food, monitor compliance, provide technical assistance to the States and conduct related research under the Food and Drug Act and the Public Health Service Act. However, the Food and Drug Administration would retain its authority to remove from the market food with excess pesticide residues;

(d) the functions relative to certifying amortization of pollution control facilities under section 169 (d)(1) (B) and (3) of the Internal Revenue Code of 1954, as amended;

(e) the Air Quality Advisory Board, and its functions (advising the Secretary relative to air pollution control); and

(f) the functions of the Secretary of HEW with respect to being a member and the Chairman of the Air Quality Board.

3. From the Department of Agriculture

(a) the functions of the Secretary and the Department under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (registering, licensing and monitoring pesticides);

(b) the functions of the Secretary and the Department under section 408 of the Federal Food, Drug and Cosmetic Act, as amended (certifying the safe use of certain pesticides); and

(c) the functions vested by applicable law in the Secretary and the Department which are administered through the Environmental Quality Branch of the Plant Protection Division of the Agricultural Research Service (conducting an educational program on pesticide use through the extension service and conducting pest control programs which utilize pesticides).

4. *From the Atomic Energy Commission and the Federal Radiation Council*

(a) the functions of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, administered through its Division of Radiation Protection Standards, which consist of the establishment of standards for the protection of the general environment from radioactive material (limits on radiation exposures or levels, or concentrations of radioactive material in the general environment outside of locations under control of persons possessing or using such materials). The Commission would retain its responsibility for the implementation and enforcement of radiation standards through its licensing authority; and

(b) all functions of the Federal Radiation Council (advising the President relative to radiation matters directly or indirectly affecting health, guidance to Federal agencies in the formulation of radiation standards and establishment and execution of programs in cooperation with the States).

5. *From the Council on Environmental Quality*

Those functions of the Council under section 204(5) of the National Environmental Policy Act of 1969 which require it to conduct studies, investigations and analyses relating to ecological systems. The council would retain its authority to conduct studies and research relative to environmental quality.

SUMMARY OF THE ROLE AND PRINCIPAL FUNCTIONS OF THE ENVIRONMENTAL PROTECTION AGENCY

According to the President's message, accompanying Plan 3, the principal functions of EPA would include (a) the establishment and enforcement of

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environmental protection standards consistent with national environmental goals; (b) the conduct of research on the adverse effects of pollution and on methods and equipment for controlling it; (c) the gathering of information on pollution and the use of this information in strengthening environmental protection programs and recommending policy changes; (d) assisting others, through grants, technical assistance and other means in arresting pollution of the environment; and (e) assisting the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment, with particular reference to abating pollution by the establishment and enforcement of pollution control standards.

BENEFITS EXPECTED TO BE DERIVED FROM PLAN NO. 3 OF 1970

The President, in his message accompanying Plan 3 of 1970, discussed the advantages of the proposed reorganization. They are summarized, as follows:

1. *It would permit response to environmental problems in a manner beyond the previous capability of our pollution control programs.* The EPA would

have the capacity to do research on important pollutants irrespective of the media in which they appear, and on the impact of these pollutants on the total environment. Both by itself and together with other agencies. The EPA would monitor the conditions of the environment—biological as well as physical—and the resulting data would enable it to establish quantitative environmental baselines” which are critical if we are to measure adequately the success or failure of our pollution abatement efforts.

2. *It would enable the establishment and enforcement of standards for air and water quality and for individual pollutants, in concert with the States, which cannot be accomplished with a disjointed array of separate programs.* The proposed consolidation of pollution control authorities would help assure that we do not create new environmental problems in the process of controlling existing ones. Industries seeking to minimize the adverse impact of their activities on the environment would be assured of consistent standards covering the full range of their waste disposal problems: and as the States develop and expand their own pollution control programs, they would also be able to look to one agency to support their efforts with financial and technical assistance and training.

3. *It would centralize in one independent agency the responsibility for environmental protection and pollution abatement and control.* Noting that the proposal for the establishment of a new agency was contrary to one of his principles—that as a matter of effective and orderly administration, new independent agencies should not be created, the President stated that the arguments against placing environmental protection activities under the jurisdiction of an existing department or agency were compelling.

First, almost every part of the government is concerned with the environment in some way. However, each department has its own primary mission, such as resource development, transportation, health, defense, urban growth or agriculture, and this mission necessarily affects its own view of environmental questions.

Second, if the critical standard-setting functions were centralized within any one existing department, it would require that department constantly to make decisions affecting other departments, in which its own objectivity as an impartial arbiter could be called into question. Because environmental protection cuts across so many jurisdictions, and because arresting environmental deterioration is of great importance to the quality of life in our country and the world, the President concluded that a strong, independent agency is needed which would work closely with and draw upon the expertise and assistance of other agencies having experience in the environmental area.

ADMINISTRATIVE AND BUDGETARY DATA

It is estimated that for fiscal year 1971, the Environmental Protection Agency will have approximately 5,791 authorized positions and an estimated budget of \$1.4 billion. According to information furnished by the Office of Management and Budget, these figures may be compared with 5,322 authorized positions and a budget of \$768,331,000 for these activities in fiscal year 1970; the additional sum of approximately \$631,000,000, for fiscal year 1971, represents congressional action increasing the amount of funds available for water quality grants.

The major portion of both funds and authorized positions do not represent new resources, but rather a transfer of existing resources, in terms of both

personnel and funds, from those departments and agencies which are now performing the functions which would be transferred to the new Agency.

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Thus, in terms of positions of the 5,791 requested for fiscal year 1971, 2,625 would be transferred from the Department of HEW; 2,998 from the Department of the Interior; 461 from the Department of Agriculture; 3 from the Atomic Energy Commission; and 4 from the Federal Radiation Council. In terms of funds, \$157,602,000 would be transferred from the Department of HEW; \$1,234,067,000 from the Department of the Interior; \$7,482,000 from the Department of Agriculture; \$75,000 from the Atomic Energy Commission; and \$144,000 from the Federal Radiation Council.

Based upon total 1970 fiscal year funding obligations of \$758,331,000 and 5,322 authorized positions, approximately 19.1 percent of the funding and 48.1 percent, of the authorized personnel are derived from the Department of HEW; 80.2 percent of the funding and 46.0 percent of the personnel from the Department of the Interior; and 0.6 percent of the funding and 6.0 percent of the personnel from the Department of Agriculture. (Percentage relationships of the Atomic Energy Commission and the Federal Radiation Council have not been included, since they constitute less than one tenth of one percent of the total).

ELI E. NOBELMAN,
Professional Staff Member,

Approved:

JAMES R. CALLOWAY,
Chief Counsel and Staff Director.

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STATEMENT OF HON. EDMUND S. MUSKIE, A U.S. SENATOR
FROM THE STATE OF MAINE

Senator MUSKIE. Mr. Chairman. I appreciate the opportunity to testify today in favor of the President's Reorganization Plan No. 3 creating the Environmental Protection Agency.

The President has proposed to do by reorganization what I had proposed to do by legislation. Last December I proposed the creation of an independent watchdog agency to protect the environment, and on April 6 of this year I introduced a bill, S. 3677, to create the environmental quality administration.

I might ask. Mr. Chairman, whether that might be included?

Senator RIBICOFF. Without objection, it will be included.

(See exhibit 4, p. 117.)

Senator MUSKIE. Removing environmental regulatory authority from promotional agencies was the goal of my proposal, and it is the primary importance of the President's reorganization plan. At the same time, concentrating environmental protection programs in one independent agency should give our environmental quality

efforts a measure of stability and coordination they have never known.

Few Federal programs and executive agencies have undergone the constant change in a relatively short period of time that has marked our environmental efforts. Few Federal "wars" are being fought with as much room for administrative improvement. Without a thorough reorganization—of the kind that the President and I have proposed—the pursuit of environmental quality will never achieve preeminence in the Federal Government.

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ENVIRONMENTAL PROTECTION

Even more important than the question of preeminence and organizational stability is the narrow focus of environmental protection without which no program will ever be successful. If the control of pollution is assigned to those responsible for the promotion of polluting activities at the same time, we compromise our goal of environmental protection. This is what happens now in the Department of the Interior, in the Department of Transportation, in the Atomic Energy Commission, and in several other agencies.

To meet these two criteria, organizational stability and autonomous environmental regulation, some have suggested the creation of a Department of Natural Resources or a Department of Conservation.

Whatever the merits of such a department to serve other purposes, such a move for these purposes would be a mistake for several important reasons.

First, it would ignore the fact that our environmental protection problem involves competition in the use of resources—a competition which exists in any department which must develop resources for public uses.

The agency which sets environmental quality standards must have only one goal—protection of this and future generations against changes in the natural environment which adversely affect the quality of life.

Second, we must recognize that environmental protection is not the same as conservation, although sound conservation practices should enhance the environment.

Finally, the traditional concerns of conservation activities have been too closely identified with the protection of natural resources separated from the population centers. Our primary concern must be man, where he lives and the interrelationship between the natural environment and his manmade environments.

TO AVOID ECOLOGICAL DISASTER

An independent agency, charged with responsibility for developing and implementing Federal environmental quality standards, supporting basic research on problems of environmental quality and providing technical and construction assistance to State, interstate, and local agencies would reflect the national commitment we need if we are to avoid ecological disaster.

The President's reorganization plan meets these criteria. It transfers to the new agency the research, standards-setting, and grantmaking authorities of the Federal Water Quality Administration and the National Air Pollution Control Administration. It includes in the new agency many of the other important environmental regulatory functions now scattered among the Atomic Energy Commission and other Federal agencies. At the same time, it excludes from the EPA any responsibilities for resource development or promotion. The single mission of the EPA will be the protection of the environment.

At the same time, there are several aspects of the President's plan which concern me. I hope that administration witnesses will discuss these questions in detail.

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QUESTIONS FOR ADMINISTRATION WITNESSES

First, there are important environmental protection programs that are not included in this reorganization.

Noise pollution control does not belong in the Department of Transportation. It should have been transferred to EPA in the plan.

The fragmentation of sewer construction grant programs confuses many communities and impedes effective coordination of water pollution control programs. Although the grant program administered by the Federal Water Quality Administration has been placed in this new agency, the programs of the Department of Housing and Urban Development and the Department of Agriculture have not. Further transfers might be appropriate in this area.

NAPCA and FWQA have been criticized for their failure to monitor air and water quality adequately. These capabilities presently exist in the U.S. Geological Survey and the Environmental Science Service Administration, and we should consider transferring them to the new agency.

The second focus of my concern with the reorganization plan is

the ability of the new agency to evaluate health matters quickly and to act on those evaluations. The National Institute for Environmental Health Services was not transferred to the new agency.

There needs to be assurance that the new agency will have the capacity to identify potential environmental health problems. Had earlier identification of the present mercury crisis might have the FWQA used the capacity of the Bureau of Water Hygiene, resulted. The committee should be assured that the EPA will have the environmental health personnel to set the adequate standards for radiation and pesticides which are needed immediately.

My final concern with the President's plan is reflected in the message that accompanied transmission of the plan to Congress. The message states that the EPA should result in more efficient operation of the Government. It goes on to say: "It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result in this action."

We should not expect expenditures for these already underfunded, undermanned programs to decrease.

MANPOWER SHORTAGE

The manpower shortage is especially serious at the National Air Pollution Control Administration. At the time of enactment of the Air Quality Act of 1967, the projected need of NAPCA manpower was for 1,900 in fiscal year 1970. Instead, they are staffed about half that strength. The current employment is 961. The budget request for only 117 additional positions for NAPCA in the next fiscal year is clearly not adequate.

To demonstrate the effects of this shortage, one need only look at the progress on the first vital procedural step under the Air Quality Act. Of the 57 air quality regions which should have been designated in 1969, only 28 were designated. The agency has only eight workers doing this essential work. A report prepared by NAPCA, but not released, shows that an additional 2,000 workers will be required by 1974 to implement the provisions of the act.

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A look at the funding history of NAPCA gives a good idea why there are manpower problems. In fiscal 1968, \$109 million was authorized, but only \$64 million was appropriated. In 1969, the authorization was \$185 million, but the appropriation was only \$89 million. And in fiscal 1970, \$179 million was authorized but only \$109 million appropriated.

The picture in water pollution control is not a great deal bright-

er. In fiscal years 1966 through 1969, the Federal Water Pollution Control Administration—now known as the Federal Water Quality Administration—remained from 1,000 to 600 positions below its authorized manpower, partly as a result of ceiling levels set by the Bureau of the Budget. The agency now is within about 125 of its authorized level, but that is because the authorization has been cut back from 2,800 to 2,400. A 1969 study by the General Accounting Office showed that as a result of manpower shortages, there was insufficient technical assistance to the States and in some cases a hindering of the research effort and insufficient supervision of construction grants. Some additional positions have been added to the construction grant program as a result of additional appropriations for that program for fiscal 1970, but much improvement still is needed. We should not be cutting back authorized manpower when we should be greatly strengthening our water pollution control efforts.

The committee should request from the administration accurate estimates of projected funding and manpower for the new agency over the next 3 years. The Congress should make clear its commitment to fund and staff the EPA. Without that commitment, EPA will be merely another example of unfilled promises.

I hope that the administration witnesses who appear in the next 2 days will respond to the questions that I have raised.

On balance, the President's plan is a good one. If it is augmented by the additional transfers I have suggested and if it is administered and funded properly, the EPA would mark an important commitment to environmental quality.

REORGANIZATION PLAN APPROVAL URGED

These are big "ifs," but they represent the opportunity EPA would create. We could translate our concern into effective action, our financial commitments into results and our determination into strong enforcement. EPA will give us this chance, and I urge the Congress to approve the reorganization plan.

Mr. Chairman, I would like to emphasize that I have gone into the final aspects of this problem and this program because I fear that this reorganization may be regarded as a sufficient commitment to the problem of environmental quality. The reorganization of our efforts is important, but I hope what we are doing is simply taking the first step, which must include additional transfer of programs and sufficient funding if we are truly to do this job. And it is on that basis, and on the assumption that Mr. Train, at least,

is committed to this kind of an objective that I look with favor upon this reorganization plan.

Senator RIBICOFF. Thank you very much for your most valuable statement. I am just curious, Senator Muskie. Right today, in the past few days, the entire Nation has been plagued with smog and devastating air pollution which is wrecking havoc in every big city

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and small city in America. Could any of this problem have been obviated by more funding or better programs that we have neglected to achieve during the past few years?

Senator MUSKIE. I think clearly that the underplanning of the air quality program is directly related to our failure to put the machinery that we have created in 1967 into gear and moving.

AIR POLLUTION LEGISLATION

In the air pollution legislation that we are considering—and we will be in a committee markup session again this afternoon on it—we are going to propose drastic new policies to deal with this problem, because its dangers are escalating so rapidly, as the chairman knows. He actually was concerned with air pollution problems long before I was, when he was Governor of Connecticut. We have seen the problem escalate from that of Los Angeles alone to the point where it concerns every city of 50,000 or more people in this country, and we need manpower.

In the air pollution legislation we are considering if we are going to ask the Congress to approve the removal of the air quality programs from the manpower ceilings that apply to the Government generally. We think it is a disserve to the people of this country to suggest new stiff legislation when we know that without the manpower the job cannot be done. The job that was spelled out in the 1967 Air Quality Act cannot be done and has not been done in large part because of manpower shortages, why? Because of underfunding. And if we make the decision as a Congress that our financial budgetary problems are so pressing that we cannot afford to begin this job now, well, then, let us say so.

I do not believe in writing new legislation in the record and making new promises when we know that manpower and money limitations will not permit us to follow through, and I emphasize it in this hearing on the reorganization plans because I think it is fundamental. This reorganization is not that fundamental. It is

important. It needs to be done, but consideration of it ought not to divert our attention from the really tough problem of providing manpower and money.

A COMMITMENT BACKED UP WITH FUNDS

Senator RIBICOFF. In other words, you are saying that the time has come, though long-past due, when we should stop kidding the American people with a lot of oratory and good intention, and that we have to have a commitment and back it up with funds and personnel if we are ever to achieve the results we expect?

Senator MUSKIE. This is exactly the point, Mr. Chairman.

Senator RIBICOFF. Thank you, Senator Muskie.

Do you have questions, Senator Metcalf?

Senator METCALF. No, I do not think so.

Senator RIBICOFF. Thank you very much, Senator Muskie.

Mr. Train, please.

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STATEMENT OF RUSSELL E. TRAIN, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY

Mr TRAIN. Mr. Chairman, I think what I would suggest is that I proceed with my statement and then address some of the specific questions which the chairman and others have raised and have requested that I address myself to.

I would like to comment, if I might, just before I begin, on a point made by Senator Muskie, since he just made it. I am sorry that Senator Muskie has left.

He referred, in his statement, to the statement in the President's message of transmittal to the effect that it was not practical to spell out the reductions and expenditures which would result from the planned reorganization. Senator Muskie referred to that and expressed the hope that the purpose of the reorganization was not to bring about budget reductions but rather to strengthen these programs. I think this committee knows that the statement made by the President was in furtherance of the requirement of the reorganization legislation that if there are savings resulting from the organization that these be spelled out. The President was simply being responsive to that requirement of the statute.

I think I can assure this committee that the commitment of the administration to the strengthening of these programs, both in terms of levels of expenditure and of personnel, manpower, is very real, very strong, and I would assume that the creation of a new

agency of this sort, as has happened historically with the establishment of such agencies as the AEC and NASA, can only result in a higher public commitment in terms of budgets and budget priorities. I assure this committee that no other course is intended as a result of this reorganization.

Now, Mr. Chairman, if I may proceed with my statement?

Senator RIBICOFF. Yes.

Mr. TRAIN. It is a pleasure to have this opportunity to discuss with you the President's proposal for the creation of an Environmental Protection Agency (EPA) set out in Reorganization Plan No. 3 of 1970. I know that many of you have had extensive experience dealing with environmental protection problems which will be valuable background for the consideration of this proposal.

ENVIRONMENTAL QUALITY IS A PRIORITY OBJECTIVE

President Nixon has established environmental quality as a priority objective of this administration. In his state of the Union message of last January, he declared the goal of the seventies to be "a new quality of life in America." On February 10, he sent the Congress a message on environment which proposed a comprehensive, 37-point program for environmental improvement, including some 23 specific proposals for legislation. Most of these dealt with urgently needed improvements in our air and water pollution control programs, including strengthened enforcement procedures.

During the 6 months that have followed, the President has sent a series of environmental messages to the Congress proposing:

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ENVIRONMENTAL MESSAGES FROM THE PRESIDENT

A 10-point program dealing with oil spills in marine transportation;

A program to bring to an end the dumping of dredge spoils in the Great Lakes and announcing a study of the problem of ocean disposal of wastes;

A \$4.25 per pound tax on lead in gasoline; and

The reacquisition of 20 oil leases off Santa Barbara, Calif., leading to the establishment of a marine sanctuary in that area.

In his message on environment, the President stated that he was directing his Advisory Council on Executive Organization to study and report on the organization of environmental programs. The proposals now before Congress are the result of this Presidential initiative.

The United States is now committed—by statute, by policy, and by the awakened insistence of our citizens—to the goal of a high quality environment for human life. Such a goal calls for the dedication of major resources of personnel, time, and money. If these resources are not to be frittered away in scattered, piecemeal programs—if we are truly to mount a coordinated attack on the problems of the environment—then we must create an effective institutional base for sound environmental management.

PROPOSED ENVIRONMENTAL PROTECTION AGENCY

I personally am convinced that the proposed Environmental Protection Agency is of crucial importance to the effectiveness of our pollution abatement efforts. The current dispersion of Federal programs involved in attacking pollution problems has developed piecemeal over the years, and we are not at present organized to mount the kind of sustained, coordinated, high-priority effort which we know is needed. Pollution has become everybody's problem but the responsibility for control is still divided. The President's proposal makes it the basic responsibility of a single agency. This will allow the President, the Congress, and the American people to expect and require unified management of our pollution control programs.

Legislation has been introduced in the Senate, with broad bipartisan support, based on the same concept as this reorganization plan. Although the bills differ from this plan in the details of what functions are included or excluded, they are based upon the same central concept of a unified independent agency to control pollution. Senator Muskie described in some detail some of the provisions of his bill and, as he requested, I will be glad to comment on some of the items which he has included in his legislation and which are not included in the President's proposal, and vice versa. Senator Scott also has introduced legislation similarly establishing a new, independent agency to manage our pollution and other environmental protection programs, and I believe both of these bills have a number of senators who have cosponsored them.

Reorganization inevitably produces its own stresses and strains and the current plan will doubtless prove no exception. However, careful attention is being given to minimizing such effects, and there is no reason for delaying now a reorganization which is long overdue. Indeed, continuation of the present fragmentation of

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Federal antipollution responsibilities will only aggravate existing problems. The time to make corrections is now, not later.

DESCRIPTION OF REORGANIZATION

Reorganization Plan No. 3 would create the Environmental Protection Agency which will be independent of any Cabinet agency, similar to NASA or the Atomic Energy Commission. EPA would be headed by an administrator who would be compensated at a level comparable to the heads of NASA and AEC. It would take over certain pollution control responsibilities now located in six different departments and agencies and would have primary responsibility for control of air and water pollution and solid wastes and for controlling the environmental effects of pesticides and radiation. EPA would have an estimated fiscal year 1971 budget of \$1.4 billion and approximately 5,800 personnel.

The following authorities and programs would be transferred to the new agency:

For air pollution control—the authorities contained in the Clean Air Act, as amended, and the National Air Pollution Control Administration now in HEW;

For water pollution control—the authorities contained in the Federal Water Pollution Control Act, as amended; the Federal Water Quality Administration now in the Department of the Interior; and the water hygiene program of the Environmental Control Administration, HEW;

For solid wastes disposal—the authority given to HEW in the Solid Waste Disposal Act of 1965, and the Bureau of Solid Waste Management, HEW;

For pesticides—the authorities (mostly related to registering pesticides) contained in the Federal Insecticide, Fungicide, and Rodenticide Act, now administered by the Department of Agriculture; part of the authority of the Bureau of Sport Fisheries and Wildlife to conduct research on the effect of pesticides on fish and wildlife; the authority of the Food and Drug Administration to set pesticide tolerance levels on food; and the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries;

For radiation—the authorities and functions of the Federal Radiation Council; the authority under the Atomic Energy Act to set standards for the emission of radiation to the general environment; and portions of the Bureau of Radiological Health in HEW; and, finally,

For general research purposes—the authority given to the Council on Environmental Quality by the National Environmental Policy Act of 1969 to conduct research on ecological systems.

The reasons for such a major reorganization are compelling.

REASONS FOR THE REORGANIZATION

The current organization of the Federal Government to deal with pollution suffers from two obvious problems. First, for many particular kinds of pollution a number of different Federal agencies have overlapping or closely related responsibilities. Three Federal departments—Agriculture, HEW, and Interior—are di-

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rectly involved in regulating pesticides; and similarly a number of agencies have some responsibility for radiation problems. Second, the organizational basis for controlling pollution is not consistent or adequate. The two largest agencies, the Federal Water Quality Administration and the National Air Pollution Control Administration are organized on the basis of the media—air or water—through which pollutants travel. The other pollution control programs, on the other hand, generally are organized on the basis of particular pollutants—pesticides, radioactive materials, and solid wastes. Confusion results today, for example, about the extent to which air and water pollution control agencies are responsible for radioactive materials and pesticides when these materials appear in air or water.

The programs to deal with pesticides and radiation were developed in part because these two kinds of pollutants did not fit neatly into the categories of air and water pollution. Pesticides and radiation are found in both air and water and on the land. We expect pollution control problems of the future will increasingly be of this kind. They will involve toxic chemicals and metals which are found in all media and which run counter to the air and water pollution organization of the Government. The current problems with mercury and polychlorinated biphenols are an indication of what lies ahead.

Some pollution problems remain unrecognized because of gaps in agency jurisdiction or because no one agency has clear lead responsibility. With its broad responsibility for environmental pollution control, the Environmental Protection Agency would greatly improve our ability to recognize and to take action on newly recognized problems, such as noise. Pollution problems of the future will increasingly cut across the jurisdiction of existing departments, making the need for a unified pollution control agency ever more imperative.

Another problem of present Federal organization should be noted. Agencies which have responsibility for promoting a particular resource or activity also have responsibility for regulating

the environmental effects of this activity. The two clear examples of this potential conflict of interest are the Department of Agriculture's regulation of pesticides and the Atomic Energy Commission's regulation of radiation levels. Regardless of how good a job these agencies do, the public is increasingly questioning the vesting of promotional and regulatory powers in the same agency. The Environmental Protection Agency, by assuming these regulatory functions, should help restore public confidence in our ability to control pollution from these sources.

The existence of a unified pollution control agency should also greatly clarify the Federal Government's relations with State and local governments and with private industry. More than half the States and many localities already have a single agency responsible for all forms of pollution. A number of others are considering establishing such an agency. In the cases where a unified agency exists, the differing Federal requirements are a significant source of irritation and inefficiency.

Industry pollution control efforts will also benefit from the creation of EPA. A manager responsible for controlling pollution from his firm must now go to several agencies to find out what action his firm must take. The standards and enforcement actions to which he is subject are uncoordinated and sometimes conflicting. The air pollution agency tells him how to control air pollution, and
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the water pollution agency how to control water pollution. But nobody is in a position to consider the entire range of environmental standards that will affect a firm's operations. Since many types of plants can dispose of the same wastes in the air, the water, or as solid waste, this lack of coordination can result in significantly higher costs to the firm and to society as a whole.

FUNCTIONS OF THE NEW AGENCY

As you well know, a reorganization plan cannot create any new legal authorities or functions. Therefore, the functions of the Environmental Protection Agency, when it comes into being, will be the same as those of its constituent parts. However, the new agency will be able to perform existing functions better, and will also be able to undertake new activities which are not easily done under the existing structure.

The key functions in pollution control are standard-setting and enforcement. Standards provide the goals of the control program, the basis for enforcement actions, and the measure of the program's progress.

Standards should be based on the total amount of a given pollutant to which humans or some element of the environment are exposed, even though the standards apply to a particular medium. Lead, for example, may reach humans through the air or the water, but the key question is how much comes from all sources together? It is very difficult to deal with this problem under the current fragmented organization. As the pollutants of primary concern to the Government increasingly cut across media lines, this problem of setting standards will become more acute.

Even in those areas where the Government is not organized on the basis of air or water pollution, as for example in the case of pesticides and radiation control, the need to regulate the total allowable exposure from different sources is becoming apparent. This can only be done by a consolidated agency.

The enforcement function will also be improved in several respects. Perhaps most important, the way will be cleared for formulating and applying the best overall strategy for controlling particular pollution problems. The new agency will be able to examine the path of a pollutant through the total environment and determine at what point control measures can be most effectively and efficiently applied. For example, it may be that in some cases a pollutant can best be controlled by exercising control before it enters the environment, as is now done with pesticides.

Enforcement will also benefit from the more efficient relations with State and local governments and with the private sector.

Monitoring and surveillance will be improved and made more effective, for example, by simultaneously monitoring a river for pesticides, radiation, and other water pollutants. New hazards will be recognized more rapidly by a coordinated monitoring system.

Research will be similarly strengthened. Research on the health effects of pollution will be able to take into account the exposure to a given pollutant from all sources. Research on ecological effects must, almost by definition, consider the interrelated parts of the environment, since ecology is to a great extent the study of such

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interrelationships. It will be far easier to conduct ecological studies in an agency which is not limited to one particular medium or pollutant.

ORGANIZATION OF EPA

The internal organization of the Environmental Protection Agency has not been finally determined and should not be until the

head of the agency is named and has had an opportunity to weigh the various alternatives. An important part of the responsibilities of the Administrator of EPA will be to develop the most effective organization of his resources.

One factor which will weigh heavily on the new administrator is the necessity of avoiding any delay or disruption of ongoing pollution abatement programs. We are taking every step possible to assure that such disruption does not occur. The new agency will be acquiring a large number of experienced personnel, which will ease the problems of transition. As Mr. Dwight Ink will describe in greater detail as a later witness, the administration has sent to the Congress legislation designed to facilitate the transfer of members of the Public Health Service Commissioned Corps to the new agency.

One other fact relevant to the problems of transition is worth noting. The major agencies which would be transferred to EPA are enthusiastic about the reorganization plan. Their personnel know that the plan represents recognition of the critical importance of the pollution control functions. I am confident that the reorganization will result in a substantial boost in morale. The independent Environmental Protection Agency will have a sense of purpose, of thrust, and of public commitment that is impossible to achieve under present circumstances.

NOISE POLLUTION

It should not be assumed that the proposed plan represents the final word on reorganization. In a field as rapidly evolving as pollution control, additional changes very likely will be needed. Noise pollution is a case in point. The President, in his message transmitting the reorganization proposal, noted that:

With its broad mandate, EPA would also develop competence in areas of environmental protection that have not previously been given enough attention, such, for example, as the problem of noise, and it would provide an organization to which new programs in these areas could be added.

The Council on Environmental Quality is currently examining new approaches and concepts of standards to deal with the noise problem, and at this early stage, it seems more appropriate to deal with such innovations through legislation than to try to anticipate them in a reorganization plan.

RELATION OF EPA TO CEQ

Our Council strongly supports the plan of reorganization. There is no conflict between the missions of EPA and the Council on

Environmental Quality. Indeed, the two organizations will be mutually reinforcing.

The Council is essentially a staff organization. It is not intended to have operating responsibilities and its functions are to advise the President with respect to environmental policies and to coordi-

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nate all activities of Federal agencies related to environmental quality. EPA, on the other hand, will be responsible for executing antipollution policies and for carrying out the many functions involved in controlling pollution. It will assist the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

There is also a difference in the scope of concern of the two agencies. The Council is responsible for the environment, broadly defined. This includes such subjects as population, land use, and conservation. The new agency will focus specifically on pollution control, which is only one part of the Council's responsibilities. However, the creation of EPA will be a significant building block in achieving the comprehensive view of environmental matters which the Council has tried to encourage.

As the President has said, "We are determined that the decade of the seventies will be known as the time when this country regained a productive harmony between man and nature." Issues of great priority and lasting significance tend to take institutional form, and the Environmental Protection Agency is the institutional manifestation of the priority and significance which this Nation attaches to controlling environmental pollution.

This is a proposal whose time has come. Until just a few years ago we considered pollution control as subordinate to other goals of the Government. It was part of our health efforts or our water resources policies or our aid to agriculture. This is no longer true. While pollution control must integrally relate to these other goals and policies, it also transcends them. It is part of our overall effort to restore to the American people the environmental quality which they deserve and are demanding. The Environmental Protection Agency is responsive to this demand and to the vision of clean air and water which lies behind the demand. It will provide us with the unity and the leadership necessary to protect the environment. I urge your support of this bold and far-sighted proposal.

Mr. Chairman, you raised several very good points in your opening statement, and if I might comment at this point, as you have requested we do?

Senator RIBICOFF. Yes, sir.

IS CONCERN FOR THE ENVIRONMENT ONLY A FAD?

Mr. TRAIN. First, you have asked whether the present concern for the environment is essentially a fad that will go away, and this, of course, is the question that is asked very frequently around the country. I have found that almost everywhere I go people ask me that, and my view is that very definitely this is not a fad. I suspect that the public interest will have its ups and downs, as is true in almost every area of public interest, but the problems which have given rise to this concern are not superficial: they are very basic to our society and very real, and they stem from problems of crowding, due to population to a great extent, to poor planning, to health concern about pollutants. These are very real, and I suspect that the kind of factors which are giving rise to these concerns will doubtless continue for many years in the future, and, in some cases I am sure, will get worse before they get better.

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So, I think the short answer is that it is not a fad, the concern for environment is a very high, very real priority on the part of the American people, as it is with the administration.

TECHNOLOGY AND SPENDING PROGRAMS ARE NOT ENOUGH

Secondly, you point, I think quite properly, to the question of whether we can simply rely upon technology or spending programs to solve the problems of the environment, and I think quite plainly the answer to that is: "No." Many Americans, I think, tend to feel that given any problem, no matter how complex, if you can just find the right technological handle and then put enough money behind it, the problem will be solved, somewhat akin to landing a man on the moon, as we have done so successfully in our space program.

But, I feel that the problems of the environment are far more complex. They are not purely technological in nature. They are social, attitudinal. They relate to values, to political institutions, to a whole range of factors that are interwoven throughout our society and our culture.

So, technology is important, technological breakthroughs are important, and research to those ends will continue to be important. Investment of public funds and private funds at an increasing rate are also exceedingly important, but I would agree that we must look to other factors, changes in attitudes and social behav-

ior, if you will, before we will produce a truly high quality environment. And I would also comment, in relation to that point, that the absence of pollution is not the sole criterion for a high quality environment. Pollution is certainly the kind of problem which is most upon the public mind at the present time, and it is the most evident of our problems, but I suspect that pollution, whether air, water, or any of the others really is but a symptom of deeper problems and that once we cure pollution problems, as I am confident we will, we still will not necessarily have achieved this thing we call a high quality environment. This goes to problems of land-use planning which I think are very important, and that is a very essential element of the whole equation of a better environment.

POPULATION IS OF CRITICAL RELEVANCE

You have also raised the question of population and my personal view is, and, of course, this is shared by a great many—that the question of population, including both growth numbers and distribution, is of critical relevance to environmental quality. This has been recognized by the President, and he has recently named, as you know, the members of a Commission on Population Growth and the American Future—if I have the name correct. I believe I testified before this committee a year or more ago on the proposed legislation. That has since become law, and the Commission has been established under Mr. John Rockefeller. I know that the President looks with great interest, great attention, upon the work of that Commission and, in particular, the recommendations and policies which it will be suggesting in terms of the relation of population to environmental quality.

I believe those were most of the points, Mr. Chairman, that you mentioned.

Senator Javits raised two or three points that he also requested that witnesses address themselves to. Most of his, I believe, re-

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ferred to Reorganization plan No. 4. Perhaps Secretary Stans would be the more appropriate respondent to those. He did raise the question about the coastal zone management legislation submitted by the administration, and, as he mentioned and Senator Nelson also mentioned, that legislation would vest the authority for managing that program in the Department of the Interior and the current reorganization makes no recommendation for change in that respect.

At the same time, I think it should be noted that that legislation is still pending before the Congress, and has not been enacted into law. So, actually, there are no coastal zone statutory authorities that would properly be the subject of reorganization at this time.

Senator RIBICOFF. I think what concerns Senator Nelson is whether EPA will be concerned with the ocean environment.

The point Senator Nelson was making was there was a large gap here and was concerned that it was one thing to develop the ocean, but who was going to protect the environmental policy beyond the coastal and ocean zones. I think this is what concerned Senator Nelson this morning, whether you were going to have or were not going to have a role in this, or what is your responsibility; was it your responsibility or was it not your responsibility?

ROLE OF EPA IN OFFSHORE WATER POLLUTION

Mr. TRAIN. Well, the Environmental Protection Agency will have a very strong role insofar as the protection of the offshore waters from pollution is concerned. It will be exactly the same role which is performed at the present time by the Federal Water Quality Administration. As pointed out in my statement, the reorganization makes no change in the nature of any authorities. It simply, as any reorganization plan can do, can transfer those authorities; so, the total authority of the Federal Water Quality Administration with respect to pollution in marine areas is transferred to the new agency. That responsibility is exercised at the present time by the Coast Guard. It is primarily a cleanup responsibility, and will remain in the Coast Guard. The President has recently written an Executive order spelling out with great care and detail the allocation of responsibility between the various agencies in this very critical area of oil spills.

Senator STEVENS. Mr. Chairman, may I ask a question right there?

Senator RIBICOFF. Certainly.

ROLE OF COAST GUARD IN WATER POLLUTION CONTROL

Senator STEVENS. Mr. Train, what is the Coast Guard role in the water pollution control activities?

Particularly, I understand they want to set up a laboratory and a few other activities related to oil spills in marine areas, and I do not see it covered in this EPA reorganization.

Are they to continue to have their authority over both control and mediation to try to eliminate the effects of accidental oil spills?

Mr. TRAIN. There is no change made of any authorities, whatsoever, in the functions of the Coast Guard insofar as they relate to oil spills and pollution problems. There is, in Reorganization Plan No. 4, I believe, the transfer of a small function, the data buoy program of the Coast Guard, but this is not essentially a pollution matter.

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Senator STEVENS. What about the water pollution laboratory, the one marine laboratory envisioned by the administration's bill out of the 12 that are supposed to pertain to research concerning pollution of the seas?

Mr. TRAIN. So far as I know, the proposed plan would not affect that legislation at all.

Senator STEVENS. Thank you, Mr. Chairman.

Senator RIBICOFF. You may proceed, Mr. Train.

Mr. TRAIN. I believe I have covered all the points that I wanted to make.

Senator RIBICOFF. Two weeks ago, this committee held some hearings concerning pollution on Long Island Sound as it touches Connecticut and New York, and during the hearing it was recommended by one of the witnesses that the Federal Government establish an environmental advocate, an agency which would represent and support environmental protection proceedings before other agencies, and I thought it was a pretty good idea. How are you going to press your position with other agencies, whether it is the Department of Defense, or Agriculture, or Interior concerning pollution—or the Atomic Energy Commission or the Federal Power Commission, the many agencies which themselves are great polluters?

FEDERAL GOVERNMENT AS A POLLUTER

You take the Navy. We have a problem in the State of Connecticut with the Navy ships coming into the New London harbor, and this is endemic, I understand, to the whole country, and they really pollute the harbors and the waters with waste material.

Now, how are you going to bring the force of your agency, the influence of your agency, against other governmental polluters? And the Federal Government is one of the biggest polluters in the country.

Mr. TRAIN. No question about that, Mr. Chairman.

This was recognized by the President when he issued an Execu-

tive order on the 4th of February of this year directed to just this problem, and he, at that time, directed all Federal agencies to not only comply with State water and air quality standards but to actually establish and exercise leadership in the matter of cleanup of pollution. At that time the President allocated \$359 million, largely I think from the Defense Department budget, to do this job. I think, necessarily, some of our Defense installations, because of their very nature, do make substantial contributions locally to pollution problems. I do think that this matter is well underway to being brought under much more effective control than in the past.

Senator RIBICOFF. What role do you see for your agency inter-governmentally?

Mr. TRAIN. Well, on that specific point of Federal pollution, the President has directed the Council on Environmental Quality to review, monitor and report periodically to him on the performance of the Federal agencies in the cleanup of their own pollution. In a broader sense, the National Environmental Policy Act establishes as a national policy, from now on, that all Federal agencies, in all of their activities—decisionmaking, planning, legislative proposals—must take environmental factors fully into account.

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A MATTER OF NATIONAL POLICY

Of course, the act spells this out in considerably more detail than I have now just done. And this has been spelled out in considerably more detail again by an Executive order on the part of the President. The review of agency compliance with that national policy is possibly the key responsibility of the Council on Environmental Quality, and we work very closely with all Federal agencies whose programs impinge in any significant way on environment. This includes the Department of Agriculture, HUD, Interior, ABC, Federal Power Commission, and so forth, just to name a few. Also, the Corps of Engineers and, very importantly, the Department of Defense. Each agency files with the Council under the statutes and under our guidelines a statement concerning the environmental impact of any action which they contemplate which could have any significant environmental effect.

Senator RIBICOFF. I am just curious. What happens with these statements once they are filed with the Council?

What has happened with any of them during the last few months?

FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. TRAIN. Each statement we receive is reviewed by the Council staff. Now, you will understand that our staff has been relatively small and involved with a great many activities. Our review, our detailed review, of these statements is becoming, I would say at the present time, far more effective than it was during the earlier months of the Council's existence. We review each statement. If we have any question about the adequacy of the statement or any question about the substantive nature of the proposed action insofar as it has effects on environment, we normally would take that up directly with the agency itself, usually, in the first instance, at the staff level. That is why it is important—or we consider it important—that our guidelines specify that these statements be prepared at the earliest possible stage in the decision-making process and be made available to the Council sufficiently in advance of the final decision to enable us to make a meaningful review.

In a number of instances when the Council has raised questions about a given program, the modifications have been made by the agencies, themselves.

Senator RIBICOFF. What if you reach a difference of opinion between yourselves on the Council and another Federal agency?

Then, who makes the basic decision?

Mr. TRAIN. I think it is important to recognize that our Council does not have, under its statute, any veto power over the programs of any Federal agency. The responsibility is vested by statute in the heads of the various agencies and remains there. At the same time, to address myself specifically to your question. Mr. Chairman, if there is a difference of opinion between our Council and an agency about the substantive content of some program as it affects the environment and we cannot resolve that on an interagency basis, our recourse would be to the President if it is a matter of that substantial a nature, and it would be resolved by the President.

Senator RIBICOFF. Would this be something that would come within the jurisdiction of the Office of Management and Budget?

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Is this the kind of problem that they would be addressing? Or would you be addressing yourselves to it?

Mr. TRAIN. I do not believe so, normally; no.

I believe that the statutory responsibilities of the Council are set out clearly by legislation, and it is contemplated that we repre-

sent the President directly on matters where we feel such advice is called for. Naturally, we work very close with the Office of Management and Budget.

WHO SHOULD PAY FOR CLEANING UP THE ENVIRONMENT?

Senator RIBICOFF. To be frank, we all recognize that the cleaning up of the environment will be a long, costly process. How should the cost be allocated?

In the past, industry has transferred the social costs of pollution to the Nation at large in the form of environmental deterioration. Is it fair for industry to pass the costs on the public?

Mr. TRAIN. I do not think that you can generalize, Mr. Chairman, about how costs should be allocated. The equities will tend to vary in different situations. In the case of regulated industries, for example, I think in most cases you would have a clear situation where substantially increased costs, as a result of higher public standards requirements, would probably be considered an appropriate part of the rate base and the increase passed on to the consuming public. That is a clear case. In other cases, I think that competition, where you have a good competitive system, will probably result in the manufacturer absorbing as much of the increased cost as he can and still make a fair profit. I think that is the nature of the competitive system.

By and large, I would assume that, if I could generalize, the costs, insofar as they are represented by increased costs of doing business, would generally be passed on, like all costs, to the consuming public. Some costs, of course, will be represented by increased taxes, and there you have a different kind of instance; so, I would say that I do not think it is easy to generalize about such matters. One thing is certain: the costs of a cleaner environment are going to be borne by our society as a whole, and just exactly how these are to be allocated will vary from place to place and situation to situation. There are also, of course—and I think sometimes the public tends to overlook this, because of the emphasis on cost—enormous offsetting benefits. In the cost of air-pollution control, there is going to be, I am confident, more in counter-balance by reduced medical bills, reduced cleaning bills, and so forth. The public stands to benefit economically enormously from a cleaner environment.

Senator RIBICOFF. Mr. Train, there are a number of other questions I have. Senator Muskie and Senator Mathias have left with me a series of questions. I do want to give the other members of

the committee a chance to ask their questions, and we will submit to you Senator Muskie's and Senator Mathias' questions and some other questions that remain with me for your reply in writing as a part of the record.

Mr. TRAIN. I will be happy to do so, Mr. Chairman.

Senator RIBICOFF. Senator Metcalf?

Senator METCALF. No.

Senator RIBICOFF. Senator Percy?

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ADMINISTRATION COMMENDED

Senator PERCY. Mr. Chairman, first, I would like to commend the administration for its dedication to this problem. I think the administration has come up with imaginative legislation, a difficult task when the reorganization of Government agencies is involved. There always seems a built-in resistance to change, but I think that the program presented is dramatic and bold and very necessary. One of the things these reorganization plans establish are some very tough standards and tough penalties, up to \$10,000 a day for infraction, and I have not heard any criticism about that from the industrial community. I think everyone feels that this is the time to act. I hope that the Congress will act rapidly to implement this recommended reorganization program and I hope we will also take other steps that are not as easy for politicians to take, such as raising taxes.

For instance, I think the leaded-gasoline tax is highly necessary and desirable, and have been pleased at the enlightened attitude of the gasoline and oil companies in this area. They feel this will help them by putting pricing differentials on a product that, in essence, ought to be priced out of the market. I hope we will have the courage to put that tax on, and do it this year. He is expected to bring in more than a billion dollars in revenue and also assist industry in converting nonleaded type fuels.

EXAMPLES OF POLLUTION

I would like to ask a few questions. We have had, of course, in recent days, a number of cities that have been in particular stress because of highly concentrated air pollution. I understand there has been a little discussion by other witnesses on this problem. In Tokyo, for instance, in the last few days, people have been told to stay indoors. We have not reached that stage in cities in America yet, but this morning, on television, I saw ambulances in New

York taking people away, because of the desperate pollution situation there. Los Angeles has always had the problem, Baltimore has, and Chicago has. What can we look forward to with the implementation of this reorganization plan and on the basis of legislation we have already enacted?

Are we fighting a losing battle unless we find even more dramatic ways to break through?

Mr. TRAIN. Senator Percy, these are very dramatic examples, I think, to the public and to the Government, and we must get moving on our environmental programs to insure environmental protection. Obviously, no reorganization is going to insure a better environment by itself. I think we all recognize that reorganization will make for better efficiency, for better performance, but it will not substitute for substantive efforts of various kinds. I do believe that this reorganization plan will insure in many ways more effective environmental protection programs on the part of the Federal Government, for example in research. At the present time, we have an air research program, a water research program, and a solid waste research program being carried out by essentially different agencies with a very real danger that new kinds of problems such as mercury, will fall between the cracks of these different programs. The new agency proposed by the President will very clearly provide the potential of an integrated research pro-

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gram so that we will, from now on, be looking at environmental pollution research needs rather than air pollution needs as separate from others. I think this will be a very high priority for the new administrator to establish. And I think, in terms of enforcement, also, and standard-setting, the kinds of integration that this new agency will make possible, will, in fact, produce more effective programs on the part of the Federal Government, of course, these must be coupled with legislative and administrative attacks on the various problems themselves.

I think you have referred to some of the other proposals made by the President by way of legislation and which I touched on in my prepared statement—the stronger enforcement provisions, the authority to establish national emission standards in the field of air pollution, authority for the Secretary of HEW to regulate additives in gasoline. These are all very important—and things of this sort coupled with the reorganization, will permit us to go forward. I do believe that we will deal with these problems effec-

tively, including the problems of air pollution which are so very serious in the big cities.

TREND OF THE YEARS AHEAD

Senator PERCY. Would you look on it as the responsibility of this new agency to look broadly ahead for years in advance to determine where our cities are going with respect to the quality of life which the President has mentioned as a keynote of his administration? Can we expect the Environmental Protection Agency to help discover what the trends are so far as concentration of pollution is concerned, and, if we find it is just air and water alone with which we must be concerned in the pollution area, would you see your responsibility to be one of devising means and incentives to move industry out of cities or stop the growth of industrialization in areas like New York and decentralize it, moving it into the rural communities possibly? I am concerned that I do not see anyone looking ahead far enough. We are always dealing with some crisis without any long-range planning. Will this be one of the responsibilities of the new agency?

Mr. TRAIN. I do not think specifically, in the case you have mentioned, Senator Percy, that the new Environmental Protection Agency would have the responsibility for the kind of land-use to which you have referred. Certainly, the kind of data on pollution, which the new agency would develop, would have a critical relevance to the determination of wise land-use plans. As I mentioned earlier—I think just before you came in—land-use is one of the critical determinants of environmental quality, particularly one which I think we must be giving increasing attention to in the years ahead.

Our Council on Environmental Quality has been spending considerable time in the last few months since it has been created on this subject of land-use and its relations to environmental quality. Our annual report, which I mentioned—and I mention with some hesitancy—was due on the first of July, but the committees have been understanding in our situation, and I think it will be sent to Congress very shortly. The report gives a great deal of attention to the problems of land-use, and to the relation of land-use and to population to pollution. I would hesitate to predict whether we are going to have to start moving industries away from where they

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are. But I certainly do believe that much more effective State and regional controls, perhaps in some cases with Federal guidelines

for siting of particularly critical kinds of installations such as nuclear powerplants and jet ports, things of this sort, are very definitely ahead, and not very far off either.

SOME CRITICISMS OF THE REORGANIZATION PLAN

Senator PERCY. I would like to give you an opportunity to comment on two aspects of some criticism of the reorganization plan. One was that there is too much being put into the agency and the other is, obviously, that there are some things being left out that should be put in it.

From the standpoint of too much going in, do you feel that there is so much going into the agency that other governmental agencies will feel that now it is their problem to protect the environment, rationalizing their inactivity along the lines of "we have no responsibility?" I think the chairman is absolutely right, that Government is the biggest polluter around. Who is going to police the Government?

You may recall at the environmental meeting that the President had in Chicago—and I think it shocked him when I said, "So far as the Great Lakes are concerned, the Federal Government is the biggest polluter we have got." The Corps of Engineers has dumped the equivalent of 14 merchandise markets of refuse, and they have been polluting Lake Michigan for years. He has now acted to get \$200 million for military installations and took it out of the best program he could take it out of, the ABM, but will this agency be able to crack down on the other Federal operations?

What authority do you have?

How far can you go in saying to the Federal agencies: "You have got to clean up the environment and do your share?"

AGENCY WILL BE ESTABLISHING GUIDELINES

Mr. TRAIN. The new agency will be establishing guidelines for the guidance of other Federal agencies. I do not believe that the new Environmental Protection Agency would have actual crack-down authority over any Federal agency.

The Government simply is not organized that way. That is one of the major reasons for the existence of our Council on Environmental Quality, which can assist the President in seeing to it that all Federal agencies do, in fact, comply with environmental protection standards, and that, as a major function of ours, is one that we are pursuing actively with respect to pollution by Federal agencies.

If you will recall, in Chicago the President said "The environment is our first priority," and I think we have been able to move ahead in those cases like the Great Lakes which are very real and which you discussed with our Council in Chicago. In the case of Fort Sheridan and the Great Lakes Training Station, I think that we are moving ahead very well to clean up those bad situations.

Senator PERCY. Would you care to comment on some of the criticisms that there are certain functions affecting the environment that are not transferred into the agency?

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How did you draw the line and say "Well, this is enough to do the job?"

Mr. TRAIN. We are, in fact, bringing together in the new agency, by all odds the major, most significant Federal antipollution programs. When you bring together air pollution, water pollution, solid waste, radiation, and pesticides, you really have bitten off a very substantial portion of the Federal environmental protection effort. I do think it is a mistake to try to belittle the extent of the reorganization. It is very major.

SOME THINGS HAD TO BE LEFT OUT

Now, it is true that there are a number of things that could have been put in that are not transferred at this time. There are activities with environmental significance within almost every agency in the Federal Government, stretching throughout the whole executive branch, and if we really tried to bring all of them under one roof we would end up with one department, and we would have to reorganize that.

So, obviously, it is a matter of bringing the most important things together. Where a program relates more to the substantive operating responsibilities of the other agencies than it does to pollution, then it has to be left where it is.

AN EXAMPLE

For example, the water and sewer grant and loan programs of HUD, the Department of Agriculture, and EDA in Commerce have been left where they are. They are important to our effort to minimize and control pollution, but they are not essentially or only pollution programs. They are so closely related to the Urban Development and Planning of HUD, to the Small Rural Community Development and Planning of Agriculture, and to the economic

development activities of the Department of Commerce that the decision was made to leave them where they are. These programs do not, as you know, involve the setting of standards at all. They are largely grant and loan programs, and the criteria for those grants and loans vary as between each of those different agencies. It was basically considered not necessary to the effectiveness of EPA to move them, and moving them might create complications in the performance of EPA's mission.

To take another example, a good case perhaps could be made for moving ESSA, the Environmental Sciences Services Administration, into the Environmental Protection Agency. As you know, it has substantial monitoring and data-gathering activities. These, of course, are important to EPA. The data developed by ESSA is presently used by the Federal Water Quality Administration and by the United Air Pollution Control Administration. We fully expect that these services will continue to be employed by EPA. ESSA is basically a service organization. It serves other Government agencies and the public. This will continue to be employed by EPA. ESSA is basically a service importance to the conduct of our marine resource management programs, and this is one reason why it has been recommended that ESSA be made a part of NOAA and be left in the Department of Commerce. But this will not in any way interfere with the effective use of data developed by ESSA in the new agency.

Senator PERCY. Mr. Train, may I interrupt and ask you this question?

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PESTICIDE CONTROL

When a function is transferred from, say, the Agriculture Department in pesticide control, and plan No. 3 calls for the EPA to assume responsibility for pesticide regulation, it is pretty hard to separate pest control from Agriculture; they are closely interrelated. By creating the EPA should Agriculture give up completely their interests in this problem, or is it anticipated that EPA will be sharing the responsibility in this area with the Department of Agriculture, the former retaining overall responsibility for protecting the environmental interests?

Mr. TRAIN. No. Very clearly there is a very important and continuing role for the Department of Agriculture in the field of pests. In one case, I think this can be made very clear. There is an increasing interest in the use of nonchemical controls for pests,

biological controls. While these are really environmental contaminants, they do not properly belong in EPA. I would assume that the Department of Agriculture would continue—in fact, I know it will continue, and I hope it will increase its efforts in the field of biological control of pests.

The whole relationship of pests to agricultural production would be a matter for research and data development by the Department of Agriculture, so I think there is a very important role for the Department to continue to play.

Naturally, EPA would remain in very close communication and contact with the Department of Agriculture in this field.

Senator PERCY. Mr. Chairman, I have just one more question, but because I have had an unusually long time, I would just as soon you or Senator Stevens go ahead, and then come back.

Senator RIBICOFF. We might proceed with Senator Stevens. I have submitted my questions in writing, and I have no further questions.

Senator STEVENS. I have just one question, and I would like to get it in, if I may, Mr. Chairman, for the record, and that is:

How does this new proposal relate to a small, little project like the proposed 800-mile, billion-and-a-half-dollar pipeline in Alaska?

What is it going to mean to the people who want to build it?

WILL IT CHANGE THE RULES OF THE GAME?

Does it increase the clearances they will have to receive; will it increase the authority of the Government over lands that belong to the State of Alaska: will it change the rules of the game, you might say, as to the procedure of trying to clear that project?

Mr. TRAIN. Certainly, it will not change any rules of the game that I can see. And, of course, as we have pointed out, reorganization by itself does not change any statutory authority. I think, if anything, the bringing together in one agency of these various environmental protection functions should simplify the relationship of the Federal Government to that project and simplify the process of communication on the part of the State of Alaska and private industry with the Federal Government on the project.

Senator STEVENS. Just one further question.

What is the relationship of this agency to potential pollution problems where you have people who have expressed fear of what might happen in the event of an earthquake or flood or an act of God in relation to this pipeline?

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A HYPOTHETICAL INQUIRY

Now, that is not a present pollution problem: it is a problem of hypothetical inquiry, as far as EPA is concerned. Where will they fit into that problem in relation to a project like the pipeline?

Mr. TRAIN. Well, specifically, in the pipeline case, where the authority for the granting of a right-of-way and the construction permit is vested in the Secretary of the Interior, I would assume that the Secretary of the Interior would consult closely with the administrator of the new agency on the potential pollution risk from possible breaks such as you have mentioned, and I would assume that the new agency, as does the present Federal Water Quality Administration, would provide its particular expertise on those questions to the Secretary of the Interior.

Senator STEVENS. It would be in an advisory role rather than an action agency from which you would acquire a permit; is that the function it would perform?

Mr. TRAIN. That is correct.

Senator STEVENS. Thank you, Mr. Chairman.

LOOKING FOR THE POLLUTION CULPRIT

Senator PERCY. Mr. Train, in looking around for the culprit in this whole pollution problem, you have centered on two major polluters, the internal combustion engine and, in a sense, I suppose, public service companies. Certainly, in Illinois they have been singled out as large polluters, and I think in New York, as well. With respect to the internal combustion engine, I think these figures are correct that Detroit spends about \$14 per car on pollution prevention; in research and development today, they spend about \$700 per car on styling changes. It would like to suggest to my friends in the automotive field that they freeze designs for a few years and take a couple of the billion dollars they would save and put the money into an accelerated program for the development of a power source that will not pollute.

I am delighted that several of them have announced they intend to freeze certain limited numbers of design, but what is the relationship between whether the Federal Government is going to develop an engine or whether this should be done by a powerful industry in this country that has the resources, the desire, the capability to do it?

What role is the Federal Government supposed to play?

Are we going to go in and build SST's, building the actual engines because we have a terrible social problem, or is there some way to have an adequate incentive in the private sector?

ROLE OF THE FEDERAL GOVERNMENT

Mr. TRAIN. I believe, with respect to the development of alternative automotive power systems, particularly what we call unconventional power systems, the role of the Federal Government is hopefully to create the incentive whereby private industry, both the large companies and the small entrepreneurs, will make the necessary breakthroughs. It is not being suggested that the Federal Government directly take on the job of actually developing these new engines. We are developing a program primarily being

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carried out through the National Air Pollution Control Administration, and presumably this will move over to the new EPA, to encourage through contract the development of a variety of new technologies, some of which seem fairly promising. None of these now are going to the larger companies. It is our very definite hope that the major automobile companies will make, continue to make, and, hopefully, increase substantially their own research and development activities in this area, and we have been having a number of conversations with them.

PUBLIC UTILITY PROBLEM

Senator PERCY. Would you care to comment on the public utility problem? The public utility heads have been kicked around a lot recently, and some of them should have been long before this. But if you are a public utility head you are presented with quite a dilemma. I have talked to some of them. In Illinois, the Commonwealth-Edison Co. used coal in the past, and it has been required by the State legislature to buy their coal from Illinois coal mines. Oddly enough, they are trying to convert to oil, but because there is a limitation on imports, you have to apply for Government licenses, which are delayed if they are granted at all; sometimes they are and sometimes they are not. The gas companies are petitioning to cut down, not increase, the amount of gas that the Commonwealth-Edison Co. uses, and the only other source that I know of for power is nuclear power. But even this present problem is because we have regulations being issued whereby the temperature of the water emitted into the lake cannot be increased more than 1 percent, which is, of course, impossible. So, in Illinois, Commonwealth-Edison has got a half a billion dollars for the construction; they are under pressure from the public to have no blackouts or brownouts, but the public has an insatiable appetite

to run everything in the home from toothbrushes to knives to carve food, air conditioning, and everything else, by electrical power. They must meet this tremendous desire, the expanding demand for power, yet are under equally strong pressure not to pollute the air or increase the price.

As the head of a public utility, what do you do in a dilemma like that?

They are between conflicting regulations every way they turn, and yet they have to fulfill a public service.

Mr. TRAIN. Well, Senator—

Senator PERCY. What would you tell them?

Mr. TRAIN. I would say you put your finger on a very important problem.

Senator PERCY. Do you want to rest on that?

Mr. TRAIN. Clearly, the energy production industries of this country are very large sources of air pollution and also increasingly a major source of water pollution through thermal emissions. We have projections of enormously increasing demands for electrical power in the years ahead, and there seems to be no alternative but the provision of a large number of new generating facilities throughout the Nation in the years ahead.

As you have pointed out, there are pollution problems that stem inescapably from all of the presently feasible modes of energy production. There are problems of fuel supply, oil imports, and

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also problems related to the availability of low-sulphur fuels. These are indeed highly complex problems, and I do not know what, certainly, the short-term solutions are.

A LOOK AT LONG-TERM ENERGY SOURCES

For the long-term we can perhaps look to alternative energy sources, but this is looking a good many years down the road. Nuclear fusion, solar energy, and things of that sort promise to be relatively pollution-free, but in the short-term we have an exceedingly difficult problem. At the same time as these difficulties exist, the industry, the electric industry as a whole, seems to be trying to generate more public demand through advertising of all kinds, which I find somewhat troubling.

I suspect we do need a national energy policy which should be coupled with a national fuel policy, which must be coupled with a national minerals policy, and these things all relate to one another. The siting of power plants is of growing public concern, as we are

all aware. The demand for power is increasing, and yet the public at the same time is creating major roadblocks, often properly so, in the siting of new facilities. There must be an accommodation between these conflicting forces. I think the public, and Federal, State, and local governments must play an increasing role in trying to resolve these conflicts. It has been left far too long, I think, to local initiative. If we can try to sort out these highly complex problems they are going to have to be approached at least on a regional basis, and I would say that I think this is something we ought to be getting at, and I think we are.

“FLY BEFORE THEY BUY”

Senator PERCY. Having resolved that problem, can I throw you just one other. It faces the chairman and myself and 98 of our colleagues now. I noticed with great interest Secretary Laird's statement that they intended to “fly before they buy.” I think that is a very good thing. I hope we will apply that to the ABM and try it out before we go ahead too deeply with it. But I just wonder how we would apply that to the SST as we develop this? Do you feel we know enough about that plane to commit ourselves to it now, with respect to its effect to the environment?

Are you concerned with the environmental effects of the SST at this time, and do you think we need to learn more about it before we get too deeply committed to its implementation?

Mr. TRAIN. Of course, as you know, Senator Percy, the administration's proposal for appropriation for fiscal 1971 in connection with the SST does not represent a commitment to the commercial development of supersonic transports, but rather simply the development of two prototype aircraft which can then be the basis for flight-testing, and so forth. And as I have testified before the Joint Economics Committee, while we do not feel that those prototypes in and of themselves represent any significant environmental concern, our Council does have concern over the commercial operation of a large SST fleet, and I have spelled out publicly some of the questions which we feel should be resolved before that decision is

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finally made. These relate primarily to sideline noise at the airport and upper atmospheric conditions, primarily from the introduction of water vapor.

INCREASED RESEARCH TO SUPPLY ANSWERS

The stepped-up research program which has recently been made public by the Department of Transportation, I think, is really very responsive to those needs for more information on long-range effects, and when I did testify before the Joint Committee I spoke of the need for increased research to produce the answers we need before we go ahead on commercial development and operation. The Department of Transportation research package, which is being recommended to the Congress, as I say, is responsive quite fully to that need.

I did, also, in my statement say that the administration is committed to the view that no decision will be made to go ahead with commercial production of the SST unless and until the major significant environmental questions are satisfactorily resolved.

TRAIN IS COMMENDED

Senator PERCY. Mr. Chairman, I would like to commend the witness this morning. I think everything that Mr. Train has said is an indication that we need this agency. Though the President has the power of appointment, and I am sure would wisely select who should head this agency, the Senate has the responsibility to advise and consent. I cannot think of a name that would meet with more widespread approval than that of Mr. Russell Train, if this is his inclination and interest to head such an agency.

I would like, also, just to mention my admiration for the fast thinking of the President. When Mr. Train and I were in Chicago and standing alongside the President in a sewage disposal plant, they reached down to fill a cup and offered it to the President indicating that the water was pure enough to drink. The President said very quickly—I wondered how he was going to get out of this one—"I never drink in the morning."

Senator RIBICOFF. Thank you very much, Mr. Train, for your cooperation, and these questions will be submitted to you by the staff, and we would appreciate receiving the answers as fast as possible so that we can have the record complete.

Mr. TRAIN. I will certainly do that.

(See exhibit 5, p. 121.)

Senator RIBICOFF. Secretary Russell.

You may proceed, Mr. Russell.

STATEMENT OF FRED J. RUSSELL, UNDER SECRETARY, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY CARL L. KLEIN, AS-

SISTANT SECRETARY OF WATER QUALITY AND RESEARCH; AND
DAVID D. DOMINICK, COMMISSIONER OF FEDERAL WATER QUAL-
ITY ADMINISTRATION

Mr. RUSSELL. I understand that it might be helpful to your schedule if I would submit my statement for the record rather than to read it.

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Senator RIBICOFF. Yes, I have read your statement and there is not much philosophy in it. It outlines what the plan does, which the committee is familiar with, and also it is sort of similar to the staff analysis. So, your entire statement will go in the record as though read.

(See exhibit 6, p. 124.)

Senator RIBICOFF. There will be a number of questions that various members will have, and they will submit them to you, and we would appreciate your returning them as fast as possible.

I just have a few brief questions.

WHAT WILL BE THE ROLE OF THE INTERIOR DEPARTMENT?

Mr. Train told us how the reorganization is going to boost the morale of the employees transferred. How about the morale of the employees left behind? In other words, Interior has been chopped in half on budget and personnel bases. What will be the remaining role of the Interior Department in this Government after we establish this agency?

Mr. RUSSELL. Well, first, of course, the budget is not cut in half, but there is a reduction, or I should say a transfer in the number of people and the budget which relates to it. But, I would say that the morale of the people in Interior would continue to be related to their missions, their responsibilities, so that it would not be influenced by the transfer of these people to the EPA.

Senator RIBICOFF. What would be the central mission of Interior once this agency goes, becomes a going concern, what will be the basic mission of Interior now?

Mr. RUSSELL. The Department of Interior still would have all of its mineral resources programs, public land management, Indian Affairs, trust territory activities, sports fish and wildlife, parks and recreation, reclamation and power, and others that I have not named.

Senator RIBICOFF. Recently, Secretary Hickel said that eventually there will be a Department of Natural Resources and Envi-

ronment. Do you see these current plans as simply interim steps, though, which should be followed by the merger of the agency into Interior?

Mr. RUSSELL. I do not see it appropriate to predict further changes which may or may not take place at some future time.

HOW DO YOU DIVIDE EPA AND INTERIOR RESPONSIBILITY?

Senator PERCY. Mr. Russell, on page 3 of the President's message, it contains the following language: "Authority for research on the effects of pesticides, on fish and wildlife would be provided to the EPA on transfer of specialized research authority of the Pesticides Act enacted in 1958. Interior would retain its responsibility to do research on all factors affecting fish and wildlife."

This sounds like something of a contradiction or a duplication of effort. I wonder if you would clarify how you divide the responsibility?

Mr. RUSSELL. Well, the Department of Interior still would continue its responsibility in connection with sports fish and wildlife. This research would not be specifically environmentally oriented, but rather, as in the case of sports fish, for example, would be concerned with the productivity of these fish and their other characteristics.

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Senator PERCY. It says the Interior retains its responsibility to do research on all factors affecting fish and wildlife. Does it really mean all factors except the effect of pesticides?

Mr. RUSSELL. Yes.

Senator PERCY. Okay. So it really does not mean all factors. Does Interior support the creation of NOAA in Commerce or would it prefer the function of that new administration in Interior. Senator Nelson said he would support the creation of NOAA in Interior rather than transferring it to Commerce as the pending legislation provides. Do you feel that NOAA should be in Commerce or in Interior?

Mr. RUSSELL. Well, I think the first, most important consideration is that the NOAA be one organization that includes all of the activities that will now be going into NOAA under the plan. It could, of course, be in the Department of Interior, but I believe it has been pointed out, and of course it should be, that the Department of Commerce already has some 80 percent of the personnel in its present operation, ESSA, so it is a matter of moving the lesser number of people to Commerce in order to get it all together in one place.

EFFECT OF NUCLEAR POWER PLANTS ON BODIES OF WATER

Senator PERCY. Just one last question, Mr. Chairman. I would like to welcome my colleague and fellow citizen of Illinois and sympathize with the hot seat he has been sitting on. I wonder, Mr. Klein, if you would care to comment on how this 1° figure was arrived at for nuclear power plants and the effect upon bodies of water. You have heard, and I have heard, of the difficulty this imposes on a half a billion dollars worth of construction in Chicago for new powerplants now.

I think the emission rate is substantially higher than that. But, of course, it disperses over a wider area and probably does not affect the overall lake. How can they possibly adhere to this standard and continue to provide the sources of energy that they are required to furnish?

Mr. KLEIN. There are 20 of these generating plants planned on Lake Michigan, and the present proposals call for a 20° to 28° rise in temperature from each plant proposed on Lake Michigan. This means 60 billion gallons of water a day at a 20° or greater rise. The problem that arises here is what are to be the cooling facilities: do you make Lake Michigan the cooling facility, or do you ask the utilities to put in either cooling ponds or cooling towers?

I might point out to the Senator that the States of Oregon and Washington on their own interior waters and their estuaries now have a policy of no rise in temperature, and the last one that was proposed there worked out to that, no rise in temperature.

LAKE MICHIGAN

Senator PERCY. Having swam in Lake Michigan, I think we could afford a 20° increase in some spots. Taking into account the total number of plans that you have and were forecasting, what overall effect would it have on the lake's temperature?

Mr. KLEIN. Well, I think that these—

Senator PERCY. For whatever the amount, the 60 billion gallons being emitted?

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Mr. KLEIN. If I may, Senator, the plan now is to hold a series of hearings after Labor Day. The States will be coming forward with their own recommendations and they will submit a list of all heat-producing agencies—all that are putting waste heat into Lake Michigan. I understand that is quite a long list, much more than we expected when we were considering only the public utilities. This has caused some delay in moving expeditiously forward.

Because nobody has ever made a complete inventory, I think the States will sit down at the hearings and will, from all available sources, be able to find out how much heat is actually going in the lake. We can then determine the ability of the lake to handle this pollution. I think at that time we will come out with some disturbing answers. I would hate to predict those answers.

Senator PERCY. Do you know what effect it would have on the marine life, such as it is in Lake Michigan for a slight increase in temperature?

Mr. KLEIN. I think any increase in temperature will change the entire ecology. As a matter of fact, Senator, we have come to the proposition that the critical item in setting all water quality standards is temperature, and when you change any temperature you have to change all of the water quality standards to match that.

Senator PERCY. Thank you very much indeed.

Senator RIBICOFF. Thank you very much.

The committee will stand adjourned until tomorrow morning at 10:30 a.m.

(Whereupon, at 12:25 p.m., the committee adjourned, to reconvene at 10:30 a.m., on Wednesday, July 29, 1970.)

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STATEMENT OF DWIGHT INK, ASSISTANT DIRECTOR, OFFICE OF
MANAGEMENT AND BUDGET; ACCOMPANIED BY DOUGLAS COSTLE,
HOWARD SCHNOOR, AND CLIFFORD BERG

Mr. INK. Yes, sir, Mr. Chairman.

I have a prepared statement. If you prefer, I will be happy to have that introduced in the record.

Senator RIBICOFF. The entire statement will go in the record as if read; and why don't you just make whatever remarks you would like, and we will have a few questions.

(See exhibit 11, p. 136.)

Mr. INK. Mr. Chairman, we were not able to be here yesterday, because I was appearing before the House. I would like to make one comment on each of the plans.

MANY PROGRAMS RELATED TO THE ENVIRONMENT

First, with respect to the Environmental Protection Agency, there have been some comments as to why more functions were not included. I would like to build on the comments which I under-

stand Senator Muskie made yesterday, that there are many different programs related to the environment.

If you look at the various departments of the Federal Government—in Agriculture, for example, programs dealing with soil conservation, forestry, the farming practices; these all affect the environment.

Interior has conservation work, and wildlife work, and the fossil fuels, which also concern the environment.

HEW, the Department of Transportation, the Corps of Engineers, and the AEC all have a tremendous number of programs and activities related to the environment. To go far along this road and deal with pollution control by trying to draw all of these together in one spot, would result in another large department which, for the first few years, would be, probably, preoccupied with getting itself organized and functioning. We think this is inconsistent with the critical need for an attack on the problems of pollution in this country.

And, secondly, it seems to us that we do have to exercise care that we not strip these departments of the kinds of resources needed, and the feeling of a sense of responsibility for enhancing the environment. The resources that are in the Federal Government to deal with environmental problems are manifold, and we think it is important that we not go to the point of leaving the impression that these departments are no longer concerned with the environment. They do have very important continuing roles, as we see it, for enhancing the environment.

DEALING WITH POLLUTION

So, instead of pulling everything related to the environment together, the President, on the advice of the Ash Council, decided to meet a very high, urgent priority problem, that of dealing with pollution, and he has proposed the drawing together of the standard-setting activities which are of critical importance. Standard setting is the point of leverage for dealing with pollution control, and we believe these functions relate in a manageable package of functions and activities which, if provided the proper leadership

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and supported by the funding and other resources, can move forward with a coordinated effort to control pollution. This is a problem that the people of this country are rightly very much concerned about. It is a problem which we have waited too long in many respects to deal with effectively. We are also looking to the

Council on Environmental Quality, which is established by statute, to provide the staff resources to the President, to see that these varied departmental activities are coordinated, and to flag the gaps which undoubtedly do exist among our present programs, dealing not only with pollution control but other environmental related areas.

OCEANOGRAPHY AND ATMOSPHERIC PROBLEMS

With respect to NOAA, I would like to underscore the comment that was made earlier this morning, that there has been extensive study of the desirability of drawing together functions dealing with oceanic and atmospheric problems.

The Stratton Commission did, I think, a most exhaustive study. It extended over several years. It got the views of over a thousand people. There were two Members of the Senate and two Members of the House who sat in with this group, and we believe they did a first-rate job. We have looked at it—it has been looked at extensively by others—and now is the time for action. Therefore, we propose to move forward in both of these areas, recognizing that there will undoubtedly be other steps which are going to prove to be desirable and necessary and that probably both the President and the Congress will determine additional actions needed in these important areas.

Senator RIBICOFF. I am pleased that your statement focuses on the pesticides and the radiation aspects of plan No. 3. There has been very little said about it so far.

In your statement, you say:

The EPA will look to the Department of Agriculture, the Department of the Interior and the Department of HEW for research and advice on the efficacy of these pesticides, and for basic research on the effects of these pesticides on health and on the general environment.

The research is basic to standard setting on improved pest control. Would not EPA lack essentially the scientific capability on pesticide changes in environmental aspects?

SCIENTIFIC AND RESEARCH ABILITY

Are you going to have any scientific and research ability?

Mr. INK. Yes; and it is vital. Let me illustrate.

Agriculture is one of the areas that is mentioned. The kind of research we are talking about for Agriculture is the work they are now doing with respect to the effectiveness of pesticides to accomplish a departmental objective. EPA needs access to the scientific

underpinning necessary to develop general environmental standards, but we do not think it wise to draw out of the Department of Agriculture the capability and the sense of responsibility for trying to develop better pesticides and see whether there are substitutes. They will be looking at various alternatives for meeting the pest problem that they are confronted with, and we feel that they should have an incentive for undertaking the research to

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determine which pesticides will do the most effective job from the standpoint of Agriculture but which also meet the standards that are set by EPA.

The scientific capabilities in EPA relate, of course, to the standard-setting function.

Senator RIBICOFF. What bothers me: Suppose you are unhappy with the work being done in either Agriculture or in Interior, or in HEW. What do you do about it?

We had hearings, extensive hearings in 1963, on pesticides, and I believe we were one of the first committees to delve into it, and it was testimony that pointed out some of the damages that were being done throughout the country because of various pesticides, and it was very, very slow going.

We did not find much cooperation from Agriculture.

What do you do, because it will depend so much on these other agencies.

Where are you going to have the authority over a Secretary?

EPA WILL HAVE STANDARD-SETTING AUTHORITY

Mr. INK. Let me answer that in two pieces. First of all, with respect to the technical capability, the EPA will have the authority to do whatever research it needs to do with respect to the standard setting.

Senator RIBICOFF. Well, will you farm this out or do it yourself? Will you have consultants, or have different universities doing your research?

Certainly, you cannot build up a research capability all of your own?

Mr. INK. We would expect EPA to use both. In the radiation area, for example, they will be drawing upon, among other things, the National Council for Radiation Protection and Measurements, which reaches out to a large number of different sources, and, certainly, they will be looking to universities. But we would expect them to also have some in-house research capability.

Secondly, of course, the standards will be set or approved by EPA, not by the other agencies.

Thirdly, we have the Council on Environmental Quality, which is the staff arm to advise the President with respect to how these things are working and to help EPA with respect to drawing the other agencies together.

And, finally, of course, the Office of Management and Budget, has a role contemplated under the reorganization that is very much concerned with the effective operation of governmental machinery.

Senator STEVENS. May I ask a question right there?

Senator RIBICOFF. Yes.

Senator STEVENS. You say "standards." Taking into account the role of Agriculture, you mean standards for pesticides in the sense of their tolerable effect on the environment, or standards in terms of their effectiveness as an agricultural pest control?

Which standards are you talking about and which are they going to be speaking of?

Mr. INK. There is only one set of standard setting, and that is in EPA. In setting the standards, they are to draw upon the recom-
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mendations of Agriculture with respect to the efficacy of the pesticides. They are to consider the views of Agriculture with respect to efficacy in their determination.

Senator STEVENS. Is this going to have the same impact on the Forestry Service also?

Are they going to take over the pesticide function of the Forestry Service and the research as to the effects of the various insects and movements and whatnot, as to what they do in the national forests?

Mr. INK. No, they will not be taking over that research.

Senator STEVENS. Thank you.

A POSSIBLE CONFLICT

Senator RIBICOFF. One of the guiding principles in the establishment of EPA was to define standard setting and enforcement in one agency and yet in the radiation field you are going to set the standards and AEC will enforce them. Now, is that not going to produce a conflict?

If it does, how are you going to settle the differences between EPA and AEC?

Mr. INK. First, functions respecting the guidelines set by the

Federal Radiation Control and the general environmental standards are being shifted to the new agency. It will be the job of the Atomic Energy Commission to implement those standards through its licensing activity. We would expect the EPA to look to them for advice and their thinking, but the general environmental standard-setting function will be shifted to the new agency, not split between AEC and the new agency.

Senator RIBICOFF. Four years ago, the Bureau of Budget recommended to this subcommittee the transfer of the water pollution control program from HEW to Interior.

Was this reorganization successful?

What do you think they accomplished and what is their capability?

WATER POLLUTION EFFORT HAS INCREASED

Mr. INK. I believe that during this period of time the water pollution control effort has increased. I think the program has accomplished some important things, but we believe now that it is not desirable to consider the water area in isolation from air, solid waste and the rest of the environment which is affected by pollution. Therefore, we believe that it ought to be drawn together as part of a new agency where the pollution problems can be looked at in their entirety.

One of the problems which concerns us with our present fragmentation is that if a program is successful in one area—and I think we have begun to achieve some successes in the water area—we, in some instances, may be achieving more of an illusion of success if it results in shifting the problem to another part of the environment. By having these programs drawn together in one spot we can attack a source of pollution regardless of whether it affects the air, the water, or land.

Senator RIBICOFF. Senator Stevens?

Senator STEVENS. I have been more involved in the natural resources area, but I can remember every Secretary of the Interior [p. 88]

that I have ever known, Chapman, McKay, and Seaton, and now Secretary Hickel, all have dreamed of a Department of Natural Resources and Environment. Now, do you foresee, if we are successful in forming such a large collection in a superdepartment such as the Department of Defense, that NOAA and EPA could fit into that department, or are we setting a course now that would forever prevent us from achieving that goal of one department, of natural resources and environment?

Mr. INK. No, I do not think this precludes that possibility. However, I would like to add to that comment a note of caution with respect to the placing of pollution control and standard setting within any such framework, because I think it is important that pollution control activities be independent of departments and agencies that are concerned with particular mission-oriented programs and activities.

Senator STEVENS. Well, I think that the function has been misinterpreted. As far as I can see, everyone that foresaw such an organization wanted to get the developmental and promotional aspects out of that department and have that department be the superprotection agency for resources and the environment, and it seems that we are going the other way.

It seems that we are leaving in Interior the promotional aspects. For instance leaving aspects for tourist promotion in the Department, such as the national forest and park areas which involves both tourism and protection. I just do not see that this will be susceptible of being reversed too easily if we want to get the protection aspect back into one superdepartment.

THE BULK OF ACTIVITIES ARE LEFT IN INTERIOR

Mr. INK. Well, out of over 60,000 people in the Department of the Interior, I believe that these two plans will move out about 4,500 employees; so, the bulk of the activities, of course, are left in Interior.

Senator STEVENS. Under the Fish and Wildlife Coordination Act of 1958 we established procedures whereby the Corps of Engineers and the Bureau of Reclamation could not proceed with any construction of any dams until they had a report on the effects of the dam, or any structure utilizing water from our rivers, on the fish and wildlife, both sports and commercial. Now, we are taking, under this one reorganization, the commercial aspects out of Interior. Have you examined what is going to happen where we no longer have coordination between sports fishing and commercial fishing so far as these reports are concerned under the Coordination Act of 1958?

Mr. INK. I believe the responsibility for looking at the impact of these projects from the standpoint of fish and wildlife all remains in the Interior.

Senator STEVENS. Thank you.

Thank you, Mr. Chairman.

Senator RIBICOFF. Thank you very much, gentlemen.

We may have some other questions for you, and we would appreciate your response as rapidly as you can get it to the committee.

The committee will stand adjourned until further call.

(Whereupon, at 11:45 a.m., the subcommittee adjourned, subject to the call of the Chair.)

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Senator RIBICOFF. Mr. Rouse, please?

Mr. Rouse, you are here because Senator Nelson has some deep concerns and would like some answers to various questions, and I might have some questions for you later.

Senator Nelson, at your convenience, you may proceed.

This is Mr. Rouse. You had some questions you wanted to ask him.

Senator NELSON. It is my understanding that you did recommend that the President create the Environmental Protection Agency as proposed in plan 3; is that not correct?

STATEMENT OF ANDREW M. ROUSE, EXECUTIVE DIRECTOR, PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION

Mr. ROUSE. That is correct, Senator Nelson.

Senator NELSON. And what was your rationale for the establishment of EPA?

Mr. ROUSE. I think, in your opening remarks, you stated the gist of it, but I think it would be useful to go over how the Council arrived at an independent Agency for Environmental Protection, because it touches on matters that concern you.

The Council started out with a predilection to place in one agency all of those activities which would enable the head of that agency to make all the necessary policy trade offs that apply to the area of cognizance of the agency. And they leaned in their deliber-

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tions toward doing that with the whole area of natural resources and their development.

They found, however, that it was not feasible to do that, in this case for two fairly important reasons.

POLLUTION ABATEMENT

The first was that pollution abatement, the problem with which they were concerned, is a problem which permeates all of the

activities of government and the instrumentalities that use resources in one way or another.

The second reason was that these concerns were universal to many of the agencies of Government. It would seem totally inappropriate to place the pollution control function in any one agency which would give that agency control over certain activities of other agencies involved in resource use or promotion the area and would probably induce a bias towards the interests of the managing agency.

The Council concluded that they would make an exception to the general rule they had set for themselves and to recommend to the President that a separate agency be created for environmental protection.

The gravamen of that reasoning was that you should not place an activity which was universal to the activities of all other agencies, most of them resource promoting, or resource using, or resource exploiting agencies, in an existing agency, and that you should create a new one for it in order to deal specifically with the standard-setting enforcement problem.

Now, the question that they were then faced with, Senator, was how much could they put into an environmental protection agency without seriously damaging the missions of existing agencies that had primary interests in certain areas which were at the same time resource using, and, on the other side of the coin, pollution creating activities.

"WHERE YOU BREAK THE JOINTS PROBLEM"

And that problem, which we called the "Where you break the joints problem," is the one that we had to wrestle with in putting together Reorganization Plan 3.

The general rule is to put in as much as was necessary to insure the central standard-setting function would have teeth.

Senator NELSON. Do I understand it was the fundamental position of the Council that you favored separating the environment aspects from the development aspects as a matter of principle?

Mr. ROUSE. That is exactly right, sir; that is, the pollution abatement and control aspects.

OCEAN WATERS DETERIORATING

Senator NELSON. As I know you are well aware, many of the marine scientists are alarmed about the rapidly deteriorating quality of ocean waters, particularly in those critical places of our

marine estuaries, breeding ground for much of the life of the entire sea. They are concerned that at the presently accelerating pace we will rather dramatically pollute this limited, especially [p. 94]

fragile area of the marine environment in the next 25 to 50 years with serious threats to the continued productivity of the oceans.

Thus, what concerns me about it is where the responsibility for coastal zone management would go, the responsibility respecting control of pollutants going into the oceans, the responsibility in the whole marine environmental effort, and that issue remains unresolved at the moment.

Do you have any view about where that aspect of environmental responsibility should be put?

Mr. ROUSE. Our view is that any authority created by Congress that deals with setting pollution control standards should not be placed in a resource using or promoting agency; so that, if Congress creates authority to set standards with regard to ocean pollution control, that authority should be placed in the Environmental Protection Agency and not in a resource using agency.

Senator RIBICOFF. Will the Senator yield?

Do you conceive then that this Environmental Protection Agency would take precedence over NOAA when it came to matters of pollution-setting standards?

Mr. ROUSE. I guess the short answer to your question, Senator, is "Yes." The question of precedence bothers me a little, but our belief is that the standard-setting activity ought not to be in a resource using, promoting or exploiting agency.

OCEAN AND SHORELINE MUST BE PROTECTED

Senator RIBICOFF. In other words, you agree with the position that Senator Nelson takes, that we must do everything possible to protect the ocean and the shoreline, and that if we do create NOAA which has development aspects we must make sure that the overdevelopment in NOAA does not do to the environment what overdevelopment in this Nation has done to the entire environment?

Mr. ROUSE. I agree, entirely.

Senator RIBICOFF. So, when Senator Nelson makes a statement that he would hope that the report would make this very clear, irrespective of if we decide to vote favorably on the report, you would feel that it would certainly be appropriate for the report to

have very strong language as to the intention of the Senate as to the role of the environment in NOAA?

Mr. ROUSE. I agree with you. I think it should.

Senator NELSON. Just so I am clear on this, you think the Environmental Protection Agency would be a more appropriate place than any other Federal agency for this responsibility, coastal zone management, and so forth; is that correct?

Mr. ROUSE. Let me say, first, that we did not study the coastal zone bill or the authorities created in it simply because it was pending legislation and our mandate related primarily to existing legislation.

But my view on that, Senator Nelson, is that those activities associated with grants to States proposed in the coastal zone bill, both to establish organizations for coastal management and then the operating grants subsequent to that probably need not be in EPA. But if there is authority in that bill which establishes standard setting and enforcement functions, those functions should be

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in EPA. That is, it is possible to separate a grant-giving activity from a standard-setting activity.

Senator NELSON. But so far as the environmental aspect of the oceans are concerned then, standard setting and enforcement respecting the environment, you believe this ought to go in the Environmental Protection Agency?

Mr. ROUSE. Yes, sir.

Senator NELSON. Thank you, Mr. Chairman.

Senator RIBICOFF. Thank you very much.

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EXHIBIT 4

S. 3677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That Congress finds and declares that—

(a) the deterioration of the environment threatens the health and welfare of man and degrades the quality of life;

(b) air, water and land pollution disrupts production, jeopardizes the economy and impedes the growth of the Nation;

(c) our technology has made it possible to increase agriculture and industrial production, meet consumer demands, and explore outer space, but we have not used our technology adequately to protect the resources of our environment;

(d) the protection and enhancement of the environment requires effective coordination and management of existing and future programs providing for

the control and prevention of air and water pollution, the disposal of solid wastes and the conservation of natural resources; and

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(e) it is therefore the purpose of this Act to protect present and future generations of Americans against the adverse effects of environmental changes through the establishment of an independent Agency—

(1) to develop and promote policies for the protection and enhancement of the environment;

(2) to develop criteria which identify the effects of pollutants and other environmental changes on the public health and welfare;

(3) to develop and enforce standards to protect the public health and welfare from the short- and long-term adverse effects of environmental changes; and,

(4) to develop the technical capacity to implement such policies and standards responsible for the development, administration, and enforcement of comprehensive national policies, programs, and activities authorized by Act of Congress to improve the quality of the American environment and to maintain that improved quality.

SEC. 2. (a) The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. In addition to the Administrator there shall be five deputy administrators, appointed by the President, by and with the advice and consent of the Senate, and designated at the time of appointment as follows: the Deputy Administrator for Research and Development; the Deputy Administrator for Enforcement; the Deputy Administrator for Standards Development and Intergovernmental Coordination Program Planning; the Deputy Administrator for Operations and Grants; and the Deputy Administrator for Public Information. Each deputy administrator (according to such order as the Administrator shall prescribe) shall act for, and exercise the powers of, the Administrator during his absence or disability. The Administrator shall prescribe the functions and duties of each deputy administrator consistent with his designation and such additional functions as the Administrator may from time to time prescribe. The Administrator and the deputy administrators may delegate any of their functions to, or otherwise authorize their performance by, an officer or employee of, or assigned or detailed to, the Administration.

(b) The Administrator is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this Act.

(c) The Administrator may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(d) Subchapter II of chapter 53 of title 5, United States Code (relating to Executive Schedule pay rates), is amended as follows:

(1) Section 5313 is amended by adding at the end thereof the following: “(20) Administrator, Environmental Quality Administration.”

(2) Section 5314 is amended by adding at the end thereof the following: “(55) Deputy Administrators, Environment Control Administration (5).”

SEC. 3. (a) There are hereby transferred to the Administrator all func-

tions of the Secretary of Health, Education, and Welfare with respect to, and being administered by him through—

- (1) the National Air Pollution Control Administration;
- (2) the Bureau of Radiological Health;
- (3) the Bureau of Solid Waste Management; and
- (4) the Bureau of Water Hygiene.

(b) There are hereby transferred to the Administrator all the functions of the Secretary of Commerce with respect to, and being administered by him through, the Environmental Science Services Administration.

(c) There are hereby transferred to the Administrator all functions of the Secretary of the Interior with respect to, and being administered by him through—

- (1) the Federal Water Pollution Control Administration; and
- (2) the Water Resources Division of the Geological Survey.

(d) There are hereby transferred to the Administrator all functions of the Secretary of the Interior with respect to, and being administered by him through—

- (1) the Pesticide Control Board pursuant to the Federal Insecticide Fungicide, and Rodenticide Act, (7 U.S.C. 135);
- (2) the Farmers House Administration, insofar as such functions relate to the water and sewer facilities assistance program.

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(e) There are hereby transferred to the Administrator all functions from the Department of Housing and Urban Development (with respect to, and being administered by him through) the Community Resource Development Administration, insofar as such functions relate to the water and sewer grant program authorized by section 701 of the Housing Act of 1954.

(f) There are hereby transferred to the Administrator all functions of the Department of Transportation with respect to, and being administered by him through the Office of Noise Abatement;

(g) Within 180 days after the effective date of this Act, the President may transfer to the Administrator or any function of any other agency or office, or part of any agency or office, in the executive branch of the United States Government if the President determines that such function relates primarily to functions transferred to the Administrator by subsection (a) through (f) of this section.

SEC. 4. (a) All personnel, assets, liabilities, contracts, property, and records, as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 4 of this Act, are hereby transferred to the Administrator. Except as provided in subsection (b) of this section, personnel engaged in functions transferred under this title shall be transferred in accordance with applicable laws and regulations relating to transfer of functions and personnel.

(b) Personnel not under section 5337 of title 5, United States Code, shall be transferred without reduction in classification or compensation for 1 year after such transfer.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this Act, such agency or office shall lapse.

SEC. 5. (a) The Administrator is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the

competitive service, such advisory committees as may be appropriate for the purpose of consultation with, and advice to, the administration in the performance of its functions. Members of such committees, other than those regularly employed by the United States Government, while attending meetings of such committees or otherwise serving at the request of the Administrator, may be paid compensation at rates not exceeding those authorized to be paid experts and consultants under section 3109 of such title, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title, for persons in the Government service employed intermittently.

(b) In order to carry out the provisions of this Act, the Administration is authorized—

- (1) to adopt, alter, and use a seal;
- (2) to adopt, amend, and repeal rules and regulations governing the manner of its operations, organization, and personnel, and the performance of the powers and duties granted to or imposed upon it by law;
- (3) to acquire by purchase, lease, condemnation, or in any other lawful manner, any real or personal property, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; to provide services in connection therewith, and to charge therefor; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate;
- (4) to construct, operate, lease, and maintain buildings, facilities, and other improvements as may be necessary;
- (5) to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;
- (6) to enter into contracts or other arrangements or modifications thereof, with any government, any agency or department of the United States, or with any person, firm, association, or corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended. (41 U.S.C. 5);
- (7) to make advance, progress, and other payments which the Administrator deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and
- (8) to take such action as may be necessary to carry out the provisions of this Act.

SEC. 6. The Administrator shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President and Congress on the activities of the Administration during the preceding fiscal year.

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SEC. 7. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

- (1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or office, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect; shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act, except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Administration. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Administrator, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit and under this Act—

(A) such agency or office, or any part thereof, is transferred to the Administrator; or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Administrator; then such suit shall be continued by the Administrator (except in the case of a suit not involving functions transferred to the Administrator, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to the agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Administration or Administra-

tor, as appropriate, in which such function is vested pursuant to this Act and such other Federal law shall hereafter be administered by such Administration or Administrator to the same extent as such law was administered by such former agency, office, or part thereof, or officer.

(e) This Act shall not have the effect of releasing or extinguishing any criminal prosecution penalty, forfeiture, or liability incurred as a result of any function transferred under this Act.

(f) Orders and actions of the Administrator in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and action had been by the agency or office, or part thereof, or officer exercising such functions immedi-

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ately preceding their transfer. Any statutory requirements relating to notice hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Administration.

(g) In the exercise of the functions transferred under this Act, the Administrator shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

SEC. 8. (a) This Act, other than this section, shall take effect 90 days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsection (a) or (b) of section 3 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Administrator pursuant to this Act.

EXHIBIT 5

ANSWERS OF RUSSELL TRAIN TO QUESTIONS OF SENATOR EDMUND MUSKIE ON REORGANIZATION PLAN NO. 3

1. Does the Administration plan to seek legislation to provide EPA with authority to deal with environmental noise? Why weren't these functions transferred from D.O.T. as a part of this plan?

A. The Council on Environmental Quality is now engaged in a study of existing noise control programs and of alternative approaches for the control of all major sources of noise. The outcome of this study probably will result in new legislation being submitted to the Congress.

In light of the Council study and the very embryonic stage of Federal programs dealing with noise, it was declared that it would be preferable to delay any transfer of noise control programs at this time. If a new, more comprehensive approach to noise control is to be taken, such an approach should be submitted to Congress in the form of legislation, rather than trying to anticipate it in the reorganization plan.

The President's message transmitting Reorganization Plans No. 3 and 4 makes quite clear that the Environmental Protection Agency would be a logical location for future noise control programs.

2. Criticism has been directed to the capability of FWQA and NAPCA to monitor water and air quality. These capabilities presently exist in the Geological Survey and Environmental Science Service Administration. Why weren't these functions transferred to the new agency?

A. No effort was made in the reorganization plan to concentrate all monitoring activities in the new agency. The data from monitoring performed by other agencies will be readily available to EPA, and EPA will have sufficient authority to conduct its own monitoring activities where gaps exist.

Both ESSA and the Geological Survey monitor for a wide range of activities other than pollution control. Less than 10% of ESSA's work is related directly to pollution, and the work of the Geological Survey is more directly related to the water resource development programs than to pollution control. Both agencies perform a wide range of services for a number of different agencies, and EPA will be able to use their services when it considers such use desirable.

3. States and communities have repeatedly charged that Federal pollution grant programs are so fragmented that effective coordination of grant applications, especially water, sewer and waste treatment, is not possible. Why didn't the Administration take this opportunity to consolidate the Farmers Home Administration-HUD-FWQA grant programs in these areas?

A. There are two primary reasons why the Agriculture and HUD water and sewer grants were not included in the new agency. First, these grant programs are quite closely related to the mission of the agencies in which they are currently located. Sewers are just as much a tool for controlling urban development as for controlling water pollution. Agriculture's grants are a vital part of the general support provided to smaller communities.

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Second, the administrative difficulties involved in combining the grants are immense. The grant programs are difficult, and in the case of Agriculture, almost impossible to separate from the water and sewer loan programs. The cost-sharing and administrative provisions differ for each of the grant programs, and agreement on common provisions would be very difficult. The Agriculture grants are processed by county committees, and thus Agriculture would probably have to continue to administer the applications process, even if the grants were given by another agency. Agreement on a common Federal share of costs would probably result in more Federal money per grant than is now the case.

The coordination of the water or sewer programs through a common application form is beginning to work well, and the problems referred to in the question are becoming less acute.

4. When water pollution control was transferred to the Department of the Interior from HEW, concern was expressed about the need to maintain a focus upon protection of the public health. I am informed that little if any coordination has existed, in the past four years, between the Bureau of Water Hygiene in the Public Health Service and the Federal Water Quality Administration. Effective coordination might have resulted in earlier identification of the critical problem of mercury contamination.

Who will be providing the health data to EPA? Why wasn't the National Institute for Environmental Health Sciences transferred to provide the new administration with an adequate health research base? How do you expect the new administration to anticipate and deal with the health related problems posed by radiation and pesticides which will require immediate attention?

A. The reorganization plan gives EPA its own capability to deal with the health aspects of pollution. The inclusion of such a capability in the new agency was considered essential for its standard-setting function.

The ability of EPA to do health-related research will be provided by the transfer of several units from HEW—the National Air Pollution Control Administration, portions of the Bureau of Radiological Health, the Bureau of Water Hygiene, and those parts of the Food and Drug Administration involved in research and standard-setting for pesticides. In the field of radiation, the new agency will also draw heavily on such expert bodies as the National Commission on Radiation Protection Standards.

The National Institute for Environmental Health Sciences was not transferred because the research conducted by it is quite basic in nature. It generally does not do the type of applied research necessary for setting standards or for taking action on immediate critical problems. Since the NIEHS research is basic, the results will be readily available to EPA. Also, the work of NIEHS is so closely related to that done by the other National Institutes of Health (particularly the Cancer Institute) that it is likely that HEW would have to create a new NIEHS if the existing one were transferred.

5. There has been some concern about portions of existing agencies and their programs not being transferred to the Environmental Protection Administration. What can you tell us, for example, about the environmental health programs and agencies, or portions thereof, which will not be transferred from HEW to the new independent agency?

A. The following environmentally related programs were not transferred from HEW: NIEHS, the Bureau of Occupational Health, the Bureau of Community Environmental Management, and portions of the Bureau of Radiological Health.

We have explained above the reasons for not including NIEHS. Occupational health was not considered to be one of the functions of the new agency, which will focus on the general environment, and therefore the Bureau of Occupational Health was not transferred. The programs of the Bureau of Community Environmental Management relates primarily to particular disease problems, such as coal miners' "black lung" (pneumoconiosis) and diseases of Alaska natives, and these were not considered part of EPA's mission. The portions of the Bureau of Radiological Health not transferred relate to occupational health, consumer protection, and control of radiation from medical uses, all of which were considered to be outside the focus of the new agency.

6. The President's message accompanying Reorganization Plan No. 3 says it should result in more efficient operation of the Government. It goes on to say: "It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action." Do you expect expenditures for these already under-funded, under-manned programs to decrease? The Committee on Public Works Staff Study shows 4,926 employees and \$1.5

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billion are being used in these programs. What are your estimates of funding and manpower for the new agency during the next three years?

A. The President's statement with respect to expenditure reductions was made only to comply with the requirement of the statute governing reorganizations (P.L. 89-554) which states that the President in his message transmitting a reorganization plan "shall specify . . . the reduction of expenditures (itemized so far as practicable) that it is probable will be brought about by the taking effect of the reorganizations included in the plan."

Funding and manpower for the EPA programs will almost certainly increase over the next few years. It is impossible to tell how large such increases will be, since such decisions cannot be made apart from the total budgetary process and will depend on factors such as international relations and the state of the economy which are not totally predictable at this time.

ANSWERS OF RUSSELL TRAIN TO QUESTIONS OF SENATOR CHARLES MATHIAS ON
REORGANIZATION PLAN NO. 3

1. The concentration of environmental efforts into one agency would seem to facilitate the United States' ability to enter into international pollution control agreements. Has consideration been given to make more international initiatives in this area?

A. The creation of the Environmental Protection Agency should facilitate efforts by the U.S. to enter into international pollution control agreements. Agreements now exist with Canada and Mexico concerning water pollution, and the Council on Environmental Quality is exploring further avenues for international cooperation.

2. Could you tell us to what extent probable growth in the new agency's operations was taken into account in determining the estimated budget of \$1.4 billion for FY 1971? Having viewed the enormous oil spill in Baltimore harbor recently, I wonder if enforcement of the Interior Department's new regulations on oil spills, for example, would require substantial additional funding.

A. The Reorganization Plan itself cannot deal with the question of additional funding. The estimated \$1.4 billion represents the budgets already submitted to the Congress for those agencies which will be transferred to EPA. In the future, insofar as additional functions are not included in the annual budget request, they can be included in requests for supplemental appropriations.

3. I understand that new environmental problems have sometimes been created in the process of controlling existing ones. Could you perhaps illustrate this and indicate how the proposed new agency would reduce the likelihood of producing self-defeating remedies?

A. There are numerous examples of new pollution problems being created through the control of existing ones. The burning of sewage sludge in municipal water pollution treatment plants often is a significant source of air pollution. Solid waste disposal practices often create problems of air or water pollution. The new agency would reduce the likelihood of producing self-defeating remedies because it would be responsible for all forms of pollution, and therefore would be able to consider all aspects of proposed pollution control methods.

4. With respect to the proposed transfer of the registration of agricultural chemicals from the U.S. Department of Agriculture to the Environmental

Protection Agency, serious concern has been expressed that the new agency, in regarding pesticides as pollutants, may show insufficient appreciation of their value as aids to agricultural production. How do you answer these doubts?

A. The new agency will be responsible for weighing all relevant factors in making regulatory decisions, and the Department of Agriculture will be responsible for advising EPA on the value of particular pesticides for agricultural production. Furthermore, EPA will be bound by the same requirements of due process and the other protections contained in the law regulating registration of pesticides. If the new agency is to maintain its credibility with the Congress and the public it cannot afford to make decisions based solely on environmental considerations.

5. The new agency will be responsible for dispensing financial and technical assistance from the Federal Government to States in developing their own pollution control programs. Is there any provisions such as in the pending consumer protection legislation, or are there any plans for extending the

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availability of this type assistance to municipal governments and private non-profit organizations?

A. Some of the agencies included in EPA now give financial assistance to local government pollution control agencies. The air pollution program gives both project and support grants to local agencies, and the solid waste program gives demonstration grants to local agencies. Financial support to non-profit organizations in the form of research and development grants and contracts is given by almost all the major programs. Technical assistance takes many forms and is available to both municipal governments and, under some circumstances, to private non-profit organizations.

6. I understand that the reorganization of pollution control would have the advantage for industry that industry would be assured of consistent standards covering the full range of their waste disposal problems. Could you elaborate on this?

A. Standards for industry will continue to set by media (air pollution, water pollution) but the fact that one agency will be responsible for setting these standards will allow for consistency and coordination. An industry could obtain guidance on the best mix of control methods for its full range of waste disposal problems from one agency at one time. The situation where an industry creates a new form of pollution in the process of controlling existing pollution (for example, creating water pollution by using wet scrubbers to control air pollution) would be much less likely to occur because a single agency would be responsible for considering all aspects of pollution control methods, not just their effect on one particular medium.

7. I wonder if you might give some indication of what additional environmentally-related reorganizations you may later propose, provided the present proposals prove successful?

A. The President in his message transmitting Reorganization Plan No. 3 specifically cited the example of future noise control programs being placed under the new agency. No other reorganizations in the environmental area are under consideration at this time.

EXHIBIT 6

STATEMENT OF FRED J. RUSSELL, UNDER SECRETARY, DEPARTMENT OF THE INTERIOR, WITH REGARD TO REORGANIZATION PLAN NO. 3, TO CREATE AN ENVIRONMENTAL PROTECTION AGENCY

Mr. Chairman, Members of the Committee: I am pleased to appear before you today to testify in support of Reorganization Plan No. 3 of 1970, which the President transmitted to the Congress on July 9, 1970. This reorganization plan, prepared in accordance with chapter 9 of title 5 of the United States Code, provides for establishment of an Environmental Protection Agency (EPA).

The President, in his landmark message of February 10, 1970, on the environment, pledged to recommend new and improved administrative measures to meet the environmental crisis. The establishment of EPA will carry out that pledge by consolidating the major Federal pollution control programs. Since you have reviewed the reorganization plan and the accompanying message of the President and have heard the witnesses who have preceded me, I will summarize the content of the reorganization plan briefly at this time, but will not go into great detail.

EPA will bring together Federal pollution control programs which are now administered separately by the Department of the Interior and a number of other Federal agencies and councils. It will be able to conduct a comprehensive campaign to advance environmental quality and to combat pollution in a manner which takes into account the interrelationship among what we have tended to consider as independent environmental problems (air, water, solid waste, radiation, pesticides).

We expect that EPA will make the Federal Government's major pollution control programs *fully effective—that it will expedite the elimination of pollution* in its many forms from Federal activities and activities under Federal licenses or permits—that it will increase the status and consideration accorded to environmental problems and pollution abatement activities within the Federal Government—that it will facilitate more prompt compliance by industrial and other polluters by providing clear and consistent standards and unified enforcement—that it will encourage state and local governments

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to increase their emphasis upon environmental protection and pollution abatement by providing a focal point for financial support, technical assistance, and program guidance—that it will separate and thus avoid, any real or apparent conflicts between—(1) pollution abatement standards-setting and enforcement activities, and (2) the continuing responsibility of various departments to promote activities which may cause pollution if proper safeguards are not provided.

EPA will have an estimated 5,605 personnel and a budget of \$1.4 billion for fiscal year 1971. Of this total, the functions to be transferred from the Department of the Interior presently have 3,005 personnel and \$1,098,576,000 budgeted for fiscal year 1971.

EPA will be comprised of the following components:

The Federal Water Quality Administration (FWQA), now in the Department of the Interior;

The National Air Pollution Control Administration (NAPCA), now in the Department of Health, Education, and Welfare;

Parts of the Environmental Control Administration (Bureaus of Solid Waste Management, Water Hygiene and part of the Bureau of Radiological Health), also from HEW;

The pesticides research and standard-setting program of the Food and Drug Administration, also from HEW;

The pesticides registration authority of the Department of Agriculture; Authority to perform general ecological research, from the Council on Environmental Quality;

Certain pesticide research authorities of the Department of the Interior;

Functions regarding radiation criteria and standards now vested in the Atomic Energy Commission and the Federal Radiation Council.

Specifically, there will be transferred from the Department of the Interior: the functions of the Secretary and the Department which the Federal Water Quality Administration administers—the functions which Reorganization Plan No. 2 of 1966 transferred to the Interior from the Department of Health, Education, and Welfare—the functions which the Federal Water Pollution Control Act vested in the Interior—the functions with regard to studies of effects of insecticides, herbicides, fungicides, and pesticides on fish and wildlife resources vested in the Interior by the Act of August 1, 1958—and the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries at Gulf Breeze, Florida, which performs research on the effects of pesticides on fish and wildlife resources as its chief function.

In addition, the plan specifically transfers from the Department the Water Pollution Control Advisory Board and enforcement hearing boards provided for in the Federal Water Pollution Control Act, as amended, and the Secretary's functions as the Chairman of the Water Pollution Control Advisory Board under the Act.

The Department consistently has endorsed the concept of consolidating activities related to environmental protection and pollution abatement in a single agency.

We are cooperating fully in making the necessary changes and adjustments which Reorganization Plan No. 3 requires.

I have with me other officials of the Department. We shall be happy to answer any questions which you may have.

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EXHIBIT 17

STATEMENT CONCERNING THE PROPOSED ENVIRONMENTAL PROTECTION AGENCY AND ENVIRONMENTAL HEALTH

(Prepared by Eric W. Mood, Associate Professor of Public Health, Department of Epidemiology and Public Health, Yale University School of Medicine, New Haven, Conn., July 17, 1970)

INTRODUCTION

Reorganization Plan No. 3 which President Nixon has sent to Congress for approval has considerable merit, but it is also very deficient and inconsistent in scope and content. This Plan would establish an Environmental Protection Agency as a separate agency of government. It emphasizes the control of

the environment by man in a less than comprehensive manner, although many of salient programs of federal government control of the environment will be located within this Agency. However, it fails to consider the role of the federal government in determining in a coordinated and comprehensive manner the effects of environmental pollution upon the health and well-being of man. It may be said that the mission of the proposed Environmental Protection Agency is to protect the environment from some of the ravaging actions of man and his society, but fails to consider the impacts of pollutants on the totality of the health and well-being of man.

THE LIMITED SCOPE OF THE PLAN

Reorganization Plan No. 3 suggests that an effective approach to pollution control involves five elements, namely:

"Identify pollutants.

"Trace them through the entire ecological chain, observing and recording changes in form as they occur.

"Determine the total exposure of man and his environment.

"Examine interactions among forms of pollution.

"Identify where in the ecological chain interdiction would be most appropriate."

However, these five elements do not include in a succinct form the very vital and necessary activity of defining the pollution problem in terms of its immediate and long-range effects, including the potential carcinogenic and mutagenic effects, upon the physical and mental health and social well-being of mankind. The Plan suggests that this may be a responsibility vested in other governmental agencies upon whom the new Environmental Protection Agency may draw for such expertise. However, since this is such a vital activity, it should have been identified very clearly in the Plan and not left to allusion.

THE LACK OF COMPREHENSIVENESS OF THE PLAN

Reorganization Plan No. 3 lacks the comprehensiveness needed to achieve effective environmental control, even within the limited scope discussed previously. Some important environment control activities of the federal government are not listed among the functions to be transferred to the proposed Environmental Protection Agency. Other activities will be the joint responsibility of more than one agency.

One of the more pressing environmental pollution problems that will be outside the realm of activities of the proposed Environmental Protection Agency is that of community noise abatement. This activity remains in the Department of Transportation. It should not be so located. Transportation vehicles are major sources of noise, but are not exclusive sources. Further, an agency which has the responsibility to develop transportation facilities, mechanisms, systems, etc., hardly can be expected to give the necessary emphasis to noise control activities, particularly if a primary source of community noise is a transportation facility or device.

Split or joint responsibility that can lead only to confusion and inaction involves, among others, the control of radiation sources and the contamination of foodstuffs with pesticide residues. There is absolutely no rationale to vesting the control of some ionizing radiation sources in the new agency and

of other sources in the Department of Health, Education, and Welfare. The effect upon man and nature of a particular type of radiation at a given level of energy will be the same, regardless of the source.

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WHO REPRESENTS THE CITIZEN?

A major deficiency of Reorganization Plan No. 3, is a failure to acknowledge the need to establish an agency to whom the citizen may appeal in matters of environmental pollution. As never before, there is an urgency to provide this service for the people of this great nation. While the proposed Environmental Protection Agency will amalgamate some of the environmental control agencies into a single unified organization, there will still be many federal agencies having legal and moral responsibilities for environmental pollution control. If and when one of these agencies fails to fulfill all of their responsibilities to the citizenry, to whom may a citizen or civic organization turn for information and assistance? A multitude of governmental agencies have programs that may result in a degree of defilement or debasement of the environment. To whom may a citizen appeal for help?

I believe that it is time that the federal government and state governments create an agency to serve as an *environmental ombudsman*. The various offices of consumer protection that may be found in the federal government and in some state and municipal governments indicate a recognition of the need for providing the consumer with a resource to whom he may turn if a product is involved. What is missing—and is needed urgently—is a resource to whom the citizen may turn if services are involved. I suggest as a part of a comprehensive effort of environmental pollution control and protection by the federal government that an agency be created to provide to the citizenry the services of an environmental ombudsman and that the activities of such an agency include those normally associated with programs of consumer protection (products) and those of environmental protection and control (services). To be effective, such an environmental ombudsman agency should not be a part of the proposed Environmental Protection Agency.

THE DEVELOPMENT OF HEALTH CRITERIA

Reorganization Plan No. 3 is not consistent in the implementation of a philosophy of responsibility for the development of health criteria of the effects of environmental pollution. The federal government has at this time an opportunity to follow one of two basic patterns of responsibility to formulate health criteria of the effects of environmental pollution. One option is to vest the responsibility for the development of these criteria in the same agency that is responsible for the enforcement of standards that are promulgated from the criteria. The second option is to place the responsibility in a separate agency. This is the preferable method for many reasons. Some of the principal reasons are as follows:

- (1) a separate agency can be oriented toward the scientific goals that are necessary for the promulgation of such criteria;—an enforcing agency normally does not have this scientific goal as one of its primary objectives.
- (2) a separate agency permits a separation of activities and minimizes undesirable compromises.
- (3) a separate agency allows for the concentration of specialists in a manner that provides greater efficiency and more effectiveness.

Reorganization Plan No. 3 transfers to the Environmental Protection Agency some of the federal government's responsibility to formulate health criteria of environmental pollution, but leaves the responsibility for formulation of other health criteria in agencies other than the proposed EPA. For example, in transferring the National Air Pollution Control Administration from the Department of Health, Education, and Welfare to the proposed Environmental Protection Agency, the responsibility at the federal level for the promulgation of criteria of the health effects of air pollution has been vested in the proposed EPA. However, the Bureau of Water Hygiene, which has the principal responsibility of determining the health effects of water pollution, remains as a unit in DHEW. Other similar, and equally confusing, examples may be cited.

WHO HAS THE AUTHORITY TO ACT IN EMERGENCY HEALTH SITUATIONS?

In transferring the National Air Pollution Control Administration to the proposed Environmental Protection Agency, the authority of the Secretary of the Department of Health, Education, and Welfare to act in a health emergency due to air pollution, as he is authorized to do under the provisions of Sec. 108.(k), Public Law 90-148 (The Air Quality Act of 1967) is unclear. If the authority remains with the Secretary of HEW, provisions must be

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made to give him the necessary staff and resources to be advised of a health emergency and to initiate the appropriate action. If the intent is to transfer the authority to the Administrator of the proposed E.P.A., then some special provisions must be made to insure that he will have the necessary health expertise available to initiate the appropriate request to the Attorney General for necessary action.

PROPOSED REDEFINED ROLE OF HEW

Inasmuch as Congress can not amend the Reorganization Plan, consideration should be given to the restructuring of the residual environmental health programs that will remain in the Department of Health, Education, and Welfare, assuming that Congress accepts Reorganization Plan No. 3, inadequate as it may be. The several programs of environmental health that will remain in DHEW must be welded into an integrated and coordinated unit if these programs are to be effective. It is unfortunate that another reorganization of environmental health activities within DHEW must be made—as this will be the sixth reorganization in five years—but it is vital that this be done now and with much deliberation, wisdom and forethought. It is unfortunate that many of the reorganizational activities of environmental health programs of DHEW during the past five years were motivated by selfish gains and without adequate input from environmental health specialists outside of the federal government.

It is suggested that a new entity be created within the Department of Health, Education, and Welfare to be called the *Human Ecology Administration* or the *Health Protection Administration* or some similar appropriate title. The purpose for creating such an Administration is multi-fold, but one of the primary objectives to be achieved is to form within DHEW a strong focal point of environmental health activities in dealing with the proposed

EPA. The new Human Ecology Administration should be established at an organizational level equivalent to Food and Drug Administration, Health Services and Mental Health Administration, and National Institutes of Health and with a staff officer of flag rank in the Office of the Assistant Secretary for Health and Scientific Affairs.

The proposed Human Ecology Administration should have as a primary responsibility the provision of services and activities that will provide an effective health/environment interface to complement some of the services and activities of the proposed Environmental Protection Administration. Another primary responsibility would pertain to the concern of the federal government for the promotion and enhancement of physical and mental health and to the prevention of disease, injury and mental ill-health that are or may be caused or aggravated by environmental factors.

An effective Human Ecology Administration could be created by amalgamating the following programs and activities of DHEW into a single entity:

(1) the residuum of the former Environmental Health Service to include:

- (a) Bureau of Occupational Safety and Health;
- (b) Bureau of Community Environmental Management;
- (c) medical and electronic protection program of the former Bureau of Radiological Health; and
- (d) Bureau of Water Hygiene.

(2) Center for Disease Control (from Health Services and Mental Health Administration);

(3) National Institute of Environmental Health Science;

(4) Community Health Services, except for those programs that deal with the delivering of health care services (from Health Services and Mental Health Administration);

(5) Laboratory of Socio-environmental Studies (from National Institute of Mental Health); and

(6) Programs dealing with the study of metropolitan problems presently in the National Institute of Mental Health.

In addition to creating a strong focus for environmental health activities within DHEW, the proposed reorganization would materially strengthen the Health Services and Mental Health Administration since it would permit HSMHA to predominately orient its programs and activities to the concern for health care and the delivery of personal health services.

CONCLUSION

It is imperative at this point in time when man's very existence is threatened by environmental pollution that a strong element in the federal government be formed to assess and advise on all matters of environmental pollution

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that may affect man's health. Since the proposed Environmental Protection Administration is oriented primarily toward control of man's ravaging effects on the environment, a new major division of DHEW should be created to provide the necessary resources to study and evaluate the effect of environmental pollution on the physical and mental health and social well-being of man and to provide the proposed EPA with the necessary scientific and technological support for their programs. Also, there is need to create immedi-

ately within the federal government system an agency which could function as an "environmental ombudsman". The time to make these changes is *now!*

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EXHIBIT 24

STATEMENT OF PARKE C. BRINKLEY, PRESIDENT, NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION, ON REORGANIZATION PLANS NOS. 3 AND 4 OF 1970, AUGUST 4, 1970

My name is Parke C. Brinkley. I am President of the National Agricultural Chemicals Association, a non-profit trade association which represents the agricultural pesticide industry in the United States.

We appreciate the opportunity to appear before this Committee this morning to discuss the implications of Reorganization Plan No. 3. This plan, which establishes the Environmental Protection Agency, has as its principal goal the control of pollution in our environment. A number of existing programs related to environmental protection will be transferred to the new agency. The only complete regulatory and enforcement program for a particular class of commodity transferred to the new agency is the registration of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act and the estab-

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lishment of permissible residues of pesticides on raw agricultural commodities under the Food, Drug, and Cosmetic Act. Enforcement of these residue limits remains with the Food and Drug Administration. Enforcement of pesticide registration moves to the new agency.

When this plan was first brought to our attention, our reaction was negative. After careful reflection, however, we accept the Plan because we think it can bring benefits to the American public. We hope it will create a less emotionally charged atmosphere within which Government scientists can more objectively appraise the benefits and attendant risks in the use of pesticides.

I suppose we all mean by the word pollution, the despoiling and befouling of our environment—air, water, and soil—with resulting harm to human health and our wildlife resources. With this definition in mind, we say that though there have been instances where pesticides have contributed to environmental problems, pesticides have done far more to clean the environment than to despoil it.

To recite the accomplishment of pesticide use is no longer exciting and commands no space in the press because we accept these benefits as if they were a part of our life charter. The emotion stems from the discovery of pesticide residues in non-target species but without regard to the benefits achieved when these calculated risks are taken. We are no longer concerned with malaria, yellow fever, and a host of insect-borne diseases because they are not a health factor in this country. They do remain a major health factor in other areas of the world, however. Dr. M. A. Farid, Director of Program Planning for the Malaria Eradication Section of the World Health Organization, advises that in 1936 there were 200,000,000 cases of malaria in India alone resulting in 2,000,000 deaths. In 1968, only 156,000 cases were reported in India with approximately 750 cases resulting in death.

Last month in New Mexico several cases of bubonic plague were reported. This is worthy of little attention as the disease is now readily controllable with penicillin. Yet these disease vectors are controlled only by pesticides. Flies, mosquitoes, rats, roaches, body lice—perhaps we can live with these environmental contaminants but we must not forget that they continue to spread a host of diseases including encephalitis, of which there have been three or four outbreaks in the last 15 years.

We will not make an effort this morning to review the pesticide record. We are aware of the criticism that has been leveled at the Federal agencies and their enforcement of pesticide programs. We feel that a careful objective review of the record will bear out the fact that these agencies have done an outstanding job with the few failures or inadequacies that have been reported testifying more to the dimension of the problem than to the failures of the dedicated personnel in these agencies. Transferring these programs may appear to reflect a lack of confidence in the ability of these agencies to do their job. We trust this is not so and that the record will be clear that transferring these functions to EPA is to bring together the variety of disciplines necessary to regulate the sale and use of pesticides and to render more efficient this continuing effort.

We view optimistically the bringing together of all relevant scientific disciplines into one agency to improve interdisciplinary communication, evaluation of data and measurement of the significance of the information that is collected by Government and industry. Prior to sale a pesticide must be registered by the Department of Agriculture. The burden is upon the applicant to establish safety and efficacy. No agricultural use is permitted until a tolerance for any residue of the pesticide on raw foods is established. Pre-registration review includes the Departments of the Interior and Health, Education, and Welfare. After registration each pesticide is subjected to a comprehensive monitoring program designed to point out unanticipated effects. As you know, the fish and wildlife resources of this country, including shellfish and our water and air resources are subject to careful monitoring, the results of which are reported regularly in the *Federal Pesticide Monitoring Journal*. USDI laboratories at Patuxent, Maryland, Gulf Breeze, Florida, Denver, Colorado, and Columbia, Missouri, report on studies of invertebrates, fish and wildlife. Other agencies make important contributions—the community health profiles of the Public Health Service, the market basket surveys of the Food and Drug Administration—every phase of our environment is studied under the coordination of the Working Party, Subcommittee on pesticides of the President's Cabinet Committee on the Environment. These programs provide a continuous source of data to measure the input of pesticides into our environment.

As more agencies became more involved in recent years with the regulation of pesticides, we faced a proliferation of regulators which ultimately required
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the development of the Interagency Review Agreement of January 29, 1970. This is perhaps the most elaborate interagency review program in the Executive Branch of the Government. One result, at least, was to add an indefinite amount of time to the evaluation of new products and new uses for old products. We found ourselves dealing with second and third hand information and experienced great frustration in attempting to locate the source of the

information as problems arose. Thus we were extremely hampered in bringing to bear the implication of the scientific data relevant to the problem area.

We then look forward to the opportunity to deal principally with one agency where there will be an opportunity for communication between the regulators and the regulated. We anticipate that this increased efficiency will result in more prompt and relevant responses, and a more effective and efficient handling and resolution of problem areas.

From the testimony already presented to this Committee, we anticipate that there will be a unified division of pesticides in EPA, hopefully headed by a Deputy Director of the Agency. In this manner the Agency can function most efficiently and, we believe, the benefits of this reorganization can be more fully realized.

The Agency must accept a premise that is not particularly popular at the moment and that is, that there is a desperate need to continue pesticide use for the protection of food, the protection of the public health, and for improvement in the quality of the environment.

Pesticides, like drugs, present a host of benefits but there are risks which can be calculated and measured, and accepted to achieve the benefits. The validity of the benefit-risk equation was soundly endorsed by Senator Ribicoff in Senate Report No. 1379, 89th Congress, 2d Session, following a three-year review of pesticides by the Subcommittee on Reorganization of the Committee on Government Operations.

Senator Ribicoff underscored the need to mitigate confusion and anxiety in the public mind and the need to evaluate pesticides in an objective atmosphere. The Report points out:

"The reservoir of apprehension in the public mind evolves from three signs of our time: (1) The lack of understanding of science leading to distrust and actual dislike; (2) nostalgia for a simpler life, the good old days, and the "peaceable kingdom"; and (3) a feeling of individual incompetence to avoid the threats of technological side effects (e.g., helplessness against community aerial spraying, unknown source of food stuffs, and total reliance on governmental control and regulation). This anxiety (amounting to fear) is a barrier to facts and presents a bad climate for decisionmaking." [Ibid., page 50]

The results of the emotional approach to pesticides have been significant. The pesticide industry historically committed a relatively high percentage of gross sales to research. Recently, several chemical companies have completely abandoned their research and development programs on pesticides. Others have sharply reduced their efforts in insecticides while continuing to go forward with other types such as herbicides. The mounting cost of research and development, the unreceptive mood of state and Federal regulators, and extremely poor image of the industry in the public mind, were major contributing factors. Corporate executives find little comfort in outstanding achievements in the pesticide field when they are constantly harangued and barraged by stockholders and others as despoilers of our environment through the development of effective insect control techniques.

We look forward then to the formation of the Environmental Protection Agency. We look forward to cooperating and working with this Agency to bring to the public the maximum benefits pesticides offer with the minimum risks attendant upon pest control programs. We look forward to a continuation of the elaborate Federal monitoring systems of pesticide residues in our environment, to the opportunity to work cooperatively to improve pesticide

effectiveness and minimize the exposure of non-target organisms to these materials.

We are not completely persuaded that establishing a new agency will result in better regulatory programs, except to the extent that they will be more efficient and thus more effective. This alone may be of sufficient value to justify the creation of the new Agency.

Reorganization Plan No. 3 does not deal with the structure of the Agency though the indications are that a Pesticide Division will be designed to put all pesticide activities in the new Agency under one top level executive who will have the ultimate authority and the concurrent responsibility for these programs.

An integrated pesticide program in one division of the Agency could be the key to an effective regulatory program.

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EXHIBIT 27

THE AMERICAN PAPER INSTITUTE,
New York, N.Y., August 6, 1970.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Government Operations Committee,
Washington, D.C.

MY DEAR SENATOR MCCLELLAN: The American Paper Institute, which represents some 200 member companies, comprising 90 percent of the pulp, paper and paperboard industry, fully supports Government Reorganization Plan #3 to create an Environmental Protection Agency.

The country has long needed a fully coordinated attack on environmental problems. The fragmentation of executive powers in this field, on both federal and state levels, is today a serious obstacle to the vigorous progress that our national situation requires. As a case in point, industrial enterprises must deal with a number of agencies, depending upon the nature of their pollution problems, and commonly find themselves up against conflicting, inconsistent or uncoordinated decisions. Pollution in one media can often be cured at the expense of causing pollution in another, and yet the vital interests of society call for the improvement of the total environment. Only through the consistent and coordinated development and enforcement of quality standards can we expect to achieve the results required.

Many of the States are in a comparable position to that of the Federal Government, with a multiplicity of departments working piecemeal on environmental problems. We believe that the establishment of the new Environmental Protection Agency will encourage those States which have not yet done so to emulate the Federal Government in creating a single organization where all key aspects of waste disposal and pollution will be handled.

Although President Nixon's message of July 9 to the Congress states the overall case for the new agency with great clarity and effectiveness, we stand ready, if your Committee so desires, to testify in favor of Plan #3 from the point of view of the benefits we believe it will bring to the paper industry's long and steadily growing efforts to improve the environment.

Most sincerely,

EDWIN A. LOCKE, Jr., *President.*

EXHIBIT 28

STATEMENT REGARDING REORGANIZATION PLAN NO. 3 OF 1970 ESTABLISHING
THE ENVIRONMENTAL PROTECTION AGENCY

(By Edgar M. Cleaver, M.D., Director, Weld County Health Department, and Andrew Gurtner, Chairman, Weld County Board of Health, Colorado Health and Environmental Council, August 7, 1970)

We would like to express our appreciation for the opportunity of having a statement placed in the records of the hearings regarding Reorganization Plan Number 3.

We represent a local government agency and a state-wide health and environmental organization. We are vitally concerned about the implementation of health and environmental control measures at the State and local level. While it is with trepidation that we go on record as opposing policies recommended by both the President of the United States and his advisors and policies recommended by a leading political figure of the Senate majority, namely, Senator Muskie of Maine, we nevertheless feel that our position of strategic importance in implementing environmental health measures at the local level allows us to reasonably proceed with critical remarks and alternative suggestions.

Frankly, we feel that Reorganization Plan Number 3, while it does pull together a number of environmental concerns into a more coordinated agency, nevertheless does not pull all concerns together and does fragment what we conceive to be the vital health aspects of the environment even further. This occurs in that the largest reorganizational change perhaps comes in the removal of a number of important functions from the Department of Health, Education, and Welfare. We feel that the President was more nearly right in his first inclination of not forming additional administrative agencies, but of consolidating programs under existing agencies. Many of us here in Colorado feel that the only answer to both the pressing personal health problems with their economic implications and our environmental health crisis (and it is a health crisis as well as an environmental crisis) is the development of a comprehensive department of health at the Cabinet level. Conversely, we feel that it would have been more appropriate to have placed the environmental functions of other agencies in the Department of HEW, if a new department of health were not to be formed. We feel that much of the concern about the environment today is entirely justified. However, there is an element of radicalism, extremism and political exploitation involved. We hate to see members of Congress from either party or the President responding to these extremist elements, rather than to the attitudes of experienced men from schools of public health and state and local health departments. I would refer you to two additional sources as representing attitudes which should not be overlooked by those considering health and environmental reorganization or legislation. One source is that of the article "The rise of anti-ecology", noted on page 42 of the August 3, 1970, issue of Time Magazine. The second source is that of Issue Paper No. 4 on ecology and administration published by Community Health, Inc. of New York.

Our interpretation of Reorganization Plan Number 3 is that while attempting to provide better standard setting and control of the entire environmental problem, there is indeed a definite possibility that health aspects of the environment per se will be given less attention. If there is truly an environ-

mental crisis this cannot be allowed to happen. We from Colorado would strongly recommend that a resolution be introduced in the Congress to post-
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pone the adoption of Reorganization Plan Number 3 until alternative possibilities of environmental coordination and reorganization can be considered. We would suggest that among these alternate possibilities is the development of a Cabinet level department of health, with a division of environmental protection. We would recommend the retention of the Council on Environmental Quality as an advisory and coordinating body. We would also suggest the formation of a joint legislative council to coordinate legislative action on environmental programming.

We feel that these measures would give the environmental health crisis the attention that it needs at this time without fragmenting and disorganizing federal, state and local relationships necessary for cooperative action in enforcing laws, rules and regulations for environmental control and improvement. We greatly fear that we on the local level will have too many agencies and commissions to relate to, and that we ourselves will be eventually fragmented and will be unable to coordinate our own efforts because of the need to communicate with and receive directives and information from a myriad of agencies and commissions above us. In short increasing the number of administrative agencies and personnel at higher levels of government is not the answer to more effective elimination of environmental hazards at the local level.

We appreciate the attention of Congressional Committees to the point of view of local people working in the field of environmental health as we attempt to protect the American people at the vital local level.

HEALTH PLANNING ISSUE PAPER FROM COMMUNITY HEALTH, INC., ISSUE
PAPER NO. 4, ECOLOGY AND ADMINISTRATION, MAY 1970

The ecological perspective toward man and his world has taught us that there are literally thousands of finely articulated subsystems in an all-encompassing ecosystem. Men's actions as a manipulative species cause changes in this environment whose effects may be proximate or distant, anticipated or unanticipated. In the current environmental crisis, we are harvesting the fruits of centuries of lack of concern or lack of appreciation of the ecological consequences of human activity. The cumulative insult to the environment has risen continuously, while the response in society has been highly incremental and oriented toward single problems.

One result of this incremental, uncoordinated approach to social programming for the environment has been the development of a multitude of administrative subdivisions in government that deal with one subsystem or another without efforts to achieve integration. Environmental control programs have grown out of concerns as diverse as preservation of wildlife, management of natural resources, protection against communicable disease and increasing agricultural production. In addition, there are many other governmental programs that are related to environmental problems, either as part of the cause or part of the solution. As a result, we find programs of considerable environmental impact distributed widely within government—in departments of commerce, health, housing, conservation, urban affairs,

agriculture, and transportation to cite a few. Such subdivisions seldom share goals or information and many operate in direct competition. There is obvious need for better coordinating the programs dealing with the environment, the causes of its deterioration, and the means for its enhancement.

As government at every level strives to respond to the ecological crisis, the solution emerging tends—more frequently than not—to be an attempt to create some type of “ecological superagency”. Such agencies—according to their proponents—will unite the fragmented environmental programs that have grown in number in recent years, and create combinations which will be what the Governor of New York calls “an ecological whole”. In our view, creation of such agencies represents an approach that is neither logical nor ecological. There is a real danger that—while appearing to “do something” to improve environmental programming—such agencies will merely perpetuate fragmentation at a time when a coordinated response is essential.

In exploring the ecological aspect of our concern, it is necessary to distinguish between environment and ecology. Environment has traditionally been used to designate the physical world—outside of man and his social systems—in which man operates as an autonomous manipulator. Ecology refers to the study of the totality of patterns of relations between organisms and their environment. The environment’s response and adaptation to man sets up new

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relationships which in turn operate to influence new adjustments in man. Heretofore to a large degree we have considered man’s relationship to the environment in a very simplistic fashion: Man as the actor and some element of the environment—air, water, land, wildlife—the material to be acted upon. The real significance of the emergency of ecology—both as a label and as an approach—is the attention it draws to the reciprocal nature of the relationship of man and environment. Drawing from this, we can hypothesize that an “ecological” approach to administering government programs must focus on a mechanism capable of integrating not only those programs dealing with control of pollutants of the natural environment—air, land, and water—but also those governmental programs that contribute to the environmental problem and those programs that deal broadly with the effects of the environment on man and other living organisms.

If the logic behind proposals for recombining environmentally-related programs into superagencies is presented as ecological, there are some very real problems. First, where should the line be drawn for inclusion and exclusion of programs? To do less than pulling *all* environmentally related programs together destroys the logic of recombination. This appears a practical and political impossibility, and none of the realignments proposed or accomplished even begins to approach this magnitude of change. It is more common to take conservation programs, water quality, air pollution and solid waste under the “ecology” banner and ignore ecologically-equal activities in other fields. In reality, the problems of the environment are so pervasive that virtually every agency of government has some responsibility. Would it not be more efficacious to concentrate on seeing that everyone fulfills their respective responsibilities?

Administratively recombination itself is not a panacea for environmental problems. Organizational proximity does not necessarily enhance coordination of cooperation. Administrative reshuffling does not approach the root problem of equally fragmented legislative authorities, nor does it change the estab-

lished attitudes and approaches of the career employees within the administrative units. In any event, many decisions pertaining to environmental improvement and protection will involve major reallocation of resources, shifting of priorities and new government-wide policies. These are essentially political choices.

An example from the recent past may clarify the existing situation. The Army Corps of Engineers has for many years conducted a continuous program for removing debris from the waters of New York Harbor. This includes a heavy volume of wood from decaying piers, sunken vessels, and so forth. The method of disposal of this bulky but combustible material has been to fill barges with the waste, and when it is sufficiently dry, to burn it. These barges were anchored off the New Jersey shore near the Statue of Liberty. The burning was clearly in violation of local and State legislation, and in conflict with Federal air quality guidelines. The Corps' response to complaints over the burning was quite simple—they had a Congressional mandate to keep the harbor open to navigation, and the open burning was the only feasible way to dispose of the material until such time as the Congress made funds available for a planned incinerator. Here were a number of agencies with environmental missions acting to carry out their legislative mandates. Two matters of public interest—clear navigation and air quality—were in conflict. "Combination therapy" would not have changed the mandates or mitigated the conflict.

We have raised some questions about a currently popular political response to the "ecological crisis". Is there a means of approaching the problem of ecological programming that can begin to give us the advantages of common goals and less competition, and also leave room for important interest groups to be heard? The analytical framework of ecology suggests a possible solution. In dealing with the ecosystem, we recognize that there are many subsystems that interact continuously. In the present administrative situation, there are also many subsystems, but they do not interact in any coordinated fashion. Recognizing the limited ability of executive councils to effectively channel the efforts of administrative agencies which have a high degree of independence, we suggest consideration be given to creation of a Legislative Council on the Environment.

This Council would be established by and be responsible to the legislative body, and would be staffed with technical personnel from the various disciplines involved in governmental environmental programming. Its functions would include:

- (1) Analysis of legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences, and preparation of reports for use by legislative committees, administrative agencies, and the public.

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- (2) Consultation with, and assistance to, legislators who are preparing environmental legislation, to clarify any deficiencies or potential conflicts with an overall ecologic plan.

- (3) Research on environmental questions for legislators and legislative committees.

- (4) Continuous review and evaluation of operating programs in the environmental field in the several agencies to identify actual or potential con-

flicts, both among such activities, and with a general ecologic perspective, and to suggest legislation to remedy such situations.

(5) Institution and monitoring of a government-wide, legislatively-directed program planning and budgeting system for all environmentally-directed program activities.

This approach—perhaps without precedent—is suggested because the situation we face is also unprecedented. Fragmented response has helped bring the nation to the brink of a major ecologic crisis. Only the chief executive and the legislature have a sufficiently broad viewpoint and authority to provide the needed unity of purpose. Since effective coordination of a sufficiently broad scope seems an impossibility on the administrative side, the legislature—theoretically more responsible to the electorate and with its pre-eminent fiscal role—seems more likely to be able to provide the leadership and coordination essential to success, and survival.

EXHIBIT 29

STATEMENT OF CHARLES H. DOWDING, JR., M.D., CHAIRMAN, COLORADO HEALTH AND ENVIRONMENTAL COUNCIL, ON REORGANIZATION PLAN NO. 3 OF 1970, AUGUST 1970

Immediate modification of Reorganization Plan No. 3 of 1970, 91st Congress, 2d session, is strongly recommended by Colorado, and many other State and Local Health and Environmental officials.

On August 4, 1970 a Colorado delegation presented this modification to all Colorado Congressmen, which consists of the establishment of a separate Federal Department of Health with Presidential Cabinet rank encompassing a strong environmental component.

The delegation consisted of: Glen E. Keller, Jr., of Lakewood, president of the Colorado Board of Health; Andrew Gurtner, of Greeley, president of the Weld County Board of Health; and Dr. Edgar M. Cleaver, Director of the Weld County Health Department and myself as Chairman of the Colorado Health and Environmental Council.

Health of the nation is facing two major crisis: (1) pollution of air and water, as well as radiation and noise pollution; (2) soaring cost of health care leading to bankruptcy, because of lack of any overall health policy and bureaucratic fragmentation of health programs.

We applaud the recent statement of the American Medical Association that a Federal Health Department should be established. Other organizations supporting a Separate Federal Department of Health are as follows: American Public Health Association, Community Health Inc., State and Territorial Health Officers Association, American Association of Public Health Physicians, and many others.

The Colorado's 5x5 Plan towards Comprehensive Health has been adopted by the Governor's appointed 40 member Comprehensive Health Planning Council according to Public Law 89-749. The Denver Areawide Health Planning Organization has also adopted the 5x5 Plan with task forces for each of the components—Prevention, Environment, Education, Chronic Care, and Acute Care. All five components are closely interrelated and should not be separated.

A telegram sent to President Nixon from Colorado Health and Environmental Council states: "Man's physical, mental and social health is directly related to his environment in the following aspects: air that he breathes;

water that he drinks; food that he eats; alcohol and drugs that he uses or abuses; medical, hospital and home health care he receives; recreation facilities that he uses; housing conditions that he lives in; working conditions he is exposed to; and to social, psychological and economic influences of neighborhood, community and school activities."

American Public Health Association conducted a statewide study of State and Local Health Services in Colorado during 1969 and 1970. The study was conducted by Malcolm H. Merrill, M.D., M.P.H.

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The study recommends the following scope of local community public health services:

Objectives of study.—(1) Delivery of local community health service statewide in a more effective and efficient manner, at a lower cost; (2) Coordinating local community health services statewide; (3) Developing local comparable health services statewide; (4) Eliminating duplication of health services; (5) Full utilization of health manpower; (6) Uniform enforcement of health laws, standards, rules and regulations statewide.

I. PERSONAL HEALTH SERVICES

These services embrace those directed toward promotion of positive good health, prevention of contagious and chronic debilitating diseases, early detection of diseases; home health care of acute and chronic illnesses; as well as physical, mental and social rehabilitation. Program encompass: Communicable Disease Control; Tuberculosis Control; Venereal Disease Control; Alcohol and Drug Dependence Control; Chronic Disease Control; Nutritional Services; Dental Health Services; Multi-phasic Screening Program; and other services as Medical Care, Mental Health, Mental Retardation and Rehabilitation as may be assigned to the Department.

The public health nurse is a key member of the community health team providing services in the above programs as well as in the following fields: Bedside Home Nursing Care; Maternal and Child Health Services; Handicapped and Crippled Children's Program; Prevention of Congenital Defects; Evaluation Services for Delayed Development; Family Planning; School Health; Cooperative Aftercare Services for Mental Health; Migratory Labor Health Services; Vision and Hearing Conservation Program; Well Oldster Clinic Service.

II. ENVIRONMENTAL HEALTH SERVICES

Optimum health can be fostered by prospective planning and management of comprehensive environmental health services. Man's physical, mental and social health is directly related to the air that he breathes; water that he drinks; trash and garbage he accumulates; food that he eats; recreational facilities that he uses; housing conditions that he lives in; and working conditions he is exposed to. The 125 registered environmentalists, sanitarians in the 13 organized Local Health Departments, as key members of the community health team encompass the following programs: Water Pollution Control; Air Pollution Control; Solid Waste Disposal; Drinking Water Quality Surveillance; Restaurant Inspection; Food Sanitation and Consumer Protection; Milk Sanitation; Rabies Control; Occupational Health; Radiological Health; Noise Control; Accident Prevention; Housing Sanitation; Vector Control; Swimming Pool Sanitation.

III. SUPPORTIVE HEALTH SERVICE

- A. Public health laboratory.
- B. Health education.
- C. Vital statistics.
- D. Business administration.

At present the above services through 13 organized local health departments serving 85% of the state population; utilizing 10 local health department's laboratories; physicians, 150 registered environmentalist, sanitarians, engineers, chemists, microbiologists and 450 community nurses in the field of public health, school health, home health care and clinic services.

Local community providers and consumers of health care feel that Government should preserve and strengthen the voluntary aspect of our health care provider system while placing top priority on developing neighborhood clinics for the poor, group practice and home health care services as a substitute for some hospital care.

Over two thirds of the 2,300 home health care agencies in the United States are either in local health departments or a combination of Visiting Nurse Association and Local Health Department services. Most home health care services report less than 1% of hospital admission are referred for home health care, while recent studies reveal that between 3% and 5% of hospital admission can benefit from early hospital discharge to home health care. Also home health care prevents hospital and nursing home admission and readmissions, as well as providing a continuity of health care from hospital to home

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which greatly enhances recovery. The average referral to home health care results in the saving of 10-20 hospital days.

Local health departments have the trained personnel and capability of providing neighborhood health clinic services for the purpose of preventing disease and disability, as well as providing personal health care for the poor. Home visitation by the community public health nurse represents the liaison personal contact between the home and the neighborhood health clinic services. This represents family health care to the poor.

Three Colorado health officials on July 7, 1970 sent to all 535 Congressmen a signed letter of appeal under the auspices of the Colorado Health and Environmental Council (CHEC), asking the support of the creation of a separate Federal Department of Health with Presidential cabinet rank encompassing a strong Environmental component. The letter states: "More than 50 federal agencies presently are delegated the authority for community and personal health programs. This has resulted in the duplication and overlapping of health services, a lack of coordination of health programs, continued soaring costs in health care, failure to meet the health needs of the medically indigent, and rivalry for personnel and programs. The only solution to these problems is the creation of a separate Federal Department of Health with Presidential cabinet rank.

Separating the control of the environment from its traditional relationship to health cannot be done except at the cost of man's physical, mental, and social well being and at the risk of continuing the administratively costly overlapping that presently exists.

If Health is extricated from Education and Welfare and all programs of health significance are consolidated in a Federal Department of Health, the

result should be a viable, manageable agency capable of providing for all Americans the concerned sort of attention their personal and environmental health demands."

A separate Federal Department of Health committed to medical care; prevention and early detection of disease and handicapping conditions; environmental health; home health care; outpatient care; community health education; full utilization of all community health service; medical group practice; health insurance; community health centers would provide the most effective method of delivery of health service at a lower cost through a partnership between private practice and public health.

EXHIBIT 30

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., August 11, 1970.

HON. ABRAHAM A. RIBICOFF,
Chairman, Subcommittee on Executive Reorganization, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF: The American Farm Bureau Federation is very much interested in Reorganization Plan Number 3 submitted to Congress by President Nixon under date of July 9, 1970, a plan which proposes to establish an Environmental Protection Agency.

While we are interested in all aspects of this proposed new agency, our particular concern relates to the transfer of functions relating to the United States Department of Agriculture. The Federal Insecticide, Fungicide and Rodenticide Act was established by law June 25, 1917, to regulate the marketing of these products and related devices. This Act was amended in 1959 and in 1964. Congress placed this Act under the administration of the Secretary of Agriculture and it has effectively been administered by that office since enactment.

The elected voting delegates of the member State Farm Bureaus to the 51st annual meeting of the American Farm Bureau Federation in Washington, D.C. in December 1969, adopted the following policy concerning agricultural chemicals.

"Agricultural chemicals: The continued use of agricultural chemicals is important to both farmers and consumers. Any curtailment of the safe and proper use of these products would result in higher food prices to consumers.

"Modern agriculture cannot provide adequate quantities of high quality food and fiber without the continued safe use of agricultural chemicals.

"However, consumers do have a vital interest in being certain that their health and welfare are protected by the safe use of these products. A continuing educational program among all users, with emphasis on the reading of labels and proper usage of chemicals is essential.

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"In recent months there has been a stepped-up campaign against the use of many agricultural chemicals. We believe that every effort must be made to inform the general public that usage of agricultural chemicals is subject to stringent federal and state regulation and that farmers are using these chemicals in accordance with federal and state laws.

"We strongly recommend that the total responsibility for registration of

agricultural chemicals be retained by the U.S. Department of Agriculture. We urge the Secretary of Agriculture to emphasize to the general Public the importance of the continued use of these products to farmers and consumers in providing adequate high quality food and fiber.

"We oppose a complete ban on the use of any agricultural chemical and recommend that continued use be determined on a product-by-product and use-by-use basis. The continued use of these products should be based on research and scientific data. The fact that some of these products may be persistent is not in itself sufficient reason for rejecting their continued use.

"We recognize that there may be problems in the use of agricultural chemicals as they relate to our environment. However, we strongly urge that their importance to food production and human nutrition be given proper recognition and consideration.

"The U.S. Department of Agriculture, the Cooperative Extension Service, and the state departments of agriculture should assist farmers and the public in obtaining a better understanding of the role of agricultural chemicals and the laws and regulations covering their usage.

"Farm Bureau should increase its leadership in this area so that the interests of farmers and the general public are adequately protected.

"We recommend that imported agricultural products be subject to the same restrictions on the use of agricultural chemicals and other standards as those which apply to domestically produced commodities.

"We support expanded biological pest control research to determine where biological pest control measures can be used as a practical and feasible substitute for chemical controls."

I call your attention particularly to the following paragraph in this policy statement:

"We strongly recommend that the total responsibility for registration of agricultural chemicals be retained by the U.S. Department of Agriculture."

Reorganization Plan No. 3 proposed to transfer registration responsibility to the Environmental Protection Agency. The Federal Insecticide, Fungicide, and Rodenticide Act prohibits the shipment in interstate commerce of products which are not registered or are adulterated or misbranded. Under the Act, no pesticide chemical may be legally shipped in interstate commerce for general use until it is shown to be safe when used as directed and effective for the purpose claimed on the label. All labeling must be approved and any residues that may remain on food or feed must not exceed the safe tolerance level established by the Food and Drug Administration.

During the period that Reorganization Plan No. 3 was under study and development by the Executive Staff at the White House, the policy position of Farm Bureau was presented to them in conferences and by written communication.

Farm Bureau members and farmers generally have a long and commendable record in soil and water conservation, wildlife and other practices that protect the environment. The question in the proposed reorganization plan, particularly as it relates to farm chemicals, is not one of who favors the protection of the environment but how federal agencies can best be related one to the other for administering existing law in the best interest of all concerned, including a knowledgeable relationship with a modern productive agriculture increasingly important as the food and fiber demands are equated to the 21st century both at home and abroad.

The Secretaries of Agriculture; Health, Education and Welfare; and

Interior each have responsibilities under law that relate to the use of materials used to control insects, fungi, rodents, plant and animal diseases and for vegetative control and each has extensive and competent research for scientific guidance in making decisions. The incumbent Secretaries have established an interagency agreement to effect cooperative decisions developed by close coordination of information from competent scientists including the National Academy of Science. We believe that this has been a sound approach to constructive decisions avoiding unilateral action as experienced in the past. In regard to farm chemical registration the interagency agreement [p. 189]

will be eliminated under Reorganization Plan Number 3 and we have sincere reservations that a more constructive procedure will take its place.

We are concerned also relative to the viewpoint that will be taken under the reorganization as to the importance of agricultural chemicals as a vital productive tool in modern agriculture. Farmers and ranchers have long had relationship with scientists, extension educators and others in USDA. This experience has led both to have confidence in each other and a mutual understanding of the essential need of pest, fungus, weed and disease control and the need for care in use of the materials. There is also an understanding of the importance of the manufacturer of these materials and a realization that the American consumer cannot be served unless effective materials are available.

Reorganization Plan No. 3 proposes to bring together numerous existing agencies. We have serious concern that agricultural chemicals will be viewed by those responsible for decisions in the new Environmental Protection Agency as pollutants with a low concern for these materials as tools in a productive agriculture. Unwise decisions can greatly restrict the ability of farmers and ranchers to continue a safe, abundant supply of high quality food and fiber.

In consideration of Reorganization Plan No. 3 of 1970 we trust you will give careful study to the interest and concern of farmers and ranchers in removing the authority of the Department of Agriculture to administer the registration of agricultural chemicals and place this authority into hands that have far less knowledge and interest in a productive agriculture.

We would appreciate your making this letter a part of the hearing record of your Committee.

Sincerely,

MARVIN L. MCLAIN,
Legislative Director.

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EXHIBIT 37

NATIONAL GRANGE,
Washington, D.C., August 26, 1970.

Hon. ABRAHAM A. RIBICOFF,
Chairman, Subcommittee on Executive Reorganization, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF: The National Grange is quite concerned over the Reorganization Act, which would establish an Environmental Protection Administration. It is our understanding that the Act would include a trans-

fer to this new agency of the pesticide registration and regulation activities from the U.S. Department of Agriculture and the pesticide standard-setting programs from the Food and Drug Administration.

It is also our understanding that Congress has 60 days either to accept or reject the President's recommendations on establishing the new Environmental Protection Administration, which is our primary concern. We understand that you cannot amend the President's recommendations, but we would like to offer the following suggestion: that your Committee send the plan back to the Executive branch along with its recommendation.

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The main function of the "Environmental Protection Administration" is, as the name implies, the protection of the environment. We therefore recommend that only that portion of the pesticide program that protects the environment be transferred to the new agency. At the present time this portion of the Federal Insecticide, Fungicide and Rodenticide Act is administered by the Food and Drug Administration, under the agency that administers the pesticide research and setting of standards program. It is this portion of the pesticide program that protects the environment and therefore we can see the logic in transferring this agency's functions.

However, the pesticide registration and licensing of pesticides should remain in the Department of Agriculture, for it is only here that the importance of pesticide chemicals as essential tools of production can be judged. This must be high on the list of priority in determining what chemical can be used on what crops and in what dilution.

We believe that the Department of Agriculture has managed its responsibilities in the pesticide chemical field well. Leaving the pesticide registration program in the Department would permit producers, formulators and manufacturers to maintain their relationship with U.S.D.A. and the U.S.D.A. then, in turn, would deal directly with E.P.A., the same as they now do with F.D.A.

Our primary concern can best be summed up by this question: Who will have control over agricultural production—a high-level, integrated super-agency, easily influenced by public opinion through the various news media, or the Department of Agriculture that has a mandate from Congress to see the efficient production of food and fiber and control over the inputs to bring about such production?

It was because we feel so strongly that pesticides, their use and control are so important to the economic production of the food and fiber for our great nation that the National Grange, at its 103rd Annual Session, held in Daytona Beach, Florida, adopted the following resolution:

"AGRICULTURAL CHEMICALS"

"Because of the vital importance of insecticides, pesticides, herbicides and other similar chemicals to the efficient production of agricultural products, the regulation and control of these substances for the protection of the public should be continued in the Department of Agriculture and the Department should be provided with any additional Authority and funds required to carry on the necessary research for the safe and effective use of these substances."

Pesticides are often considered as entirely unnecessary, pollutants, food toxicants, or an economic crutch for farmers. It should be obvious to all that by the nature of statements expressed in opposition that they are too often

based on happenstance or conjecture, not on existing scientific information, and all too often arise in emotional concern (by scientists and lay groups alike) for special interests.

The new "Interdepartmental Agreement for Protection of the Public Health and the Quality of the Environment in Relation to Pesticides" provides for a sound, scientific review of pesticide registration and regulation, assuring that none of the three Departments can ignore the needs and responsibilities of the others.

The National Grange cannot, after serious consideration of the proposal, see any benefit in changing the triple responsibility of the Department of Agriculture, Health, Education and Welfare and Interior for the monolithic administration of a single agency. In fact, in our judgment, the single agency will be subject to so much pressure from public opinion that it will be unable to function properly, either in the interest of the public or the producers.

However, we could support such an agency if the interest of pesticides as a tool of production is protected by having the pesticide registration remain in the Department of Agriculture as we have suggested.

We respectfully request that this letter be made a part of the hearings on the proposed Environmental Protection Administration.

Sincerely,

JOHN W. SCOTT,
Master.

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EXHIBIT 38

THE WILDERNESS SOCIETY,
Washington, D.C., August 31, 1970.

HON. ABRAHAM A. RIBICOFF,
Chairman, Subcommittee on Executive Reorganization, Committee on Government Operations, Senate Office Building, Washington, D.C.

DEAR SENATOR RIBICOFF: We welcome the invitation to submit to the Senate Subcommittee on Executive Reorganization for the hearing record under date of September 1, 1970 our views on Reorganization Plans No. 3 (Environmental Protection Agency) and No. 4 (National Oceanic and Atmospheric Administration).

Concerning Plan No. 3, we recognize the desirability of bringing together in a single unified agency the several governmental units concerned with the administration and enforcement of laws and regulations designed to protect the environment from pollution and other abuse. Given clear authority and adequate funding, such an agency should be able to make a most valuable contribution to assuring a clean, healthful and pleasing environment for life on this planet. We do question the wisdom of placing within the regulatory agency the function of carrying on the research with respect to the effects of chemical agents on plant and animal life as provided in Section 2(2) of Plan No. 3; it is too easy for the research to be subordinated to inadequate regulation.

Concerning Plan No. 4, we take strong exception to this plan because of its proposed transfer from the Department of the Interior to the Department of Commerce of the commercial and the marine sport fishing programs.

These programs are primarily concerned with the life habits of fish, that is, with research into the biology, physiology, nutrition, reproduction, habitat and other factors directly related to the preservation and the continuance of the fishery, plus the preservation and/or establishment of suitable environment. Such research, biological, and natural habitat programs are entirely foreign to the traditional thought and practice of the Department of Commerce; indeed that is the basis for their transfer from the Department of Commerce many years ago. Conversely, these programs are precisely the sort of activities which the Bureau of Sport Fisheries and the Bureau of Commercial Fisheries were established for and are equipped to skillfully carry on.

Further, to presume to separate the biological programs for what are commonly thought of as ocean fish from the biological programs for freshwater fish is exceedingly illogical. In fact, both classes of fish intermingle to an important degree, and particularly so during the critical spawning and early life periods. A closely coordinated program, under a single administrator (presently the Assistant Secretary for Fish, Wildlife and Parks in the Department of the Interior) is essential for successful government programs.

Because of the importance of maintaining an effective government fisheries program, in our opinion Reorganization Plan No. 4 as presently drafted should be rejected. Resubmission to the Congress after deletion of the provisions pertaining to fisheries programs and their administrative units would then be in order.

Thank you, Mr. Chairman for the opportunity to submit these views.

Sincerely,

ERNEST M. DICKERMAN,
Eastern Director of Field Services.

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EXHIBIT 40

STATEMENT BY RICHARD H. STROUD, EXECUTIVE VICE PRESIDENT, SPORT FISHING INSTITUTE, WASHINGTON, D.C., SEPTEMBER 1, 1970

Mr. Chairman and Members of the Committee, my name is Richard H. Stroud. I am Executive Vice President of the Sport Fishing Institute, which is America's only non-governmental, professionally-staffed, national non-profit organization devoted principally to the conservation of America's water resources and the aquatic life therein. The Institute's main objective is to stimulate and encourage the rapid development and sound application of fish conservation principles and practices. This, in turn, will provide for optimum sustained production of aquatic life resources. There will then be a maximum of opportunity for recreational fishing for the benefit of 60,000,000 Americans who now look principally to angling for their vitally-needed outdoor recreation, including an estimated 15,000,000 citizens who fish in estuarine and coastal marine waters.

The Institute derives much of its operating funds from a wide representation of manufacturers of various sorts of equipment and supplies used in some manner by fishermen. Some funds are also provided by many individual anglers and other citizens who share increasing concern for the quality of their environment, particularly the nation's waterways, and their related living experiences.

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The Sport Fishing Institute (SFI) appreciates this opportunity, Mr. Chairman, to appear before you today to express opposition to Executive Reorganization Plan No. 4 of 1970 (House Doc. 91-365), to establish within the Department of Commerce the proposed National Oceanic and Atmospheric Administration (NOAA). We regret the necessity to record that we have serious reservations about the wisdom of placing such an organization in the Department of Commerce. We especially challenge this action in its proposed form, which would bring together responsibility for conservation of the living resources of the sea with that for ocean engineering and related resource development functions, as well as administration of atmospheric and oceanographic services.

We also have some reservations with respect to Executive Reorganization Plan No. 3 (House Doc. 91-364), to establish the independent Environmental Protection Agency (EPA). Nevertheless, we have endorsed that proposal, as we have already advised you separately by letter, because we believe that the gravity of environmental degradation and the related short-term urgency for concentrated coordination of government efforts to abate pollution of all kinds are so great as to override all counter considerations. At the same time, unless substantial new funds are also pumped into the pollution abatement programs, after being collected together in the new agency, we very much fear that Reorganization Plan No. 3 will prove to have been merely an exercise in useless paper shuffling. The very reason that the proposal for EPA makes some sense is the same one, in our view, that makes it illogical and improper to set up NOAA, in its proposed structure, within the Department of Commerce. That reason is, as a July 12 New York Times editorial (in part) succinctly stated, that:

"No agency entrusted with promoting the development of . . . natural resources—minerals, seafood, water power—should be entrusted at the same time with protecting the environment against the consequences of that development. The two objectives often conflict, and it is almost invariably the organized exploiters who win, the unorganized public that loses."

It makes sense, for example, to remove regulation of radiological emissions at nuclear power plants from the AEC, which is charged with promoting their development, and placing that responsibility in an independent EPA. Conversely, it courts disaster to assign the responsibility for conserving marine fisheries resources within the Department of Commerce, which is traditionally devoted to development and exploitation of resources rather than their protection from the consequences of such exploitation.

This is the basic reason why, on July 8, responsible officers of eight national conservation organizations joined together to send the following telegram to President Nixon:

"The undersigned national conservation and environmental organizations endorse the Administration's executive reorganization creating an Environmental Protection Agency (EPA) as an independent agency dealing with our nation's serious environmental degradation problems.

"But we are strongly opposed to a National Oceanic and Atmospheric [Administration] that proposes to transfer research, management, and regulatory functions of a most important renewable resource belonging to all of the people to the Department of Commerce, which traditionally represents the industrial and economic viewpoint. Moving commercial fisheries management, research and the anadromous fishery program to the Department of Com-

merce would split executive jurisdiction of the fisheries resources to the detriment of a growing public use of the resource by sport fishermen."

Signed by: American Forestry Association, William E. Towell, Executive Vice President; American Institute of Biological Sciences, Donald R. Beem, Assistant Director; American Scenic and Historic Preservation Association, Richard H. Pough, Conservation Chairman; National Association of Conservation Districts, Gordon K. Zimmerman, Executive Secretary; National Audubon Society, Charles H. Callison, Executive Vice President; National Wildlife Federation, Thomas L. Kimball, Executive Director; Sport Fishing Institute, Richard H. Stroud, Executive Vice President; Trout Unlimited, Ray A. Kotrla, Washington Representative; Wildlife Management Institute, Daniel A. Poole, President.

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PATTON, BLOW, VERRILL, BRAND & BOGGS,
Washington Counsel to BIA and NAEEM.

EXHIBIT 42

TESTIMONY ON BEHALF OF THE NATIONAL WATER WELL ASSOCIATION CONCERNING THE PRESIDENT'S PLAN FOR THE ESTABLISHMENT OF A NEW ENVIRONMENTAL PROTECTION AGENCY

(Submitted by Dr. Jay H. Lehr, Executive Director, National Water Well Association)

BACKGROUND OF NWWA

The National Water Well Association represents the entire underground water supply industry in the United States. Among our members are numbered this country's leading ground water geologists and hydrologists, its water well drilling contractors, as well as, virtually all manufacturers and suppliers involved in ground water supply.

Seventy-seven per cent of all municipal water supply systems are served by wells bringing our vast underground water supplies into our homes. Another 15 million families are served by individual ground water systems. Therefore, the 20,000 plus individuals working in ground water supply are deeply involved in the process of bringing pure drinking water into the homes of the American public.

Our overall objectives are: "to assist, promote, encourage, and support the interests and welfare of the water well industry in all of its phases; to foster, aid and promote scientific education, standards, research, and techniques in order to improve methods of well construction and development, and to advance the science of ground water hydrology; to promote harmony and cooperation between well contractors and scientific agencies relative to the proper development and protection of underground water supplies; to encourage cooperation of all interested groups relative to the improvement of drilling and pumping equipment; to encourage, serve, assist and promote closer cooperation among the existing state water well contractors' associations and to foster the development of such associations in states where they do not exist; to collect, analyze, and disseminate to the public, facts about

the role of the water well industry in the economy of the nation; and to advance generally the mutual interests of all those engaged in the water well industry, in their own and the public welfare."

INTRODUCTION

At present, NWWA is actively involved in education projects with the Office of Water Resource Research and the Federal Water Quality Administration in the Department of Interior, and we are just beginning to work with the Department of Health, Education and Welfare on some broad based training programs in water system management. It is in fact, our recent studies of existing programs in HEW that have led our organization to request permission to testify at this important hearing.

I am therefore, pleased to be here to speak in support of the creation by the President of a new Environmental Protection Agency. The creation of this Agency with the singular purpose of protecting our environment provides

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at least an opportunity to look at the environment as an integrated system upon which a coordinated effort can be made to improve its present status and prevent additional degradation.

This agency will eliminate much of the present bureaucratic entanglement and will thus be better able to assist the local and state agencies to fulfill their own responsibilities. It will also be better able to make Congress aware of present inadequacies existing in our federal environmental programs. Until now, it is apparent that many departments of government have been concerned with a single pollutant or a single environmental medium. This fragmentation of effort has resulted in confusion, overlap and inefficient management making it impossible to view the total effect of any pollutant on the environmental system. The consolidation of the present agencies vitally concerned with the environment, will eliminate many of the aforementioned problems and will at the same time assure that we do not create new problems in the process of controlling existing ones.

THE ROLE OF WATER HYGIENE IN THE NEW ENVIRONMENTAL PROTECTION AGENCY

This new type of approach is particularly revelant to one of the HEW Bureau's scheduled for transfer to EPA—The Bureau of Water Hygiene, which should have the identity, legislative base, and financial resources necessary to provide Federal leadership in assuring the safety and adequacy of drinking water. This activity is vital to each of us, in order to assure good health for the people of this Nation.

The drinking water problems of this Nation, as well as the functions and responsibilities of the Bureau of Water Hygiene, constitute one of the few unrecognized environmental problem areas, and thus the BWH presently constitutes a major program void which has developed from a previously disorganized approach to the environment.

DOES A WATER HYGIENE PROBLEM EXIST TODAY?

Overconfidence or apathy seems to pervade the public's attitude with respect to drinking water. Common daily experience plus a current myth about the future, falsely implies that the quality, safety and adequacy of our

municipal water supply systems are above reproach. Perhaps the myth can be stated as follows: Everyone knows we have launched a massive water pollution control effort and that water-borne disease outbreaks are a thing of the past.

This statement is simply not true and the dangers of this misinformation are illustrated by the epidemic at Riverside, California in 1965 which affected 18,000 people, the 30% gastroenteritis attack rate in Angola, New York in 1968 due to a failure in the disinfection system, and the 60% infectious hepatitis attack rate which afflicted the Holy Cross football team in 1969 as a result of the ineffective cross connection control procedures.

The recent discovery of critical amounts of mercury in our water supplies as a result of industrial waste disposal is even more conclusive evidence of the existence of very current water hygiene problems.

The Federal Water Quality Administration has assumed the primary epidemiological role of digging up facts on the extent of the contamination. But FWQA has little capability for assessing human health effects of mercury, and even its data collection system based on quickie telegraphed reports, may not be adequate. Likewise, the Food and Drug Administration has limited jurisdiction, coming into the picture only when the mercury is taken up in the food chain, which it apparently has.

The National Communicable Disease Center (now known as Center for Disease Control) probably is best equipped to provide an over-all assessment of the health effects, but it came into the present picture late.

From the standpoint of environmental health, the point of all this is that here we have a potentially lethal contaminant which has been allowed to build up to possibly dangerous levels in water, perhaps affecting many elements in the ecological balance, without coming to attention of Federal authorities (it is, after all, a national problem) and then dealt with in a piecemeal fashion by several agencies which rarely communicate their findings to each other.

It was this sort of fragmentation which presumably led to formation of the proposed Environmental Protection Administration. But will EPA be organized in such a way that a mercury contamination problem such as this, can be dealt with swiftly and effectively? And who will be providing the health data to EPA?

The answer to both these questions I believe, must be found in the establishment of a greatly strengthened Bureau of Water Hygiene working within the Environmental Protection Agency.

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PAST SUCCESS IS THE KEY TO CURRENT FAILURE

In a somewhat different sphere, scientific work on chlorine and the discovery that it can disinfect drinking water is a major cause of the pollution of our waterways. I do not refer to the role that chlorine itself may play as a "pollutant," although, astonishing to say, 'this has been the subject of very little research. Rather, the confidence that chlorination would make any water supply "safe" no matter how badly polluted to start, is the keystone of our sewage disposal system, namely, "dump in the nearest river."

Speaking before the Diamond Jubilee Meeting of AWWA in 1956, Abel Wolman characterized the accomplishments of our forefathers over the preceding century, from the standpoint of the sanitary quality of the Nation's

public water supply system, as "one of the most dramatic improvements in public health that the world has ever known." As a result of past progress such words as typhoid, dysentery and cholera have become anachronisms. For instance, diseases which plagued the cities of the East Coast in the mid-1880's have all but disappeared, such as typhoid fever, which has declined from 75-100 deaths annually per 100,000 persons to less than 0.1 on a National basis.

By the 1930's the state-of-the-art in municipal drinking water treatment advanced to a point where water borne disease was all but eliminated. As part of our way of life, people expect to travel anywhere in the United States and drink water from public supplies without fear of getting sick. In other times and in other countries, the accomplishment of that feat would be considered an idealistic dream. Yet, the water works industry of the United States under unifying controls of federal and state health regulations made the dream come true during the first half of this century. All three elements, a knowledgeable and dedicated industry, a strong federal control effort, and intelligent determined regulation at the state level, were required to accomplish the feat.

There is ample evidence that after achieving safe water for the entire nation, federal and state efforts began to lag. Control in many areas has relaxed. Criteria standards, and design practices are still pointed toward prevention of communicable disease as they were in the 1920's. Not as they are now in 1970.

During the 1950's and 1960's, Federal, state and local program emphasis shifted from stressing the treatment and protection of our drinking water systems to curbing the discharge of organic pollutant at the source. The resultant decrease in interest or concern has led to a backsliding of state and local community water supply programs which were evaluated against the U.S. Public Health Service Drinking Water Standards. In the face of lagging efforts at the federal level and in some states, imperfections in the nation's water supply are beginning to show up.

A soon to be released study report by the BWH notes that all too many Americans are drinking potentially dangerous water containing bacterial indicators of water borne disease. Therefore, the near term activities that will preoccupy the Federal Water Hygiene Program must be an enumeration of deficiencies found in municipal and state water supplies.

OUR WATER HYGIENE PROGRAM MUST BE UPDATED

C. C. Johnson, Administrator of Consumer Protection and Environmental Health Service, speaking in Sept. 1969, before the Chesapeake Section of AWWA on "Preliminary Findings of the Special Community Water Supply Survey," said, "The question we face is this: Are we going to wait until the public health statistics reveal a drinking water crisis or are we going to begin now to upgrade our water treatment and distribution systems to cope with the problems of our own time and place? In the case of water hygiene, as in all of the many environmental problems that face our Nation and the world today, if we must wait for epidemiological studies of human illness to convince us of the hazards, it may well be too late."

The philosophy of letting the nation's control over public water supplies deteriorate until adverse health effects are noted is condemned. In fact, it is generally conceded that the involuntary use of our citizens for bioassay is

immoral. Yet, isn't that precisely what is being done, when as a necessary condition for a budget increase, public health safeguards are allowed to fall lower and lower to the point where adverse health effects can be observed?

I think for a long while in this country we sort of mesmerized ourselves into thinking that the only water problems we had were water pollution control problems. As a result of that, very little attention was given to what we call the water hygiene aspects of the water problem.

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The backsliding in local, county, state and Federal water hygiene programs can be traced to a lack of Federal leadership associated with the popular misconception, that water pollution control efforts are a panacea which will not only restore and enhance the quality of our lakes, streams, and coasts to the benefits of fish and aquatic life and recreational pursuits but also guarantee delivery of healthful quantities of safe drinking water to the consumer's tap. This is not true insofar as drinking water is concerned.

Water pollution control efforts can assist the delivery of safe water to the consumer's tap but the community drinking water supply must be treated in any event. Pure water can be collected, treated and delivered to individual homes only under the close scrutiny of competent local, state and Federal programs.

These programs must begin to receive the needed resources to conduct necessary planning and research both to catch up on past voids and looking to the future, to provide training and technical assistance to assure full application of existing technology and to conduct active, constructive surveillance and enforcement programs.

FEDERAL RESPONSIBILITIES

The Federal water pollution control effort of the Department of the Interior now exceeds \$800 million per year and is scheduled to rise to well over \$1 billion next year, while the Federal water hygiene efforts of the Bureau of Water Hygiene situated in the Department of Health, Education and Welfare is currently being subject to a budget cut from \$2.7 million to \$2.4 million. I am in complete agreement with the major attack being waged through the Federal Water Quality Administration against water pollution. It must not be minimized in any way if it is to succeed. In contrast, however, I am appalled by minimal support being given to the Bureau of Water Hygiene.

It is crucial that we have support at the Federal level to overlap state boundaries and variations in state capabilities in the field of water supply. There is no reason why there should be any better water supplies in one state than another, and the development of adequate criteria based on meaningful research is essential to our setting reasonable and understandable standards and then keeping these standards abreast of our changing environment.

The federal government has a responsibility and a role which it cannot avoid, and the water supply industry in the United States certainly encourages and depends upon the federal departments for fulfilling their responsibility.

CURRENT COMMUNITY WATER SUPPLY STUDIES

The Community Water Supply Study was launched to determine the quality and dependability of water being delivered to a cross section of the population including many small towns up through the largest cities. A total of 969 public water supply systems located in 9 areas of the country have been investigated. The study includes 5% of the systems and 12% of the urban population on a National basis when compared with statistics from the last comprehensive facilities inventory conducted in 1962. In addition to large metropolitan systems like New York City, Cincinnati, and New Orleans, the study includes 760 systems serving populations of less than 5,000 persons.

Using the 1962 PHS Drinking Water Standards as a guide, each water supply system was investigated on these bases. First, drinking water quality was determined by sampling the finished and distributed water and returning these to the laboratories of the Bureau of Water Hygiene for bacteriological, chemical and trace metal analyses. Second, the status of the water supply system facilities was determined by a field survey of the system and the gathering of information on a) source of supply; b) treatment, if any; c) distribution system pressures, and d) operations. Finally, the status of the surveillance program over the water supply system was evaluated by obtaining bacteriological water quality data for the previous 12 months of record from state and county health department files.

While we all hold the Drinking Water Standards in high esteem, an unexpectedly high number of communities exceed either the recommended or mandatory constituent levels and a surprisingly larger number of communities show deficiencies in operations and surveillance. For instance—in excess of 80% of 969 systems investigated, primarily communities of less than 100,000 people, failed to meet one or more of the provisions of the U.S. PHS Drinking Water Standards because of water quality deficiencies or system risks; one out of every four samples (based on 3,563 samples) exceeded one or more of the recommended limits in the Drinking Water Standards; 9% of the samples evidenced bacterial contamination at the consumers tap; 11% of the samples

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drawn from systems using surface waters as a source of supply exceeded the recommended organic chemical limit of 200 parts per billion; 53% of the systems evidenced physical deficiencies including poorly protected groundwater sources, inadequate disinfection capacity, inadequate clarification capability, and or inadequate system pressure; 79% of the systems were not inspected by State or county authorities in 1968, the last full calendar year prior to the study, and 50% of the chief operators of the supplies did not remember when, if ever, a state or local health department has surveyed the supply; 77% of the plant operators had inadequate microbiological training and 46% were deficient in chemistry relating to plant operation; cross connection prevention ordinances, plumbing inspection programs on new construction, and re-inspection programs were lacking in a vast majority of the systems studied; the study showed that as to training 61% of the personnel responsible for the operation of water treatment facilities have not had formal training even at the short course level; 77% were deficient in microbiological training; 72% were deficient in chemical training.

The smaller water systems often operated by part-time personnel, generally have the poorest records of operator training and experience.

PRESENT TASKS OF THE BUREAU OF WATER HYGIENE

The Bureau of Water Hygiene works to assure the safety and adequacy of the water that man ingests or otherwise contacts in his day-to-day activities by conducting a comprehensive program of research, development, technical assistance and training.

In the current fiscal year, the Bureau has: (1) Completed a cross section study of community water supplies involving 969 systems serving approximately 18 million people, which documents for the first time the deficiencies in the Nation's water supplies; (2) completed joint Federal-State field surveys on 43 of approximately 700 water systems serving interstate carriers; and (3) launched a technical task force to review and update the U.S. Public Health Service Drinking Water Standards.

The research accomplishments include: (1) Development of a new and fast method for the identification of fecal contamination; (2) development of new quick, accurate, and cheaper methods of examining waters for cadmium, zinc, copper, and lead; and (3) demonstration of subclinical methemoglobinemia in children utilizing a specific ionelectrode and direct analysis of blood samples. While the accomplishments of the BWH are admirable under severe budget restrictions, it can not be said that we truly have a National water hygiene program today. But this proposed reorganization provides the opportunity to both highlight and rectify past mistakes and to begin planning and implementing the necessary action program.

The problems of the future require: 1. research; 2. planning; 3. technical assistance; and 4. surveillance, if our society is to continue to be blessed with the benefit of adequate quantities of safe drinking water.

THE ADEQUACY OF WATER HYGIENE RESEARCH

We must not lose sight of research and development needs which exist today. Each of us faces a host of new questions on a day-to-day basis. One day the questions concern arsenic, the next day, nitrates. And how about mercury? Is there a general accepted detecting method? And, once the measurement is made, what criteria is used to judge health effects?

It is evident that a broad program of research and development is vitally needed to investigate and elucidate potential hazards, thereby insuring the strength of the Nation's water supplies and to provide for a higher degree of efficiency and effectiveness in the management of water supply systems. For example, a recent Bureau of Water Hygiene Report summarized some of the potential hazards as follows: "Water for direct and indirect human ingestion contains varying amounts of organic and inorganic material and in some cases may harbor bacteria and viruses. In order to safeguard the health of the American public by having the mechanism to detect, analyze, and remove any hazard in water, many studies MUST be conducted. Compounds to which people are exposed number in the thousands and include herbicides, insecticides, corrosion inhibitors, water softeners, coagulants, coagulant aids, fecal material, industrial waste material and breakdown products, household waste material and breakdown products."

Using the carbon-chloroform-extraction technique, it is known that many of these organic and inorganic compounds are in drinking water. What we

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need to know is: (1) Specifically, which chemicals are in water? (2) What is the concentration of each chemical in the water? (3) What are the efficiencies of recovery (for analysis) of the compounds? (4) Are the chemicals at the environmental concentration a hazard, either acute or chronic, to the health of the users? and (5) If a hazard exists, what procedures can be used to effectively cope with the problem? It is equally apparent that virology criteria must be added to future editions of the Drinking Water Standards stressing the need to develop new methods of sampling, isolating, concentrating and enumerating enteric viruses. And, aside from detection procedures, health effects, and constitute levels there is the need to develop and demonstrate new municipal and individual water treatment procedures.

MANPOWER AND TRAINING REQUIREMENTS

Providing a continuing safe and adequate water supply depends on a research and development program in water analysis, an ability to evaluate health effects of the water constituents, and a full understanding of treatment methodology. It progresses through the design and construction of suitable treatment and distribution facilities and ends with the proper operation of the facility under the guidance of a ground surveillance and technical assistance program. With this in mind, several areas of manpower need emerge: (1) Engineers and technicians are needed to design and supervise the construction and operation of water treatment and distribution facilities; (2) Managers and operators are needed to supervise the operation and maintenance of water supply and distribution facilities; and (3) Research engineers and scientists are needed to conduct a water quality surveillance and technical assistance program at both the state and Federal level and to conduct the research and development program related to municipal water supplies.

It is estimated that in the next 20 years, over 20,400 new plant operators will be required. At the present time, the inadequate salary structure of most small public water systems has meant that the average operator in the small utility has less than a high school education. A Federal program to enforce mandatory certification of water plant operators based on the completion of a minimum level of general education (high school graduation) and specialized training is long overdue. Water treatment technology is sufficiently advanced, and the public health responsibility is so important, that the minimum specialized training need for a plant operator and/or manager in responsible charge of a water plant or system is the completion of a 2 year technical institute program in water hygiene technology. To attract competent people to enter this important field, a major change in the salary structure for operators and managers of the smaller, public water systems is essential. Such a salary structure is, of course, dependent on the availability of adequately trained personnel.

Thus, there is a significant and overwhelming need to develop a pool of trained operators at the post-high school or technical institute level. In the area of water pollution control, this need has been recognized to the extent that the Water Quality Act of 1970 recently passed by Congress authorized the expenditure of \$62 million for the training of men at the undergraduate level in the design, operation, and maintenance of water quality (pollution) control facilities. If we can justify such a program in pollution, how much

more important is such a program in the area of water hygiene? This expenditure of funds for operator training is designed to provide more adequate training of people to operate plants for the production of water which can be returned to our streams. Unfortunately, the legislation and the authorization ignored the fact that there is an equal need for training of operators for the operation of water facilities where the water is designed to be used for human consumption.

Even if we were willing to accept deficiencies in average chemical water quality, and we are not so inclined, who has the resources to provide on-the-job training, technical assistance, or short courses on disinfection even if we could discount the numerous other prevalent community water system deficiencies? Certainly, the results show that the State and county health departments, as now financed, are hard pressed to inspect the community systems in an effort to detect and correct gross deficiencies let alone provide broad technical assistance and training.

It should be apparent to the entire professional community, local, state, university, and Federal, that we can either wait for a major tragedy to occur and say "we told you so" or we can begin to face up to our program deficiencies and identify water hygiene program needs in a responsible professional manner.

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The emphasis given to the number of individuals supported in training programs for professional careers in water supply in our universities is currently at its lowest ebb, and must be revitalized at the earliest possible time.

SUMMARY

Our Association feels that implementation at the federal level of a true water hygiene program rates a high priority in the total effort to meet the water supply problem and is necessary to enable the water industry to continue on its present self-sustaining utility basis to supply not only safe, but high quality water. We must strengthen and accelerate programs which will assure that all people have adequate quantities of safe water for drinking and other human use.

We know increasing quantities of pesticides, organic chemicals and toxic metals are entering the waters that serve as sources for the Nation's public and that many of these new contaminants are not being removed by established water treatment methods. Their daily consumption thereby, presents a potential threat to the people's health.

We know that in the absence of adequate planning, supervision and management, a proliferation of water supply systems has grown up to serve metropolitan areas, many of which are too small for efficient or safe operation, thereby resulting in hazards to the public health.

We know that inadequacies in the quality of drinking water and in the construction, operation and maintenance of drinking water supply systems have allowed the occurrence of disease outbreaks and that increased surveillance and attention to drinking water supply systems is needed to control and prevent public health hazards and to protect the health of the people.

We know that in many areas of the country, water shortages will necessitate thorough consideration of the reclamation and reuse of waste waters

and that the health impacts and aspects of such reuse for drinking and other human purposes must be investigated and evaluated.

All people should be served by adequate quantities of safe water for drinking and other human uses and where public water supply systems are involved, these systems should provide service meeting public health requirements.

Federal assistance and leadership is essential for training, research and development, for stimulating State water hygiene programs and for the solution of regional, interstate or metropolitan area water supply problems.

We simply do not have today, an adequate National water hygiene program. The President's plan for reorganization of our environmental agencies, however, does at least provide an outstanding opportunity to overcome past mistakes by setting a high priority on planning and implementation of a required active program.

Therefore, the National Water Well Association urges Congress in its future deliberations to authorize comprehensive plans and appropriate required funds to establish this vitally important environmental program. Furthermore, we believe within the framework of this committee's consideration of the reorganization plan, that a strong recommendation should be made to establish a major organizational division within EPA to be charged with responsibility for providing safe drinking water of the highest quality to the American public.

As the President and Congress engage in an effort to provide environmental protection for our present future generations, we feel it necessary to emphasize this overwhelming need for an organizational entity within EPA, dedicated to man's healthful use of water. A firm Congressional recommendation on this issue is necessary now or we may find ourselves faced with the same old problems and inadequacies under the guise of a new administrative agency.

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**1.1d HEARINGS ON REORGANIZATION PLAN NO. 3 OF
1970 BEFORE THE SUBCOMMITTEE ON GOVERNMENT
OPERATIONS OF THE HOUSE COMMITTEE ON GOV-
ERNMENT OPERATIONS, 91ST CONG., 2D SESS. (1970)**

**REORGANIZATION PLAN NO. 3 OF 1970
(Environmental Protection Agency)**

WEDNESDAY, JULY 22, 1970

HOUSE OF REPRESENTATIVES,
EXECUTIVE AND LEGISLATIVE
REORGANIZATION SUBCOMMITTEE OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m. in room 2154, Rayburn House Office Building, Hon. John A. Blatnik (chairman of the subcommittee) presiding.

Present: Representatives John A. Blatnik, Benjamin S. Rosenthal, Chet Holifield, John N. Erlenborn, Clarence J. Brown, and Paul Findley.

Also present: Elmer W. Henderson, subcommittee counsel; Herbert Roback, staff administrator, Military Operations Subcommittee; James A. Lanigan, general counsel; J. Philip Carlson, minority counsel; and William H. Copenhaver, minority professional staff, Committee on Government Operations.

Mr. BLATNIK. The Subcommittee on Executive and Legislative Reorganization will come to order.

We meet in public session to hold hearings to consider President Nixon's Reorganization Plans Nos. 3 and 4 of 1970, submitted to the Congress on July 9 and subsequently, under the Rules of the House, referred to the Committee on Government Operations.

The Reorganization Act permits such plans to become law after 60 days unless either the House or the Senate has passed a resolution of disapproval. No such resolution has been filed to date.

Reorganization Plan No. 3 creates an Environmental Protection Agency which will include by transfer the Federal Water Quality Administration from the Department of the Interior, the National Air Pollution Control Administration from HEW and certain other scattered environmental functions.

Reorganization Plan No. 4 creates a National Oceanic and Atmospheric Administration within the Department of Commerce that will include the Environmental Science Services Administration, now in Commerce, and certain other programs and agencies by transfer.

Both of these plans deal with our physical environment and the President tells us they are necessary for its protection and preservation. In his message, however, he said that in proposing the new Environmental Protection Agency as a separate body, he made an exception to one of his own principles; that is, that new independent agencies normally should not be created. In this case, however,

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he advised us that "the arguments against placing environmental protection activities under the jurisdiction of one or another of the existing departments are compelling." One of the purposes of these hearings is to learn what those compelling arguments happen to be.

Likewise, the subcommittee feels that in view of the importance of this reorganization proposal, that as complete a record of testimony and as many answers to as many questions as possible be

made available in writing and an official committee print be made available to the Members of the Congress and to all those in the public interested in this very important sector.

This subcommittee is fully aware of the importance of effective governmental action against pollution and of protection for the environment. We need to be certain, however, that reorganization of these functions will serve a proper purpose, will improve conditions and are a more effective and related mechanism to achieve these ends. In the area of water pollution alone, I have lived through a number of transfers and reorganizations and, frankly, I must look upon these changes with a certain degree of skepticism. But we shall approach these plans with open minds and note the justifications that are presented by the administration witnesses.

To provide an orderly record we are considering the pending plans separately: Plan 3 this week and Plan 4 next week. Afterwards we will have additional hearings on each plan as needed. We will make every effort, however, to accommodate those who testify on both plans and to avoid inconvenience, if at all possible.

Plan 3 had its genesis in the President's Advisory Council on Executive Organization. Roy Ash, the chairman of the Council, was unable to appear today but will be with us on Thursday.

We also have had the opportunity and the privilege of meeting with Mr. Ash and most members of his advisory council in previous discussion sessions.

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[Omitted pages are reprint of the President's message and Reorganization Plan No. 3 of 1970.]

Mr. BLATNIK. Our first witness this morning will be Mr. Russell Train, Chairman of the Council on Environmental Quality.

Mr. Train, we welcome you here this morning. We are aware of your record of competence in this area and look forward with special interest to your testimony.

Before we begin, may we at this point, without objection, have in the record, for the purpose of those who shall read the record, a biographical sketch of our first witness?

(The biographical sketch referred to follows:)

BIOGRAPHICAL SKETCH OF RUSSELL E. TRAIN

Russell E. Train became Chairman, Council on Environmental Quality, February 9, 1970.

Born in Washington, D.C., in 1920, Train has served in all three major branches of the national Government, executive, legislative and judicial.

He began as an attorney for the Joint Congressional Committee on Internal Revenue Taxation in 1947, and became Clerk and then Minority Advisor to the House Ways and Means Committee in 1953-56. From 1956 to 1957

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he headed the Treasury Department's tax legislative staff.

In 1957, Train was appointed to the Tax Court of the United States by President Eisenhower. He was reappointed to a full 12-year term in 1959.

Train became active in conservation work while serving on the Tax Court. He founded and became the first president of the African Wildlife Leadership Foundation, which led to participation in the work of other conservation groups at home and abroad. On August 1, 1965, he resigned from the Tax Court to become president of The Conservation Foundation, a nonprofit research, education and information organization concerned with a broad range of environmental matters.

While president of The Conservation Foundation, Train was named by President Johnson to membership on the National Water Commission in 1968. Following the elections of that year, President-elect Nixon appointed him chairman of a special task force to advise the incoming Administration on environmental problems.

Train resigned from the Conservation Foundation after being nominated Under Secretary of the Interior in early 1969.

He holds a B.A. degree from Princeton University and a law degree from Columbia. He served in the Army from 1941 to 1946, rising to the rank of Major. Mrs. Train is the former Aileen Bowdoin; they have four children.

Mr. BLATNIK. Mr. Train, before you get to your statement—I have a copy of that statement and had an opportunity to go through it last evening. Could you tell the subcommittee what authority your Council has and how you and your Council will operate with the proposed new Environmental Protection Agency if that agency is approved?

STATEMENT OF RUSSELL E. TRAIN, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY; ACCOMPANIED BY TIMOTHY B. ATKESON, GENERAL COUNSEL

Mr. TRAIN. The authority and functions of the Council on Environmental Quality are set out by the National Environmental Policy Act of 1969, Public Law 91-190, and by Public Law 91-224, the Environmental Quality Improvement Act that was signed into law early in April.

These have been spelled out in greater detail by the President in an executive order earlier this year. The functions of the Council are to coordinate the environmental programs of the Federal Government, to review and evaluate all other Federal programs that have an impact on the environment, to advise the President on

environmental policy, to assist the President in making proposals to the Congress in the field of environment, to assist the President in preparing an annual report to the Congress on the state of the environment.

Those, very broadly speaking, I believe, cover the functions of the Council.

Our relationship with the Environmental Protection Agency will be exceedingly important. The President has pointed out in his message of transmittal of Reorganization Plan No. 3 that our Council and the Agency would maintain a very close working relationship. Likewise, the President has indicated that the Administrator of the Agency would assist the Council in its development of policy recommendations to the President in the field of pollution.

Mr. HOLIFIELD. Mr. Chairman.

Mr. BLATNIK. Yes.

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Mr. HOLIFIELD. Let me understand this, if I may momentarily interrupt. The Environmental Council will continue?

Mr. TRAIN. That is correct.

Mr. HOLIFIELD. In other words, it is not abolished and this Environmental Protection Agency is to be considered an operating agency and the Council a policymaking agency?

Mr. TRAIN. That is generally a correct statement, sir.

Mr. HOLIFIELD. Is this paralleled anywhere else in the Government? Does the administrator of an agency or department usually recommend policy from the basis of his experience and operation?

Mr. TRAIN. What I would expect—

Mr. HOLIFIELD. For instance, the Secretary of State would recommend policy to the President on treaty matters or any other international matters. The Agriculture Secretary would recommend policy based on his actual experience in the operation of different programs. I am a bit unclear as to why the Council should not have been abolished along with the Federal Radiation Council, which was abolished and its functions transferred over to the Environmental Protection Agency. It seems to me this is a proliferation of agencies certainly doing the same thing. It makes two exist where one existed before. If you combine them with other agencies, then you still have policy divorced from the operating level.

I can see here an operating agency being set up that must go through the Environmental Council to obtain its policy, and they in turn stand between the operating agency with the experience on this program and the President.

Here you have another step in the bureaucratic ladder which people have to climb in order to obtain the results that they want. Will you explain to me why that is not so?

Mr. TRAIN. Yes, sir. Mr. Holifield, I will be delighted to comment on those questions. There is no suggestion in the reorganization plan that the Administrator of EPA would not make policy recommendations directly to the President. The Administrator of the EPA would report directly to the President, and I did not mean to suggest that the Administrator of EPA would not have responsibility for making policy recommendations in the field of his agency's particular operating responsibilities.

Mr. HOLIFIELD. Where does the constructive contribution of the Council come in if EPA can go directly to the President with their recommendations? Where does your Council come into this, and why does the Environmental Council cover a much broader field than the Environmental Protection Agency?

Mr. TRAIN. Yes, Mr. Holifield. The scope of the responsibilities of the Council on Environmental Quality go far beyond the scope of the functions of the new Environmental Protection Agency. If I may spell that out a bit, I think we are all aware that environmental effects exist in almost every program conducted by the Federal Government, whether in the Department of Transportation, Atomic Energy Commission, the Agency for International Development in the Department of State, HEW, Interior—they all have very important environmentally related programs, including the Department of Defense and, very specifically, the Corps of Engineers.

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The responsibility of the Council extends to all of these activities of the Federal Government. The responsibilities of the Environmental Protection Agency extend only to those specific pollution functions transferred by the proposed reorganization plan. These deal, generally speaking, with the control of hazardous pollutants in the environment. The responsibilities of the Council, on the other hand, go far beyond pollution. It extends to land use, to population concerns, a wide range of Federal interests that affect the environment generally. It is intended that the Council will continue to exercise these functions for the President.

Mr. HOLIFIELD. You concede that the Council has a much wider field of responsibility, and possibly a field of coordination, not only of the EPA but of the Defense Department and any other department which has programs affecting the environment?

Mr. TRAIN. That is correct.

The Council at the present time, for example, receives statements from all Federal agencies with respect to their proposals for legislation and for other major actions which affect the environment. These statements spell out in detail the nature of the potential impact on the environment, the alternatives to the proposed action, the long-range costs compared to short-range benefits.

These statements are reviewed by the Council, discussed by the Council with the operating agencies, and the whole effort as intended by the Environmental Policy Act is to insure to the extent possible that all agencies of the Federal Government take into appropriate account environmental factors in all of their planning and decision-making.

This is a major function of the Council which would, of course, not be a function of the proposed new agency.

Mr. HOLIFIELD. Then there is an admission that this Environmental Protection Agency is confined to certain areas and does not in any way cover the whole problem of environmental purification, or whatever you want to call it; it is built up in the minds of many people that this agency is going to cover the universe, you might say, in the field of pollution. As your testimony indicates, it certainly is not in complete control of the problem that faces us. So, if it is not in complete control, then there must be someone who has to coordinate the programs and policies of this agency with all of those relating to the environment that exists in other parts of the Government?

Mr. TRAIN. That is correct, sir.

As I indicated earlier, environmental factors exist in practically all operating programs of the Federal Government. If it were attempted to bring all of these together into one agency, we would end up with the entire Government in one agency and then would have to reorganize that into some kind of divisions. This was not a practical approach.

Mr. HOLIFIELD. Assuming that you have responsibility and overall coordination of all environmental pollution sources and jurisdictions by the Federal Government, what peculiar use will this agency be, what advantage will it give to you in coordination over

the present system, where you would also coordinate, I would assume, all these different programs?

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Mr. TRAIN. In the particular areas transferred to the new agency, particularly water pollution abatement, air pollution abatement, pesticide regulation, radiation standard setting, and solid waste management more than mere coordination will be made possible by the reorganization. As time goes on we would foresee actual integration of some of these functions; particularly, I believe, in the areas of air and water pollution and solid wastes, where these three kinds of pollution frequently arise from the same source.

The reorganization will make possible, for example, the functional integration of research covering all environmental pollutants in one research program. This is something, of course, that cannot be achieved simply by coordination of separate programs so that the new agency will have a very positive potential for strengthening these programs through functional integration as time goes on.

This is the great promise, I think, of the new agency.

Mr. BLATNIK. Mr. Train, I think it would be proper to continue discussion of this point in an orderly fashion from the last question propounded by the gentleman from California. Would you then read your statement which would explain the concept of one comprehensive interrelated departmental agency and also give us the reason why this separate agency is necessary? That is the thrust of the two main points of your testimony, is it not?

Mr. TRAIN. That is right.

Mr. BLATNIK. Give us a brief capsule summary of the testimony and proceed with your testimony.

Mr. TRAIN. Thank you, Mr. Chairman.

Chairman Blatnik, members of the subcommittee, it is a pleasure to have this opportunity to discuss with you the President's proposal for the creation of an Environmental Protection Agency—EPA—set out in Reorganization Plan No. 3 of 1970. I know that many of you have had extensive experience dealing with environmental protection problems which will be valuable background for the consideration of this proposal.

I might add, following my testimony there are a number of other Government witnesses scheduled who have direct program experience and responsibility in the area of the transfers recommended here. Probably these gentlemen will be able to answer

questions that I perhaps cannot in some of the specific program areas.

President Nixon has established environmental quality as a priority objective of this administration. In his state of the Union message of last January, he declared the goal of the seventies to be "a new quality of life in America." On February 10, he sent the Congress a message on environment which proposed a comprehensive, 37-point program for environmental improvement, including some 23 specific proposals for legislation. Most of these dealt with urgently needed improvements in our air and water pollution control programs, including strengthened enforcement procedures.

During the 6 months that have followed, the President has sent a series of environmental messages to the Congress proposing:

A 10-point program dealing with oil spills in marine transportation;

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A program to bring to an end the dumping of dredged spoils in the Great Lakes and announcing a study of the problem of ocean disposal of wastes;

A \$4.25-per-pound tax on lead in gasoline; and

The reacquisition of 20 oil leases off Santa Barbara, Calif., leading to the establishment of a marine sanctuary in that area.

In his message on environment, the President stated that he was directing his Advisory Council on Executive Organization to study and report on the organization of environmental programs. The proposals now before Congress are the result of this Presidential initiative.

The United States is now committed—by statute, by policy, and by the awakened insistence of our citizens—to the goal of a high-quality environment for human life. Such a goal calls for the dedication of major resources of personnel, time, and money. If these resources are not to be frittered away in scattered, piecemeal programs—if we are truly to mount a coordinated attack on the problems of the environment—then we must create an effective institutional base for sound environmental management.

I personally am convinced that the proposed Environmental Protection Agency is of crucial importance to the effectiveness of our pollution-abatement efforts. The current dispersion of Federal programs involved in attacking pollution problems has developed piecemeal over the years, and we are not at present organized to mount the kind of sustained, coordinated, high-priority effort

which we know is needed. Pollution has become everybody's problem but the responsibility for control is still divided. The President's proposal makes it the basic responsibility of a single agency. This will allow the President, the Congress, and the American people to expect and require unified management of our pollution-control programs.

Reorganization inevitably produces its own stresses and strains, and the current plan will doubtless prove no exception. However, careful attention is being given to minimizing such effects, and there is no reason for delaying now a reorganization which is long overdue. Indeed, continuation of the present fragmentation of Federal anti-pollution responsibilities will only aggravate existing problems. The time to make corrections is now, not later.

DESCRIPTION OF REORGANIZATION

Reorganization Plan No. 3 would create the Environmental Protection Agency which will be independent of any cabinet agency, similar to NASA or the Atomic Energy Commission. EPA would be headed by an Administrator who would be compensated at a level comparable to the heads of NASA and AEC. It would take over certain pollution control responsibilities now located in six different departments and agencies, and would have primary responsibility for control of air and water pollution and solid wastes, and for controlling the environmental effects of pesticides and radiation.

EPA has estimated a fiscal year 1971 budget of \$1.4 billion and approximately 5,650 personnel.

The following authorities and programs would be transferred to the new agency :

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For air pollution control—the authorities contained in the Clean Air Act, as amended, and the National Air Pollution Control Administration now in HEW ;

For water pollution control—the authorities contained in the Federal Water Pollution Control Act, as amended ; the Federal Water Quality Administration now in the Department of the Interior ; and the water hygiene program of the Environmental Control Administration, HEW ;

For solid wastes disposal—the authority given to HEW in the Solid Waste Disposal Act of 1965, and the Bureau of Solid Waste Management, HEW ;

For pesticides—the authorities, mostly related to registering pesticides, contained in the Federal Insecticide, Fungicide, and Rodenticide Act, now administered by the Department of Agriculture; part of the authority of the Bureau of Sport Fisheries and Wildlife to conduct research on the effect of pesticides on fish and wildlife; the authority of the Food and Drug Administration to set pesticide tolerance levels on food; and the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries;

For radiation—the authorities and functions of the Federal Radiation Council; the authority under the Atomic Energy Act to set standards for the emission of radiation to the general environment; and portions of the Bureau of Radiological Health in HEW; and

For general purposes—the authority given to the Council on Environmental Quality by the National Environmental Policy Act of 1969 to conduct research on ecological systems.

I would like to explain why we feel that such a major reorganization is so necessary.

The reasons for such a major reorganization are compelling.

REASONS FOR THE REORGANIZATION

The current organization of the Federal Government to deal with pollution suffers from two obvious problems. First, for many particular kinds of pollution a number of different Federal agencies have overlapping or closely related responsibilities. Three Federal departments—Agriculture, HEW, and Interior—are directly involved in regulating pesticides; and similarly a number of agencies have some responsibility for radiation problems. Second, the organizational basis for controlling pollution is not consistent or adequate. The two largest agencies, the Federal Water Quality Administration and the National Air Pollution Control Administration, are organized on the basis of the media—air or water—through which pollutants travel. The other pollution control programs, on the other hand, generally are organized on the basis of particular pollutants—pesticides, radioactive materials, and solid wastes. Confusion results today, for example, about the extent to which air and water pollution control agencies are responsible for radioactive materials and pesticides when these materials appear in air or water.

The programs to deal with pesticides and radiation were devel-

oped in part because these two kinds of pollutants did not fit neatly into the categories of air and water pollution. Pesticides

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and radiation are found in air and water, and on the land. We expect pollution-control problems of the future will increasingly be of this kind. They will involve toxic chemicals and metals which are found in all media, and which thus run counter to the air and water pollution organization of the Government. The current problems with mercury and polychlorinated biphenols are an indication of what lies ahead.

Some pollution problems remain unrecognized because of gaps in agency jurisdiction or because no one agency has clear lead responsibility. With its broad responsibility for environmental pollution control, the Environmental Protection Agency would greatly improve our ability to recognize and to take action on "new" problems, such as noise. Pollution problems of the future will increasingly cut across the jurisdiction of existing departments, making the need for a unified pollution-control agency even more imperative.

Another problem of present Federal organization should be noted. Agencies which have responsibility for promoting a particular resource or activity also have responsibility for regulating the environmental effects of this activity. The two clear examples of this potential conflict of interest are the Department of Agriculture's regulation of pesticides and the Atomic Energy Commission's regulation of radiation levels. Regardless of how good a job these agencies do, the public is increasingly questioning the vesting of promotional and regulatory powers in the same agency. The Environmental Protection Agency, by assuming these regulatory functions, should help restore public confidence in our ability to control pollution from these sources.

The existence of a unified pollution-control agency should also greatly clarify the Federal Government's relations with State and local governments, and with private industry. More than half the States, and many localities, already have a single agency responsible for all forms of pollution. A number of others are considering establishing such an agency. In the cases where a unified agency exists, the differing Federal requirements are a significant source of irritation and inefficiency. Several States reported to the Ash Council that the existing Federal organization was a factor holding back their plans to consolidate pollution-control programs.

Industry pollution-control efforts will also benefit from the crea-

tion of EPA. A manager responsible for controlling pollution from his firm must now go to several agencies to find out what action his firm must take. The standards and enforcement actions to which he is subject are uncoordinated and sometimes conflicting. The air pollution agency tells him how to control air pollution, and the water pollution agency how to control water pollution. But nobody is in a position to consider the entire range of environmental standards that will affect a firm's operations. Since many types of plants can dispose of the same wastes in the air, the water, or as solid waste, this lack of coordination can result in significantly higher costs to the firm and to society as a whole.

FUNCTIONS OF THE NEW AGENCY

As you well know, a reorganization plan cannot create any new legal authorities or functions. Therefore, the functions of the Environmental Protection Agency, when it comes into being, will be
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the same as those of its constituent parts. However, the new agency will be able to perform existing functions better, and will also be able to undertake new activities which are not easily done under the existing structure.

The key functions in pollution control are standards-setting and enforcement. Standards provide the goals of the control program, the basis for enforcement actions, and the measure of the program's progress.

Standards should be based on the total amount of a given pollutant to which humans or some element of the environment are exposed, even though the standards apply to a particular medium. Lead, for example, may reach humans through the air or the water, but the key question is how much comes from all sources together. It is very difficult to deal with this problem under the current fragmented organization. As the pollutants of primary concern to the Government increasingly cut across media lines, this problem of setting standards will become more acute.

Even in those areas where the Government is not organized on the basis of air or water pollution—as, for example, in the case of pesticides and radiation control—the need to regulate the total allowable exposure from different sources is becoming apparent. This can only be done by a consolidated agency.

The enforcement function will also be improved in several respects. Perhaps most important, the way will be cleared for for-

mulating and applying the best overall strategy for controlling particular pollution problems. The new agency will be able to examine the path of a pollutant through the total environment and determine at what point control measures can be most effectively and efficiently applied. For example, it may be that in some cases a pollutant can best be controlled by exercising control before it enters the environment, as is now done with pesticides.

Enforcement will also benefit from the more efficient relations with State and local governments, and with the private sector.

Monitoring and surveillance will be improved and made more effective, for example, by simultaneously monitoring a river for pesticides, radiation, and other water pollutants. New hazards will be recognized more rapidly by a coordinated monitoring system.

Research will be similarly strengthened. Research on the health effects of pollution will be able to take into account the exposure to a given pollutant from all sources. Research on ecological effects must, almost by definition, consider the interrelated parts of the environment, since ecology is to a great extent the study of such interrelationships. It will be far easier to conduct ecological studies in an agency which is not limited to one particular medium or pollutant.

ORGANIZATION OF EPA

The internal organization of the Environmental Protection Agency has not been finally determined and should not be until the head of the agency is named and has had an opportunity to weigh the various alternatives. An important part of the responsibilities of the Administrator of EPA will be to develop the most effective organization of his resources.

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One factor which will weigh heavily on the new Administrator is the necessity of avoiding any delay or disruption of ongoing pollution-abatement programs. We are taking every step possible to assure that such disruption does not occur. The new agency will be acquiring a large number of experienced personnel, which will ease the problems of transition. As Mr. Dwight Ink will describe in greater detail, the administration has sent to the Congress legislation designed to facilitate the transfer of members of the Public Health Service Commissioned Corps to the new agency.

One other fact relevant to the problems of transition is worth noting. The major agencies which would be transferred to EPA are enthusiastic about the reorganization plan. Their personnel

know that the plan represents recognition of the critical importance of the pollution-control functions. I am confident that the reorganization will result in a substantial boost in morale.

Of course, those agencies will be in a better position to testify directly to those matters than I.

The independent Environmental Protection Agency will have a sense of purpose, of thrust, and of public commitment that is impossible to achieve under present circumstances.

RELATION OF EPA TO CEQ

Our Council strongly supports the plan of reorganization. There is no conflict between the missions of EPA and the Council on Environmental Quality. Indeed, the two organizations will be mutually reinforcing.

The Council is essentially a staff organization. It is not intended to have operating responsibilities, and its functions are to advise the President with respect to environmental policies and to coordinate all activities of Federal agencies related to environmental quality. EPA, on the other hand, will be responsible for executing antipollution policies and for carrying out the many functions involved in controlling pollution. It will assist the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

There is also a difference in the scope of concern of the two agencies. The Council is responsible for the environment, broadly defined. This includes such subjects as population, land use, and conservation. The new agency will focus specifically on pollution control, which is only one part of the Council's responsibilities. However, the creation of EPA will be a significant building block in achieving the comprehensive view of environmental matters which the Council has tried to encourage.

A PROPOSAL WHOSE TIME HAS COME

As the President has said, "We are determined that the decade of the seventies will be known as the time when this country regained a productive harmony between man and nature." Issues of great priority and lasting significance tend to take institutional form, and the Environmental Protection Agency is the institutional manifestation of the priority and significance which this Nation attaches to controlling environmental pollution.

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This is a proposal whose time has come. Until just a few years ago we considered pollution control as subordinate to other goals of the Government. It was part of our health efforts or our water resources policies or our aid to agriculture. This is no longer true. While pollution control must integrally relate to these other goals and policies, it also transcends them. It is part of our overall effort to restore to the American people the environmental quality which they deserve and are demanding. The Environmental Protection Agency is responsive to this demand and to the vision of clean air and water which lies behind the demand. It will provide us with the unity and the leadership necessary to protect the environment. I urge your support of this bold and farsighted proposal.

Thank you, Mr. Chairman.

Mr. BLATNIK. Thank you, Mr. Train, for your very impressive testimony.

We do have gaps and, one, we want to get a better understanding of why a separate agency is necessary.

Two, while intentions are good, it may not be as effective as is claimed.

Three, why are any other functions that are directly related to environment still left in other agencies?

These questions are not in the form of protagonism or antagonism but a form of devil's advocate to try to get as many answers to as many questions in these hearings to those of us on the subcommittee, and others, so that we may have answers ready in advance for further discussion. Obviously, we are going to have debate on the floor of the House at some time or another with regard to this agency.

The first question would be, Mr. Secretary—you are better able to answer this, since one of your primary functions as head of the President's Council on Environmental Quality is to advise the President on programs—how much of this structure would you recommend or advise? Would you be able to tell us now?

Mr. TRAIN. The primary responsibility to the President for the development of proposals for improving the Federal Government's organization for environmental management lay with the President's Advisory Council on Executive Organization, the Ash Council.

Of course, Mr. Ash, when he testifies, will be able to inform the subcommittee in greater detail of the operations of his Council. From the beginning of the work of the Council, which of course goes back now many months, prior to the time in fact that the Council on Environmental Quality came into existence, I person-

ally had contact with their work. As Under Secretary of the Interior I was among those whom members of the Ash Council and staff of the Ash Council contacted and met with on a number of occasions.

I believe that—here again Mr. Ash can testify to this—the Council and members of the staff met with and interviewed some 180 individuals both in Government and outside of Government on this very important area of concern.

Mr. BLATNIK. Mr. Train, may I pause at this point? You stated that the staff of the Ash Advisory Council on Executive Organization, in their intensive study of this proposal creating a new Environmental Protection Agency, concurred, or discussed, or consulted and advised, with 185 people.

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Mr. TRAIN. About 180 people is my information.

Mr. BLATNIK. Where were these people located—entirely in the executive branch?

Mr. TRAIN. Of course, I am giving you hearsay testimony, Mr. Chairman. My understanding is that these are people both in Government and outside of Government, in universities and in private organizations.

Mr. BLATNIK. I don't want to press you on this, because perhaps you were not involved. But the question is, very frankly, Mr. Secretary—and I am sure that we will get the answers later on as we get to other witnesses—who was being consulted?

No one either in the House or Senate, as far as I know, outside of the few witnesses we have had; but on the working level we have some very first-rate experts in both the Senate and House who were not consulted on any one of these major areas, certainly not on water.

The House started this whole water program. There is a major updating. Seventy-five percent of the agency is essentially a water-protection agency, and yet not one single staff member, including those who were in this water battle from the very beginning, were consulted or their opinions sought in connection with this subject.

Would it be more effective to move this water agency out of the Department of Interior, where it is under an Assistant Secretary of the Interior? Would it be more effective in a separate agency or not? We don't claim any particular pride of authorship or particular monopoly in connection with these, but we do have quite a body of testimony and experience.

As recently as 10 years ago, when the current President was Vice President, the President vetoed a bill or amendment. The original Water Pollution Control Act was passed in 1956, and in 1960, as I recall—I will get the exact time of the veto message—the President said it was essentially a local problem which could be dealt with primarily through grants to municipalities; that it was not necessary and was perhaps undesirable.

The policy now is that pollution is a national problem requiring an enormous, all-out effort by the Federal Government to save municipalities and districts on a grant program which 10 years ago was assaulted with great vigor by the administration.

To be sure, the Congress in establishing policy was far ahead of both the agencies and the administration.

On the matter of grants, the Congress established grants in 1956 and sought to increase them in 1960, again increased them in 1961, and was supported by that administration. It continued this battle until 1966, 4 years ago, when we realized we had gradually to escalate our financial support to make the water pollution program meaningful. With an almost unanimous vote, with only 2 or 3 Congressmen voting in objection to the amendments in 1966, we escalated the authorization from \$200-plus million to \$450 million to \$700 million for the year before last, to \$1 billion for last year, fiscal year 1970, and to \$1¼ billion for this year.

The administration, covering both parties, for it is a nonpartisan matter—year before last the Johnson administration request for funds was \$214 million when the Congress had already authorized \$700 million. Last year this present administration requested

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again the same amount, \$214 million, and the Congress had already recommended an escalated amount at \$1 billion.

This year, as I recall—I am subject to correction—I believe the administration asked for no funds from Congress after an authorization for 4 years. This last year, in order to nail down the proposition that pollution was important and had to be met head on, the Congress took the Bureau of the Budget's or the administration's recommended figure of \$214 million and the Subcommittee on Appropriations raised that to \$400 million.

In a very difficult situation with inflation, high taxes, and pressures for economy, the full Committee on Appropriations took the unprecedented action of raising the \$400 million to \$600 million.

Then the battle was carried to the floor of the House. On the teller vote, out of almost 300 votes, a very large teller vote, to be

exact, as I recall, 298 Members of the House walked down the aisle on the issue of whether or not the \$600' million should not be raised to \$1 billion. It was lost by two scant votes.

Later on, the Senate appropriated \$1 billion, and in conference that was set at \$700 million.

This year the Congress went ahead and—again, in a very difficult fiscal, tax, and inflationary situation facing the country—in its judgment, voted a full \$1 billion appropriation for the program.

I think the Congress has been far ahead of the administration or any of the executive agencies for all of these years. We are puzzled as to why so little attention was paid to the 180 or 185 so-called experts, both in the Government and outside; and why so little attention was paid to those of us who established this program and who carried on this fight over a period of many years and nailed down this policy which now finally the administration accepts as important.

Mr. Train, you have listed on the chart before us the programs which would be incorporated into this agency. If you have the information, you may answer this. I do not necessarily ask that you do so now. The question is not necessarily directed to you, but to all witnesses.

We would like a list of how many environmental functions, directly or partially or peripherally related to the agency's work, are still left in the other agencies: the one on pesticides, for example; in fish and wildlife, for example; or the technological research function in the Department of Transportation dealing with noise pollution—a very important factor which is not listed here. I have a list of about 18 important areas of research work and other activities dealing with environmental protection which are still left in the agencies. Would you not add to proliferation by removing part of the function from an agency and leaving another part in the agency? You have a more divided and spread-out operation than you think you are getting when you say you are concentrating all these interrelated programs within a comprehensive, coordinated, single agency.

Have you any response to make on what environmental functions are now left in the agencies?

Mr. TRAIN. I do not have such a list before me, Mr. Chairman. It can certainly be prepared and submitted for the record, and perhaps Mr. Ink addresses himself to that question in his testimony.

As I pointed out earlier, there is a large number of environmentally related activities that exist in practically all Federal agencies. A great many of these, of course, are left where they are. In most cases where they are integrally related to the program responsibility of the agency concerned and are more related to that program responsibility than to pollution prevention, the program is left where it is, particularly if it is a fairly small one.

I do not think there is any suggestion made that the reorganization proposed here is the last word and the final improvement in our organization for environmental management in the Federal Government. There are a number of programs about which a question could be raised, such as noise. This is an area where Federal programs are in a very embryonic stage. I think there is only one specific statutory program, and that is in the Federal Aviation Agency, relating to aircraft noise. It seems a mistake in this very early developmental stage to subject the field of noise to reorganization.

At the same time, the President has pointed out in his message that the existence of the new agency would make it quite appropriate for it to become the focal point for noise pollution programs as they develop. I think that is probably the point to be made with respect to other programs.

Mr. BLATNIK. You say, very properly, that the form or composition of the Environmental Protection Agency has not been finally determined and should not be until the head of the Agency has been named. Obviously, this is just a start, as you have indicated. In my judgment, with no reflection on you at all, sir, but on those who put this program together, a great deal more can be done to make the Agency much more comprehensive and unified. The time spent on that could have been much better served than by this very elementary beginning.

As we add programs and change policies, how can we be sure programs established by Congress will be carried out and not buried in organizations through excessive reorganization? Perhaps that question could be more appropriately directed to the Bureau of the Budget witness.

Mr. TRAIN. I do not see, Mr. Chairman, why such a situation would be any more likely to arise under the reorganization than under the existing location of the functions. The appropriate congressional committees will continue to have their legislative oversight function. I would imagine that the organization and placing of these responsibilities in one single independent agency would result in just the opposite effect. Indeed, the conduct of these

responsibilities will be very visible to the public eye and will be much more subject, I would believe, to public surveillance and congressional surveillance and executive surveillance by the President than is possible at the present time.

Mr. BLATNIK. You make a good point. It would be one single comprehensive agency, you suggest, similar to the Atomic Energy Commission. My senior colleague, Mr. Holifield, for whom we have a good deal of respect, helped to establish that program over a period of many years. There the goals were very clearcut. The type of talent was specifically known. Scientific, creative ingenuity, enormous technical and scientific problems, and enormous amounts of money were required. The story of NASA is one of trial and tribulations, one of birth pains and growing pains. There were shifts of the administrative and organizational structures, changes within the organization, which resulted in a tragedy which was not very adequately explained, even after the Congress went to great pains to find why this should have happened.

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Here you had a program which was clearly visible and, after a long period of time and after great effort, sweat, blood, tears, pain, and anguish, it has developed into one of the most frightening achievements in the history of mankind: that man can land on the moon and return safely.

We are not satisfied with NASA by itself. It is like the Redskins. There is no question of their first-rate coach, of whom the State of Minnesota is proud. Or like the Senators, with one of the outstanding historic baseball leaders of all time in the history of the game as their manager. There is no question about the good intentions, dedication, self-discipline, and determination of the players. There is no question even that the uniforms are attractive. They have everything, but they cannot hit the ball.

Ninety percent of these agencies are concerned with water. After repeated objections of the administration over a 10-year period, now the administration tells us what a good program the water program is. I say with a little pride—we do not want to fault the administrations, both the Republican earlier and the Democratic later, but they were slower. We developed the idea of the Headstart program in Congress. At least, these programs are here, but we want to go ahead and continue with the program.

These are a few of the many questions we have. To repeat, those testifying later on can probably address themselves to it.

Mr. TRAIN. May I make a brief comment on this point, not on the performance of the Redskins, but on the new Agency. It does

look as if it will go through growing pains. The field of environment is a relatively new one. The environment has been with us for a long time, but our concern for the problems is relatively new and our serious attention to them is even newer.

I would assume that we are dealing here with what will prove to be an evolving field. As I said earlier, I would not for a moment suggest that the reorganization proposed now will be the last word, not at all. New problems will arise. New experience will be obtained.

I am sure, as I say, that these developments will evolve as time goes on. This, I think, again argues for not trying at this time to sweep every possible environmentally related program in the Federal Government into one new agency, but to make a more narrowly based—although I think still very comprehensive—approach to the problem. It is a start, and a very important start.

Mr. BLATNIK. It is a start.

Let us take dollars as a measure, not that these are absolutely reliable, but they are a fairly good yardstick or measure of the magnitude of the spread of the programs. We have now an Agency for the total environment. These figures are reasonably accurate. Here is a comprehensive Agency, and the proposed budget for all its functions gives some measure of magnitude. Compared to the \$80 billion a year Defense effort, your effort will be about \$1.4 billion. Of that, almost 90 percent or possibly 85 percent, a lopsided proportion, \$1.2 billion, will go for water alone. The rest of it, some \$200 million, will be spread over air pollution, Bureau of Water Hygiene, Bureau of Solid Waste Management, Pesticides, Radiation. I do not see anything on fertilizer or chemicals in soil which leach off and contribute to the pollution problem in water.

Are there not many other environmental programs that have not been funded? I would bet there are more than \$200 million

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worth of environmental activities outside of those listed here for the proposed agency.

Mr. TRAIN. I would not want to bet with you on it, Mr. Chairman, but I have no reason to believe you are not right. A great many activities of lesser importance are left in other agencies. What they would add up to dollarwise, I do not know. The Federal Water Quality Administration budget for 1971 I think is \$1.233 billion. So, as you point out, it will represent a very large proportion of the total. Most of that, of course, is taken up by the waste treatment facilities grant program, and the other programs which

are involved here do not involve that same kind of very large capital outlay granting program.

I would suspect when you bring it down to enforcement and standard-setting, there isn't quite the same imbalance as the total dollar figures would suggest.

Mr. BLATNIK. In the water program you have over \$100 million for research alone. There has been a fantastic advance in synthetics and chemical compounds of all types—in the clothes you wear, the food you eat, the materials you use, such as paint. In pharmacology alone, easily three-fourths of the medicines and prescriptions which doctors write in America today are for medical compounds that did not exist and were not used 20 years ago. There has been a fabulous advance and increase in chemical structures.

The water program alone has \$100 million for research, even more than for enforcement.

(Following is a Summary of Estimated Personnel and Funding under this reorganization:)

ENVIRONMENTAL PROTECTION AGENCY — SUMMARY OF ESTIMATED PERSONNEL AND FUNDING
[Dollars in thousands]

Agency and current function	1970			1971 President's request		
	Positions ²	Obligations	Outlays	Positions	Obligations	Outlays
HEW:						
(Departmental totals for HEW)...	(2,565)	(\$146,785)	(\$127,030)	(2,625)	(\$157,602)	(\$151,372)
NAPCA.....	1,055	102,662	81,357	1,141	112,118	107,400
FOA (pesticides).....	265	8,443	7,599	272	10,733	9,660
Solid waste management.....	206	15,275	14,502	206	15,336	15,305
Water hygiene.....	160	2,701	2,431	160	2,344	2,110
Radiological health.....	551	12,277	11,049	508	11,051	9,946
Office of the Commissioner (ECA) ³	129	1,920	1,728	127	1,913	1,722
Office of the Administrator (EHS) ⁴	199	3,507	8,364	211	4,107	5,229
Interior:						
FWQA.....	2,421	615,600	258,000	2,669	1,233,300	650,000
Pesticides:						
Label Review.....	9	188	175	9	216	200
Gulf Breeze Laboratory.....	20	551	551	20	551	551
USDA						
Agriculture Research Service						
Pesticides Regulation (PRD).....	294	4,286	3,857	435	6,668	6,001
Monitoring (PPD).....	26	714	571	26	714	571
AEC: Radiation Protection Standards.....	3	75	67	3	75	67
Federal Radiation Council All functions.....	4	132	119	4	144	130
Total.....	5,322	768,331	390,370	5,791	1,399,270	808,892

¹ These are preliminary estimates and are subject to change. These estimates do not include portions of Buildings and Facilities accounts which may be subject to transfer, for instance.

² Full-time permanent positions authorized.

³ 59 percent of the former personnel and dollars of the Office of the Commissioner (ECA).

⁴ 86 percent of the former personnel and dollars of the Office of the Administrator (EHS).

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Mr. BLATNIK. You speak of allowable standards. You can do a lot of measuring and testing to find what is permissible and allowable. For example, we have worked on water pollution with able men, and there were working pains and growing pains in that program over the last 15 years. We suddenly found, out of the clear blue sky, we had mercury poisoning; not in one section, but in four major parts of the United States—the Northeast, the Southeast, the South, and Midwest up in my area—involving at least 8 or 10 States. I know that this mercury poisoning did not begin 2 weeks ago yesterday, *early in the morning*. It has been there for a heck of a long time.

No matter what the intentions are—and I do believe they are sincere and honest—I am trying to point out that the complexity of this environmental problem requires more than good intentions and more than half-baked proposition which brings in partial functions from many scattered agencies, leaving other parts of the functions back in the agencies.

Have you any idea, Mr. Train, why this mercury poisoning went undetected so long? Mercury is one of the easiest of the pollutants to detect, one of the easiest to eliminate, and one of the most deadly and devastating when in the body. How come our radar scanning program did not detect this? Have you any comment on that?

Mr. TRAIN. I think you had better ask later witnesses on this one. I am not an expert in this field. From what I understand, I think it has been pretty much assumed in the past that mercury was largely an inert metal, and by itself as mercury is not a dangerous substance. It will enter the water and fall to the bottom and stay there, and not become toxic.

However, it has developed that mercury is to some extent biologically degradable and forms methylmercury, or something of that sort, which can be absorbed by the flesh of fish and other living organisms, and becomes toxic.

Why this has not been discovered before, I do not know. The Federal Water Quality Administration witnesses can perhaps give you more detail on that problem.

I would agree with the chairman: There certainly is no assurance that the mere fact of reorganization is going suddenly to make all of our pollution abatement efforts a huge success. Reorganization alone never can be looked to for that kind of instant solution.

On the other hand, the reorganization, I assure the committee, is far more than just some sort of window dressing. It will pro-

vide the opportunity for far more effective coordination and functional integration of the programs than is possible at the present time.

I would also assure the committee, and you particularly, Mr. Chairman, that, while the water pollution abatement program represents perhaps 80 percent or a higher percent of the total budget of the proposed new agency at the beginning, it certainly poses no threat to the appropriations or budget recommendations for the water program. Historically, our experience has been that the establishment of new independent agencies such as this, with their single focus on areas of high public interest such as atomic energy or the space program, has been that budgets go up, and we are dealing here with a field in which public interest, public concern, and the administration's commitment are high and rising all the time.

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I am personally convinced that the level of spending, budget requests by our Government in the field of environmental control, will go up and will continue to go up for the foreseeable future. I think the water pollution program will benefit, and I believe the other pollution abatement programs will also benefit, but I do not believe that any of them will suffer budgetwise by being brought together.

Just to the contrary, I think a new sense of priority will be given all these programs, in addition to which I believe that the better coordination and integration will mean that the American people will get more mileage for their dollars out of this program.

Mr. BLATNIK. Number 1, you do strongly feel that, although more reorganization is to come as we gain experience in the pollution protection program, all these functions should be put in one agency for the purpose not only of making it more visible, but of giving you a better 3-dimensional view of the overall program which touches on all areas of human activity—water, air, land, food, and so forth. You do strongly believe that?

Mr. TRAIN. Absolutely, Mr. Chairman.

Mr. BLATNIK. Even though we put it right up under the Cabinet as the Water Agency now is, you think a single agency will give us a more visible and a better 3-dimensional, comprehensive view of the whole environmental program?

Mr. TRAIN. I think the placing of these pollution or environmental protection functions in a single separate agency very clearly signals the importance which the President, the administration,

and this Government attach to environmental quality. This is highly important. I do not think it can be achieved by putting the program along with a lot of other essentially unrelated programs in any Cabinet agency. I think the form recommended here, as earlier forms such as the Atomic Energy Commission took and NASA has taken, will provide a very strong focus so far as public attention is concerned and so far as administration priorities are concerned. This will certainly extend to budget.

Mr. BLATNIK. You state on page 8:

Industry pollution control efforts will also benefit from the creation of EPA. A manager responsible for controlling pollution from his firm must now go to several agencies to find out what action his firm must take. The standards and enforcement actions to which he is subject are uncoordinated and sometimes conflicting.

But now he will be able to go to one agency.

I think that is a very good point. Congress is aware of that. I think we passed a few such measures in this committee. One was the Intergovernmental Cooperation Act, and another the Jo'nt Funding Simplification Act. It is a very serious problem for municipalities and States as well as for industry and citizens.

I like your comment on page 11. We do appreciate the efforts in these various environmental fields. They are truly unsung heroes, many working in basement rooms out of sight and out of mind, but creating and doing enormously valuable efforts. On page 11, when you refer to the personnel problem, you state that "the major agencies which would be transferred to EPA are enthusiastic about the reorganization plan." You think it important, and you want the talented and dedicated specialists to know that their efforts are recognized as individuals.

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We think the confidence of Congress was expressed in the water pollution control program when, in these adverse economy times, we appropriated \$1 billion just for the grant program alone. That is a measure and indication of the confidence we have in the work these able people are performing.

We have other questions. We thank you very much for the contribution you have made, Mr. Train.

Are there any questions on this side?

Mr. ROSENTHAL. I have a few, Mr. Chairman.

Mr. Train, I am interested in knowing whether the National Institute of Environmental Health Sciences was included. I assume it was included, but, if not, why not?

Mr. TRAIN. It is not included, Mr. Rosenthal. It will, of course, continue as a broadly related research program. Perhaps others can go into this in more detail, but it was felt, as I understand it, that the research activities of the Institute extend well beyond the direct pollution responsibilities that have been put in the new agency, as, for example, with respect to occupational health hazards which are largely left in other agencies.

Mr. ROSENTHAL. Let me read from the HEW 1969 Annual Report, as it seems to me this description is pertinent to the new agency. I quote:

The mission of National Institute of Environmental Health Sciences is to identify the chemical, physical, and biological factors in the environment that can adversely affect man, to learn how these operate, and to provide scientific bases for the development of control measures by other agencies.

That seems to me right on center with the EPA.

Mr. TRAIN. Of course, it will continue to do these things. The data and results of the research will be available to EPA.

Mr. ROSENTHAL. But, if they are going to do basic research which covers the whole broad spectrum of the mission and responsibility of EPA, I am curious why it was not included.

Mr. TRAIN. It will do a lot more than that. It is simply that these things are the responsibility of EPA. I mentioned occupational health.

Mr. ROSENTHAL. It hasn't anything to do with occupational responsibilities.

Mr. TRAIN. Then I think you had best address your question to a later witness. It may be that the Surgeon General, who will testify tomorrow, would be in a better position to answer that question.

Mr. ROSENTHAL. I thought you were the one who had pulled all this together.

Mr. TRAIN. I do not pretend to be an expert in every one of these programs, Congressman, nor did I pull it together. That was done by the Ash Council for the President.

Mr. ROSENTHAL. From the Environmental Health Service of HEW, three functions are proposed to be transferred to EPA—the National Air Pollution Control Administration, the Bureau of Solid Waste Management, and the Bureau of Radiological Health. Three are not transferred. Among those not transferred, one is the Bureau of Water Hygiene, and another is the Bureau of Community Environmental Management.

Mr. TRAIN. The Bureau of Water Hygiene is transferred.

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Mr. ROSENTHAL. The Bureau of Water Hygiene is transferred. But what about the Bureau of Community Environmental Management? I wonder if you have any comment on that? From my reading, it seems quite similar to the work that EPA would be involved in.

Mr. TRAIN. I cannot answer your question offhand, Mr. Congressman.

Mr. ROSENTHAL. Let me then go to another subject. I have been very much concerned about noise pollution, jet-noise pollution. My district includes La Guardia Airport in New York, and consequently the pollution from jet airplanes. I know you mentioned in your principal testimony that you hope in the future that the EPA might have some mandate in the field of noise pollution. What do you think we can do really to move this Government forward in curbing noise pollution and air pollution in the vicinity of airports?

Let me tell you first, candidly, that in New York City the problem is acute. At 5 o'clock in the afternoon, you can see black waves of smoke across the community. In the summertime, particularly in bad weather when the ceilings are low, planes come into Kennedy and La Guardia, and people who have any kind of personal disability simply cannot survive.

NASA has done a few things, and other agencies have made some efforts, but it seems to me that the responsibility should be in a new agency with a new spirit of accomplishment. Why isn't it?

Mr. TRAIN. The air pollution aspects of aircraft emissions definitely are in the new agency at the present time. The setting of noise standards is not moved, for the reasons which I explained earlier in response to the chairman's question on the same point. The noise portion of the Federal program is in its very early stage of development. The only statutory program in existence at the present time is that being conducted by FAA—

Mr. ROSENTHAL. That is the point I am trying to get to.

Mr. TRAIN (continuing). As part of its engine design responsibilities, and also in setting noise standards for airports. Our Council on Environmental Quality is, at the present time, engaged in a review of all of the noise programs with a view to the development of proposals for stronger and more effective and better coordinated Federal efforts in the noise field. I can assure you that much is being accomplished, and we would hope within a very few months—

Mr. ROSENTHAL. I do not want to press you too hard, because it really would be unfair, but the words you just used, I can remem-

ber Najeeb Halaby saying the same thing when I first came to Congress 8½ years ago. "The state of the art is developing, and we will develop new standards."

General McKee said the same thing and then Mr. Shaffer. All of these FAA people said the same kind of thing. But no one has ever followed through in this field.

The point I am trying to make to you is that I would be delighted if we took some of those responsibilities away from FAA and gave them to this new agency, because FAA does have a live-and-let-live attitude with the airplane industry.

If we could take some of those responsibilities for noise and air pollution from aircraft and give them to this new agency, an agency that does not have a long historical tie with the aircraft

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and airline industry, I, personally, think a great deal more could be accomplished.

This plan cannot be amended, as I understand the procedure. I wish I knew a way to take those things from FAA and put them in here. It is not the fault of this administration. Any administration, all administrations, since I first arrived here, have taken the same attitude. "There is not much we can do with it. You want progress. You want airplanes and you have to have the noise."

It has reached the point of a crisis situation.

Mr. TRAIN. That is not the attitude of this administration. The administration is exceedingly concerned about the noise problem. Our Council is in the process at the present time of developing recommendations in this field. The new agency will be concerned with noise. This was set out and specified in the President's message of transmittal to the Congress of this plan.

It is true the specific statutory function relating to aircraft noise is not specifically transferred by this plan. Presumably, it could be at some later date.

Mr. ROSENTHAL. My view is that organizations make policy. I assume you are correct when you say the administration is committed to reducing noise pollution. The way to do that is to take the responsibility from an agency that is allied or concerned with industry, and transfer it. In other words, you exhibit your commitment to the program of reducing noise pollution by taking it from an agency that has done very little while it had the responsibility, and transfer it to a new agency that has a new lease on life and a mission to accomplish. I think the public interest demands this of the administration. I think this agency is a good idea.

Mr. BLANTNIK. A very significant type of thing, another one of very high priority, raises doubts in the minds of those of us who worked on one aspect, water pollution, very intensively for a 15-year period of time. On page 7 in your statement you say you are the adviser to the President, and apparently one who hopes to have something to say in advising about the structure of this agency——

Mr. HOLIFIELD. I would like to ask a question on this point.

Mr. BLATNIK. May I complete this, if I may?

On page 7, speaking as the President's adviser on environmental problems, I quote from the top of the page:

"With its broad responsibility for environmental pollution control, the Environmental Protection Agency would greatly improve our ability to recognize and to take action on 'new' problems, such as noise."

Is noise listed anywhere in that list of agencies as one of the functions?

Mr. TRAIN. No, sir, because we are dealing only with statutory functions. There is nothing to prevent this agency from dealing with the problem of noise.

Mr. BLATNIK. Mr. Train, again subject to check, there does exist a statutory function dealing with noise, in the research and technology section of the Department of Transportation, which concerns itself with that. Is there any reason why this was not transferred and included in this agency?

Mr. TRAIN. A specific decision, as I said, was made by the Ash Council not to recommend that transfer, after careful considera-

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tion of the integral relationship of that standard-setting to the other functions of FAA, such as engine design, airports, and so forth.

Perhaps others could address themselves more specifically to that than I can. The new agency very definitely will have broad authority to go into the general problem of noise pollution, and I suggest that the President has given an indication that this would very likely be an appropriate focal point for placing responsibility later in that area.

Mr. BLATNIK. You are correct. We shall address our question to other witnesses, perhaps from the Bureau of the Budget, and particularly to Mr. Ash.

In your testimony on page 3 you state, "Indeed, the continuation of the present fragmentation of Federal antipollution responsibil-

ities will only aggravate the existing problems." And you are absolutely correct. We have too much of this fragmentation.

Here we have a brand new, up-to-date recommendation of a single comprehensive, integrated agency which will have authority to talk to the airline people about airline pollution but cannot say one word about noise pollution. It does not make sense. This proposal is further fragmenting a very important aspect of our pollution problem concerned with the airplane.

Mr. TRAIN. It really makes no change in the existing situation in that respect. The air pollution aspects are in HEW and the noise——

Mr. ROSENTHAL. The pollution situation is in a bad state, period. I thought this would be a new day and a new dawning, but it is not.

Mr. BLATNIK. This is a question which raises doubts in our minds, and we shall ask this question of a witness more directly involved in the structure of the agency.

Mr. Erlenborn.

Mr. ERLNBORN. First of all, I want to thank you for recognizing me at this point. I would like to note it is getting close to noon, and the witness has been on the stand for an hour and a half or so. This is the first time this side has had an opportunity to ask questions. We are not going to have sufficient time, because we do have a bill on the floor this afternoon, the Labor and HEW appropriation bill, which is up for amendment, and we know there are many important amendments to be offered.

So, I shall suggest that the Chair ask Mr. Train to return sometime at his convenience and the committee's convenience so all members may have opportunity to participate in the questioning.

Mr. BLATNIK. The Chair concurs with the gentleman's suggestion and his request, and the Chair also wishes to make clear again that many of the questions directed to Mr. Train were not directed to the witness specifically, but as general areas of inquiry. We thought it would promote the more orderly flow of testimony if we expressed some of our doubts and concerns and apprehensions in advance.

Obviously, many of these will be more properly directed later on to those who are more directly involved with the recommending of this particular agency. So, we do apologize for taking too much time with these clarifying questions. Full time will be made available at the convenience of the committee and Mr. Train, and full

opportunity will be given to the minority to question the witnesses.

Mr. HOLIFIELD. Will the gentleman yield? I would like to concur in Mr. Erlenborn's request that Secretary Train come before the committee again. I have a number of questions. I am not sure

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whether we shall have a chance to ask them this morning. I would like to know if Mr. Train's group was consulted in the formulation and takes responsibility for this reorganization. Since it will be the policymaking body, Mr. Train really ought to have answers to the questions. I would like him back, too, because there are some questions I would like to ask.

Mr. ERLENBORN. I have quite a few questions I would like to ask you, Mr. Train. Let me first make an observation about the organizational structure of the policymaking body in the Executive Office of the President, an independent agency interested in our environment.

Strangely enough, the structure is parallel to the recommendation of this subcommittee in another area, a bill which has been reported by our full committee just recently, for the creation of an independent Consumer Protection Agency and a beefed-up statutory office in the Executive Office of the President for coordination and policymaking.

I want to congratulate the Ash Council and the administration for following in environmental protection the pattern that this subcommittee developed for the administration in an area as important as consumer protection. I think my colleagues on the other side of the aisle who helped formulate that plan will see the genius thereby displayed, which can be utilized here in the Environmental Protection Agency and the Council and in the Executive Office of the President. I congratulate you on following the approach we developed.

Let me ask you first, Mr. Train, is there any question in your mind or do you know of anyone who questions the need for reorganization in the field of environmental protection? Are there those who can logically or do logically argue that we ought to leave things as they are?

Mr. TRAIN. I would not say there isn't anyone. There may well be. I would say the absolute, overwhelming majority, 90-plus percent of the people, accept the principle, not only accept but enthusiastically endorse the principle of bringing the environmental

protection functions of the Federal Government together in one agency.

They may differ as to some item, as to whether it should be added or subtracted. They may differ in how the agency should be located. But on the basic thrust of bringing these together into one operating unit, I found no substantial disagreement.

Mr. ERLNBORN. I think you are eminently correct that the vast, overwhelming majority feel that reorganization is needed and the pulling together of these functions to administer an on-going program is needed, if we are to get the job done. I think we can pass that point and say that there is really little or no question about the need for reorganization.

The question, then, is what sort of reorganization. Should we put this into some other existing department where it would become one more function among many that that department administers? My own answer to that, following the experience we have had with NASA and AEC, would be that if you really want to put emphasis on getting the job done in a particular area, the best way to do it is with a single-purpose agency or commission.

I again point out the subcommittee seemed to think that was the right thing to do in the area of consumer protection.

So, I think we are logically led to accept the Environmental Protection Agency as the best vehicle for reorganization.

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Then I think the only question remaining is what should be in there and what should not be. I think you have said, and I think we would all agree, this is not the "be all and end all" in this organization; that it will not solve all of our environmental problems. But it is a good start, and through further reorganizations, through statutory enactments, we can add to the functions of this Agency. Is that not correct?

Mr. TRAIN. That is correct.

Mr. ERLNBORN. We might put noise pollution in this Agency later if it is determined to be the proper place for it, and it might take other functions as well.

I am sure in developing this, there were probably questions in your mind, in the Ash Council, and in the Office of Management and Budget, as to some of these functions or others that you finally determined should not at this time be transferred. These things are not clearcut.

Mr. TRAIN. That is correct.

With respect to some of the functions that are transferred, such

as pesticides and radiation, some aspects of the function are left behind. The breaking point has been very difficult and complex to determine. This has received a great deal of attention and discussion with the people concerned.

If I might comment on one question which Mr. Holifield raised as to what involvement our Council had had in the development of this particular plan, we were consulted periodically as the plan approached maturity. From the time we came into existence in February, we were quite actively engaged in discussions with the staff and also with the full membership of the Ash Council. I formally appeared before the Ash Council on at least one occasion to express my views and to answer questions.

On several occasions within our own Council staff we reviewed the proposals in working draft form and gave our comments in writing at that time, or verbally, to the members of the Ash Council and their staff.

While not the responsible agency in pulling the plan together, we were very much involved, particularly in the latter stages of the development of the plan.

I think, like everyone else who has taken a look at this, I would find some areas in which I might think it might have been better to go some other way. Any reorganization of this magnitude and complexity will have that kind of element to it.

I think on balance it is a step forward, and provides a strong institutional basis for later changes. I am sure there will be changes, and doubtless should be.

Mr. ERLNBORN. Let me ask you several questions that maybe you would rather I deferred and asked of the Office of Management and Budget, but you may be able to answer them now.

In the creation of this agency, first of all, obviously you will get coordinated administration of these programs that are being combined. Will this then also lead to a coordinated request for authorizations under the various acts that give authority to these programs? In other words, this agency, with the single purpose of having its interests in environmental programs, will then be the agency to go to the authorizing committees with requests for increases in authorizations?

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Mr. TRAIN. I would certainly assume so, but I think you had better ask that of Mr. Ink, who will be more familiar with that.

Mr. ERLNBORN. Then the next question as far as the appropriations are concerned—and again, Mr. Ink may be better able to

answer that—I would suspect the creation of this agency would mean that rather than having the environmental aspect of the appropriation buried in, say, HEW's overall appropriation or Interior's, this would likely come out in the independent offices appropriation as a single request for this new agency, again putting emphasis on the environmental aspect of the appropriation rather than having it buried in a lengthy departmental request.

Mr. TRAIN. I am sure that the appropriation and the budget request for these environmental protection agencies will be much more readily visible and understandable to the public at large, but how it may ultimately be dealt with by the various committees of the Congress, I really do not know. I do not know how the jurisdictions of the committees would relate to this new agency appropriation.

Mr. ERLNBORN. In sum, however, I think that we can rightly say that the administration in recommending this reorganization shows the emphasis that they put in this subject area of environmental control, and the Congress by approving this reorganization can show their interest in this particular area.

I would hope that this reorganization plan will be approved and we can get on with the job that is I think now being very clearly demanded by the people in this country—of doing something about saving the environment that we depend upon for life.

Let me make one last comment about the chairman's reading of the history of the appropriations made available by Congress. I think he is certainly right that Congress has been in the lead in this area in requesting and demanding more funds, particularly for water pollution control. Let me also say that this is not as simple as putting a dollar sign on achievement.

The mere fact that we appropriate additional funds does not necessarily mean that we are getting the job done. That is not the only measure.

I also happen to know that as we are increasing Federal appropriations there is a lessening of the effort at the local level, which is unfortunate. If we had the same sort of increase in the States and localities and the communities, we would be getting a better job done. So many of these programs reward those who have not done anything in the past. In other words, the community that has spent their own funds locally for good pollution control, sewage treatment facilities, don't get the funds from these programs. It is those that have lagged behind, that have not taken on themselves the job of doing this locally, that are the ones who are rewarded with the funds.

Lastly, my own State of Illinois—a few years ago I recommended to the State legislature, and many of the people in the legislature were ahead of me on this, a proposal for a \$1 billion referendum, a statewide referendum for water pollution control. It was turned down by the people. In sum, it is not simply a question of appropriating dollars here in Congress. We have to get the people to approve referendums that are being turned down in this field of pollution control and get the States to do a better job.

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Thank you very much, Mr. Train. I look forward to asking you some other questions. I think Mr. Findley should have a chance now.

Mr. BLATNIK. Mr. Findley.

Mr. FINDLEY. Thank you, Mr. Chairman.

Mr. TRAIN. First of all, could you clarify the chain of command that would exist under this reorganization? Would you be in full command and charge of all of the personnel listed on this chart?

Mr. TRAIN. No, sir.

Mr. FINDLEY. Who would be in charge of that?

Mr. TRAIN. The Administrator of the Environmental Protection Agency.

Mr. FINDLEY. The line of command would be directly through the Administrator; is that correct?

Mr. TRAIN. The Administrator would have full responsibility to the President for the management and operation of the Agency.

Mr. FINDLEY. For example, the person who is now in charge of the Bureau of Solid Waste Management would no longer have any responsibility to the Secretary of HEW? That would be completely divorced; is that correct?

Mr. TRAIN. That is correct.

Mr. FINDLEY. If there is a lack of spirit, as Mr. Rosenthal suggested there is in some places, this conceivably could be remedied by the Administrator of this Protection Agency replacing the personnel now in charge of the various functions?

Mr. TRAIN. That is conceivably right; yes.

Mr. FINDLEY. Can you tell us, or do you have with you a listing of the statutes which would come under the purview of this Agency?

Mr. TRAIN. The ones that I am familiar with are all listed in my statement.

Mr. FINDLEY. Is that a complete list, as far as you know? A

section-by-section listing, I think, would be a helpful reference for the subcommittee in giving us a——

Mr. TRAIN. May I submit that for the record?

Mr. FINDLEY. I think it would be especially helpful if we could have it in advance of your subsequent appearance before the subcommittee.

Mr. HENDERSON. Just to be fair—excuse me. I would like to point out that the Bureau of the Budget has filed with us a copy of each of the statutes that affect this program.

Mr. FINDLEY. Then I think that simply means we can refer to this document.

To what extent would you contemplate this Agency will create a new superstructure of bureaucracy as opposed to an amalgamation of existing bureaucracy? In other words, would the Bureau of Water Hygiene, for example, occupy a high position in the Agency or would it be buried below a new superstructure on top of all the existing structure?

Mr. TRAIN. As I pointed out in my statement, the plan as submitted does not seek to spell out the form that the internal organization of the Agency will take, it being the President's intention to leave this, in the first instance at least, to the initiative of the new Administrator as he gets on board and as he gets experience with the job.

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As I indicated to others, I am sure that the Administrator would be consulting with and informing the appropriate committees of the Congress of his thinking in this respect. So I really can't say specifically how any one of these programs will eventually be organized and located within the new Agency.

There is no intention, however, I assure you, of simply creating any new superstructures. I would think just the contrary. The responsible heads of these programs, however organized, are going to be much closer to the top and closer, I think, to the essential center of authority and the President than where they are presently located, fairly well buried and layered down in large departments.

Mr. FINDLEY. Could you give us some estimate as to how many additional employees are contemplated in this reorganization as compared with the total now occupied in the various units described on that chart?

Mr. TRAIN. Subject to correction by Mr. Inl., the Office of Management and Budget, I don't believe there are any additional per-

sonnel contemplated at all other than perhaps the Administrator—in other words, very few. In effect, no change in numbers of personnel.

Mr. FINDLEY. I think Mr. Rosenthal pointed out what may be a very important oversight in the formation of this Agency, in that noise pollution is not brought into it at this time. Is it possible that the authority of the National Air Pollution Control Administration is broad enough to encompass air pollution in the form of noise?

Mr. TRAIN. I think that if this reorganization comes into effect that it would not be a matter of giving that authority to the National Air Pollution Control Administration but rather to the new Environmental Protection Agency.

If I might just refer to the paragraph in the President's message of transmittal dealing in part with noise, the President said:

With its broad mandate EPA would also develop competence in areas of environmental protection that had not previously been given enough attention. Such, for example, as the problem of noise. It would provide an organization to which new programs in these areas could be added.

Mr. FINDLEY. Does this organization plan provide the President with authority to terminate whatever is now in progress on noise pollution so that when the Protection Agency does develop these new programs to which he alluded, he also would have the authority to terminate what is now being done elsewhere so as to avoid overlap?

Mr. TRAIN. I would suppose that unless there is a specific statutory directive for those particular programs that the President would have the authority to terminate any of those programs which I suspect probably are research oriented. As I mentioned to Mr. Rosenthal, our Council is in the process at the present time of reviewing the entire Federal posture as it relates to noise pollution, including the possibility of various kinds of noise standards. This study would include the organizational basis for the Federal effort. I think our feeling basically was it was simply premature at this time to lump noise specifically into this reorganization.

Mr. FINDLEY. It is premature. Would you expand upon that? We don't know the identity of the person that will be the administrator. We don't know the organizational structure. That is, for the

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reasons you have given, undetermined. Why would you consider it premature, because the present state of the art is not advanced far enough?

Mr. TRAIN. Not that so much. That is also a part of the problem. My only point was, Mr. Findley, our Council at the present time is in the process of developing recommendations for the President in the field of noise regulation, including organization. As of this time, that process simply has not gone far enough to enable us to make a specific proposal.

Mr. FINDLEY. I note that pollution of navigable waters and seas is not encompassed here, at least to the extent that this proposal does not bring under the agency the pollution of navigable waters which is now under the Corps of Engineers, nor does it bring, so far as I understand it, the control of pollution represented by the discharge of oil in seas which is now in the Department of Transportation.

Is there some reason why these two items were not brought under the protection agency at the outset?

Mr. TRAIN. You are correct, Mr. Findley. The responsibilities of the Corps of Engineers under the Harbor Refuse Act of 1899 were not transferred, I believe primarily because most of that function relates to navigation and obstacles to navigation rather than to pollution, although recently, of course, that authority, particularly the sanctions, have become a useful tool with respect to the abatement of pollution. I think that is the reason why that function was left where it is. It is primarily a navigation matter.

With respect to oil pollution, the existing responsibilities for dealing with oil pollution by statute and by the national contingency plan recently promulgated is in the Coast Guard for cleanup essentially and in the Federal Water Quality Administration in coordination with the Coast Guard.

The President has issued an executive order which spells out much more clearly the delineation of responsibilities between these two agencies. To the extent that the Federal Water Quality Administration at the present time has responsibilities with respect to oil pollution on the seas or in the navigable waters, these responsibilities are transferred to the new agency. So this reorganization makes no change in that respect. It does not create any gaps or anything of that sort. It simply shifts the existing function.

Mr. FINDLEY. On the bottom of page 6 you state that some pollution problems remain unrecognized because of gaps in agency jurisdiction or because no agency has clear responsibility.

It would be helpful if you could identify these gaps and what EPA can do to close them.

Mr. TRAIN. I think one of the examples that I referred to in my statement involves radioactivity. Another example is pesticides. Either of these pollutants can be identified in the air or in the water or in the earth for that matter. It is not clearly an air pollution problem or water pollution problem or solid waste problem, so I am informed.

There is a tendency within the existing organization for problems that fall into that kind of category to not receive the kind of responsible attention that they should be getting because no one is quite sure whether it is his responsibility or someone else's. We feel that this will be increasingly the case with trace metals such as beryllium and with problems such as asbestos poisoning. These

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are really not clearly air, water, or other kinds of pollution. They cut across the entire environment.

Mr. FINDLEY. Mr. Train, I can tell by the clock that the time is fast approaching when we have to meet a quorum call and terminate this. I do have a number of questions. Before yielding the floor back to the Chairman, I would like to state my support for this idea. I think the proposal is a sound one. I believe that it could have a little smoother passage here if you could present a suggested organization chart to us, not necessarily binding upon the future administrator, to give us a clearer idea of what is contemplated here. Because while reorganization plans are to a degree necessarily vague and imprecise, nevertheless this is perhaps as vague and imprecise as any in a long time.

Mr. TRAIN. Let me say, Mr. Findley, that it is intended that initially at least the organization of the new agency will simply be predominantly the carryover of the existing organizational structures. It is not intended to at the outset shake up all those organizations with very likely deleterious effects on the efficiency of their operations. It is intended to move over the old organizations bodily and to only reorganize internally as the new administrator makes these decisions.

Mr. FINDLEY. Well, to the extent that that can be shown in a tentative organization chart, it might promote some stability and confidence and greater self-assurance within the existing plan.

Mr. TRAIN. I will see that it is pulled together.

Mr. FINDLEY. Thank you, Mr. Chairman.

Mr. BLATNIK. I thank the gentleman.

The Chair thanks you very much for your patience.

May the record show that many of these questions were not

directed precisely at you or as chairman of your Council, but these are the gaps that we hope to have filled in fairly logical order by the subsequent witnesses.

I apologize to those witnesses who have waited all morning long. At least, perhaps you now have a clear idea of some of the questions to anticipate in tomorrow's hearings. We will not be able to continue this afternoon. We have a very important HEW appropriation bill with many amendments coming up. But let the Chair announce that we do plan to proceed tomorrow morning at 10 o'clock with Mr. Roy Ash, the Chairman of the President's Advisory Council on Executive Organization who, with members of his Council and staff, had a major role to play in structuring this proposed agency. Following Mr. Ash, we will have our good friend, the Honorable Dwight Ink, the Assistant Director of the Office of Management and Budget.

That will pretty well give us the details on how this proposal came about and what it is and what it is intended to do.

We will also hear, following that, the Honorable Fred J. Russell, Under Secretary of the Department of the Interior.

The hearings for today are adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 12:23 p.m., the subcommittee adjourned, to reconvene at 10 a.m., Thursday, July 23, 1970.)

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STATEMENT OF ROY L. ASH, CHAIRMAN, PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION; ACCOMPANIED BY DOUGLAS M. COSTLE, SENIOR STAFF ASSOCIATE; AND DWIGHT A. INK, ASSISTANT DIRECTOR; HOWARD SCHNOOR, DIRECTOR, GOVERNMENT ORGANIZATION STAFF; AND CHARLES ELKINS, EXAMINER, OFFICE OF MANAGEMENT AND BUDGET

Mr. ASH. Yes, Mr. Chairman.

When the President's Advisory Council came into being, we were asked by the President to consider the organizational matters within the executive branch which we felt might be improved in order to make the Government more effective.

Shortly thereafter, he particularly asked that we consider the subject matter of environmental protection, and we then spent a number of months considering various ramifications of this matter. We came to certain conclusions which were reduced to recommendations to the President which in turn were taken into account as he submitted Reorganization Plan No. 3.

We considered a number of alternatives for strengthening environmental protection and responsibilities within any one of the existing agencies, and one of those considerations was the Department of the Interior. As we considered the many different functions and responsibilities that would have to be, we felt, brought together and carried out in a unified manner, we observed that they crossed many of the present operating departments. Some related to Interior and some related to a number of other departments.

In order to be fully effective, since an important part of the functions of the Environmental Protection Agency deals with standard-setting, and standards are set by a number of departments, such an entity or agency could be more effective if it were not within one of the departments, imposing standards in effect on others, but established independent of the existing departments who would, in turn, be conducting their operations within those standards as set by this Agency.

We felt that to place the environmental protection functions in a separate agency would give greater attention to the importance of the subject matter, because in fact the Administrator of the new agency would report directly to the President, and that greater attention would in turn, hopefully, give rise to greater and more effective results of those operations that it is so important at this time to work upon.

While considering the Department of the Interior and the Department of Health, Education, and Welfare, for example, we felt the functions should be brought together and we concluded that a better organizational alternative would be to separate them from any of the operating agencies. They have a very important function that bears across all agencies and, therefore, they should be set up independent of any one.

Mr. BLATNIK. Earlier, Mr. Ash, the idea of using the Department of the Interior, enlarged, upgraded, and broadened, was given serious consideration; that other environmental functions would be added to the water pollution control program, such as fish and wildlife, game management, and saline water. Earlier

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consideration was given to perhaps reorganizing the Department of the Interior and making it a Department of Environment. Is that correct?

Mr. ASH. Yes, sir. We considered four basic alternatives and that was one of them.

Mr. BLATNIK. To save time, you may proceed with your state-

ment. First of all, may we identify the gentleman with you? We have Douglas M. Costle, senior staff associate to the President's Advisory Council on Executive Organization, who was present yesterday. We welcome you here this morning.

Mr. Elkins, you are with the Office of Management and Budget?

Mr. ELKINS. I am Charles Elkins, examiner with the Office of Management and Budget.

Mr. BLATNIK. You probably have seen the work on the whole problem from the very beginning.

Mr. ELKINS. I worked on it after the President made his decision.

Mr. BLATNIK. So the Council made its recommendation to the President, and the President asked the then Bureau of the Budget to review it in behalf of the Executive. Is that correct?

Mr. ELKINS. That is correct.

Mr. BLATNIK. We have our good and esteemed friend, recognized for his competence, Mr. Dwight A. Ink, Assistant Director of the Office of Management and Budget. Mr. Ink, you have with you Mr. Schnoor, who has been with us before. Mr. Schnoor, for the record, will you give your title to the reporter, and give us some idea what role you played in the formulation of the recommendations to create a new separate and independent environmental agency?

Mr. SCHNOOR. I am the Director of the Government Organization Staff in the Office of Management and Budget. Our role in the enterprise began some months ago when we had some initial contacts with the Ash Council, which was studying the proposal. We provided information and data to them. After the proposal was made to the President, we worked very intensively with them in the formulation of the plan which is now before the committee and in developing the background materials, and so forth, which you have before you.

Mr. BLATNIK. Mr. Ink, you and your assistants, Mr. Elkins and Mr. Schnoor, have all recently been through the reorganization tumblewheel, haven't you, in the new Office of Management and Budget?

Mr. INK. Yes, sir; and we are not finished yet.

Mr. BLATNIK. Have you been able to get your sea legs back after stumbling around for a while?

Mr. INK. The stumbling has not been too bad. We are in the process of working out the kinds of arrangements that we discussed with the committee. We believe we shall be able to meet the kinds of problems that we discussed at the hearings previously.

Mr. BLATNIK. You have your own statement to present, but at this point will you give us a brief statement of what role or at what point you and the Bureau of the Budget, at that time, came into the formulation process, if you were in it at all; or, were the plans already formulated and was it your task to review it and aid in its presentation to the Congress?

Mr. INK. We did have the opportunity to express our views as to the advisability of an environmental protection or pollution control agency of this type before the plan went forward and, as Mr. [p. 43]

Schnoor indicated, after the President made his decision we were heavily involved in working up the material and developing of the plan to come forward to the Congress.

I might say that the notion of an agency of this type is something which we strongly support.

Mr. BLATNIK. At this point, may the record include the full membership of the President's Advisory Council on Executive Organization and the staff members.

(The membership referred to follows:)

EXECUTIVE OFFICE OF THE PRESIDENT—PRESIDENT'S ADVISORY COUNCIL ON
EXECUTIVE ORGANIZATION

Chairman: Roy L. Ash.

Members: Dr. George P. Baker, Hon. John B. Connally, Mr. Frederick R. Kappel, Mr. Richard M. Paget, Mr. Walter N. Thayer.

Staff: Andrew M. Rouse, Executive Director; Douglas M. Costle, senior staff associate; James H. Finch, Jr., senior staff associate; Michael K. Glenn, senior staff associate; Richard T. McCormack, senior staff associate; William J. Nagle, senior staff associate; Harvey G. Pippen, Jr., senior staff associate; Kurt J. Wehbring, senior staff associate; Norman J. McKenzie, administrative officer; John J. Cahrssen, staff associate; Bruce C. French, staff associate; Lawrence T. Graham, staff associate; Arlene P. Krimgold, staff associate; Herbert E. Meyer, staff associate; Elena T. VanMeter, staff associate; Egils Milbergs, research associate; Margaret W. Brill, research assistant; William B. Golden, research assistant; Larry L. Goldstein, research assistant; James C. Jennings, research assistant; Scott T. Kragie, research assistant; Creighton R. Moeller, research assistant; Loretta A. Molandro, research assistant; James S. Rice, research assistant; Thomas E. Walker, research assistant; Geneva M. Coleman, administrative assistant; Lois V. Toliver, administrative assistant; Patricia A. Beckwith, secretary; Pauline T. Bischoff, secretary; Margaret C. Borengasser, secretary; Judith A. Dorey, secretary; Joyce R. Edwards, secretary; Dorothy A. Hitselberger, secretary; Elizabeth F. Koury, secretary; Mary H. McDermott, secretary; Shirley J. Moore, secretary; Barbara Pedrini, secretary; Martha K. Smith, secretary; Cheryl L. Solomon, secretary; Robert J. Beverly, clerk; James R. Owen, clerk.

Mr. BLATNIK. Mr. Ash, will you present your statement in behalf of the Council?

Mr. ASH. Mr. Chairman and members of the subcommittee, we welcome the opportunity to appear before this subcommittee in support of Reorganization Plan No. 3 of 1970. This plan consolidates the major control programs in a new, independent agency in the executive branch, the Environmental Protection Agency.

In appearing before you today, I am speaking on behalf of all the members of the President's Advisory Council on Executive Organization. They are Dr. George P. Baker, the Honorable John B. Connally, Mr. Frederick R. Kappel, Mr. Richard M. Paget, and Mr. Walter N. Thayer.

Our Council supports the plan without reservation. As individual citizens personally concerned with the environmental problems faced by the Nation, we believe that the Environmental Protection Agency will provide an improved organizational base for the conduct of a more effective and better balanced Federal pollution control effort over the long term.

When the President created the Advisory Council on Executive Organization in April 1969, he gave it a broad charter to examine ways in which the executive branch could be better organized. The President asked that the Council particularly look at the organiza-

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tion of environmental protection or antipollution programs. Since late November of last year, the Council, aided by a full-time professional staff, consultants, and representatives of the agencies involved, has examined the organization of pollution control programs scattered throughout the executive branch. The Council staff interviewed and consulted with approximately 180 persons, including the top officials of all the Government programs examined, former Government of throughout the executive branch. The Council staff interviewed and resource economists. The Council staff also interviewed a number of regional, State, and local pollution control officials.

We found that pollution control activities are now located in separate bureaus, often in separate departments, and frequently are very low in the departmental hierarchy. Typically, environmental protection activities represent only one of many missions within a single department, and often are subordinated to other missions of that department.

Such fragmentation is, in many instances, characteristic of organizational responses to problems that were first perceived inde-

pendently. Such piecemeal reorganization structure becomes inadequate when the interrelation of the problem or the solution becomes the dominant factor.

In our opinion, the present fragmentation of pollution control programs among several agencies of Government no longer serves the public interest. It inhibits the effective use of public and private funds and of the talents and energies of concerned and dedicated people. Perpetuation of this condition will severely limit our solving the problem, even if we expand our commitment to preserve and restore the quality of our environment.

For the most part, responsibility for pollution research and control has been divided according to the environmental medium (that is, air, water, and land) in which the pollution occurs. The programs have been assigned to different agencies or departments. In other instances efforts have been organized around single pollutants, such as ionizing radiation and pesticides—and even here, the responsibility has been fragmented among several agencies.

An effort has been made through interagency agreements and working level communication to make this fragmented approach effective. Such efforts in general have not been fruitful. The increasing degradation of our environment and the mounting costs of pollution abatement make clear that effective abatement must span all media with a unified approach, recognizing, of course, that control of one problem may cause another. Situations should no longer be tolerated in which enforcement of pollution standards by one agency concerned with a single medium may merely shift the pollution to another medium, the concern of yet another agency.

Organizing by media also tends to ignore the fact that most pollutants—many chemicals, radiation, pesticides, trace metals—do not fit into the traditional air-water-soil classifications, but are present in or travel through all media. To effectively control these pollutants, their presence and effects should be studied in all media and, on that basis, the decision should be made as to the best point of interception.

For example, pesticides are first applied to the soil or to crops. The original compounds and the derivatives resulting from their

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use—some more toxic than the original substances—are absorbed in biological ecosystems. They are then stored or metabolized and excreted into the environment. Some persist on the land itself and may affect the underground water supply. Some remain in the

harvested crop and find their way to the ultimate consumer. Some reach waterways (through rainfall runoffs or irrigation practice) where they are carried to inland lakes and to the ocean. Some become airborne.

These chemicals may interact with any number of other compounds and affect any variety of ecological systems. Successful interdiction now requires the coordinated efforts of a number of separate agencies and departments.

We also find there is much more we need to learn about our ecological system, the way pollutants travel, interact and take effect. In a sense, we are in the process of defining the total problem. Yet, at the same time we must continue developing the necessary technology to monitor and control the effect of major known pollutants throughout our environment. The fragmentation of this effort and the fact that no single agency is responsible for developing an integrated research, standard-setting and assistance program, seriously handicaps our effort to develop and implement a comprehensive strategy of pollution reduction.

The Environmental Protection Agency would bring together in a single organization the major Federal pollution control programs now existing in four separate agencies and one interagency council. It will have an estimated fiscal year 1971 budget of \$1.4 billion, and approximately 6,000 personnel.

In formulating the recommendation for the creation of an Environmental Protection Agency, our Council had in mind the following objectives:

Research and standard-setting based on a comprehensive view of the individual's health, the planet's ecology, the economic costs of pollution and its abatement, considering also the benefits to health and well-being that may accrue from the products, processes, or activities that give rise to pollution.

Formulation of coordinated policy for pollution control, taking into account all media in which a particular pollutant may appear.

Recognition of new environmental problems and development of new programs to meet them.

Integration of pollution control and enforcement so that we do not create new problems in the process of controlling existing ones.

Simplification of relations for State and local governments by reducing the number of Federal agencies with which they must deal and clearly identifying their responsibilities.

Provision of a unified U.S. responsibility to work with other

governments as pollution problems become a matter for international concern, agreements, and action.

Clarification of the responsibility of private industry by providing consistent standards and a single enforcement agency.

It became clear to us that to bring together under one organizational roof all the executive branch entities dealing in any way with environmental pollution is impossible, even if it were desirable. Our central and guiding concept was to bring together and organize around those functions essential to setting standards for pollution control.

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Also, we do not feel that it would help very much, given the large number of departments involved, to affiliate antipollution responsibility, particularly the critical standard-setting function, with any single existing department. That department would, as part of its activities, be called upon to make decisions affecting other departments. Fairly or unfairly, its own objectivity could be called into question.

Since the Council believes that the key standard-setting function should be performed outside agencies whose interests may affect those standards, we regard the EPA as the strongest organizational alternative.

The question then became one of deciding what other functions such an agency should have to do its job.

We believe that the standard-setting function cannot stand alone. We must know that the standards are soundly based; thus, a research capability is necessary. We must know if standards are working; thus, we must be able to monitor the environment. We must be able to offer incentives and assistance for compliance as well as being able to move against violators. These are the activities that will give effect to the standard-setting function.

The decision as to which programs should be included in the EPA involved a delicate balancing between what the new agency needs to fulfill its mission and the needs of existing agencies from which programs would be moved. Many programs with environmental implications could be seriously impaired by extracting them from their present contexts. We have not proposed, for example, that all pollution-related research be concentrated in the new agency. Research on a particular form of pollution may be a spinoff of the activities of other Government entities or the work of industries affecting the source. We envision the EPA as serving as a point of central cognizance for such specialized research,

relying on the processes of information and funding transfers to make sure that the total research effort is adequate and well articulated. Existing departmental skills should be recognized by the EPA in gathering data for the formulation of standards.

Our concern was that the EPA have an in-house appreciation for such external competence. We adopted as a guide in considering organizational changes the principle that the burden of proof rested with those who proposed transferring a program to the EPA. At all times our purpose was to identify only those programs which we felt were essential to the functioning of the EPA.

There is no perfect structural arrangement which will reconcile all interests or resolve all conflicts. The EPA is neither perfect nor immutable. As we have said, the reorganization provides an opportunity to integrate the functions and activities of those programs incorporated in the EPA. In doing so, the potential for effectiveness of these programs is enhanced. As both the Congress and the Executive observe the performance of the EPA, they may determine that the functions and the roles of the Agency should be further strengthened and improved through the legislative process. The EPA is a focus, but the discharge of its mission will depend on all of us—the Congress and the executive branch, producers and consumers, and the public in general—working with it.

Thank you, Mr. Chairman.

Mr. BLATNIK. Thank you, Mr. Ash.

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Mr. Holifield?

Mr. HOLIFIELD. Mr. Ash, I am going to confine my remarks to just one sector of this, and that is the transfer of the radiation protection standards and the transfer of all the functions of the Federal Radiation Council to the EPA.

I note at the start that there will be three positions transferred over from AEC, I suppose, and four from the Federal Radiation Council. That makes a total of seven. The budget remains about the same, in the neighborhood of a little less than \$200,000, for functions in that field.

I note you mention in your statement, on page 7:

We believe that the standard-setting function cannot stand alone. We must know that the standards are soundly based; thus, a research capability is necessary. We must know if the standards are working; thus, we must be able to monitor the environment. We must be able to offer incentives and assistance for compliance, as well as being able to move against violators. These are the activities that will give effect to the standard-setting function.

Over on page 8, about six lines down :

We have not proposed, for example, that all pollution-related research be concentrated in the new agency.

I want to clarify this, where you say the standard-setting function cannot stand alone. Mr. Ink is very familiar with this, and I solicit his comments on this, also, because of his background in the Atomic Energy Commission for many years.

The permissible doses of radiation, contrary to a lot of statements in the press, have not been set by the AEC. The standards have been set originally on recommendations by the National Council on Radiation Protection and Measurement. This body is composed of about 65 independent scientists of several different disciplines, but all related to biomedical radiation or physics or chemistry or something that has to do directly with specific knowledge about this subject matter. This body of scientists is completely independent, not on a salary or on the payroll of the Government at all, but people who work voluntarily and who over the years have looked at all types of radiation—radiation from X-ray machines, from shoe-fitting fluoroscopic machines in the old days when we used those things, and the use of radium, such as the radium watch dial painters, and the use of radium in medicine. Much of that has since been discontinued because of recommendations of this body as to the damage which was being done.

The policy heretofore has been that the National Council on Radiation Protection makes recommendations as to the ceiling for permissible exposures to populations. These recommendations have been sent to the Federal Radiation Council since it has been in existence, and then, in turn, turned over to the AEC for implementation.

In my opinion, the most expert bodies in the world are the National Council on Radiation Protection and Measurement and the International Council on Radiation Protection and Measurement, which is composed of representatives from the United States and from all the nations of the world. They are consistent in their recommendations. They are not at variance with each other. They usually agree on their recommendations.

Another factor involved is the tremendous program of experimentation by the AEC in the biomedical field in their laboratories.

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For instance, in the Oak Ridge Laboratory, over 5 million mice have been irradiated to give degrees of doses of radiation, and the genetic effects have been traced for several generations of mice.

The thing that concerns me is the transfer of these seven men over into an organization, the EPA, which will have 6,500 people in it. Will they not be lost in this tremendous organization? Will they have anything to say at all about the permissible levels of radiation? Will they have the research program, which amounts to around \$100 million a year, in the AEC today in the biomedical field, most of it for radiation effects? Will they have access to all that research and development?

Those research laboratories are not transferred over to EPA. Will these people be lost there, without access to really basic experimental data and continuing research in this field, which has been very large and outstanding? Will the recommendations of the National Council on Radiation Protection and Measurement still, you might say, rule or still be the substantive recommendation upon which standards are set, or will they be overruled by bureaucratic administrative lay judgments?

This is a series of questions; each one of which, of course, would involve an answer of some length. I am seeking to find out what is to happen when these people are put over there. The Federal Radiation Council was set up under statute to do certain things. That is being abolished.

I might say I think it should be abolished. I am not complaining there, because it is not functioning as it should function. It has not had the attention. This is not due to staff incompetence. It is due to the fact that it was composed of members of the Cabinet who had no time to attend the many councils and commissions upon which they serve. I came to the conclusion that I made a mistake in setting up this kind of council. I am for abolishing the Federal Radiation Council and, if we have any kind of council, I want it to be an expert council of working people in place of a body of laymen such as Cabinet members, with all due respect to their rank.

These are some of the things that are worrying me. I would like both you and Mr. Ink to comment on that.

Mr. ASH. I will make two or three comments in response to that.

Recognizing the very great importance of that subject, we have spent considerable time considering the very kind of thought that you express.

First, because of the importance of radiation among all the potential pollutants, we do not believe that the number of people will necessarily equate to the importance given or ascribed in the

EPA or the attention given to the subject. I think the very nature of the concerns that one must properly have about radiation protection will itself cause the consideration of those matters to be given foremost attention, not necessarily related to the number of people.

That possibly relates to the second point, the one that you mentioned, which I would like to reiterate. We believe that by providing this full-time exclusive attention to environmental protection, we can avoid the very kind of problems of only partial attention that would be given to such subjects as was done in the Federal Radiation Council.

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Mr. HOLIFIELD. This full-time attention is being given of course, by these people who are in the AEC.

Mr. ASH. I had in mind the Cabinet members of the Federal Radiation Council, who themselves became the recipients of that full time effort. In this particular case, the Administrator of the EPA, reporting directly to the President, will be, we believe, in a much better position to actually be effective with the knowledge that he comes to gain from those working full time on the subject matter, because of his organizational placement and organizational position.

As to another point that you mentioned—

Mr. HOLIFIELD. You are saying that the Administrator of EPA will be in consultation with this group. I suppose this would be a small office of seven people somewhere in this giant agency, but they will be top people as I understand. They will be experts in the field of radiation. They will be either scientists or people of disciplines who know about radiation and have a background of knowledge and long experience; is that right?

Mr. ASH. Yes, sir, we believe they must be.

Mr. HOLIFIELD. Now let us get to who sets the standards. Does the Administrator of EPA set the standards, or do they get their recommendations for standards from the most expert body in the world?

Mr. ASH. Their recommendations will still come from those very sources that are presently being used for the purpose of expert information.

Mr. HOLIFIELD. Are you speaking of the National Council on Radiation Protection?

Mr. ASH. Yes, sir.

Mr. HOLIFIELD. That is the most competent body in the United States and in the world, independent scientists, most of whom have backgrounds of more than 30 years in the field of radiation. I am asking specifically if the National Council on Radiation Protection will be the body that will recommend the permissible levels of radiation exposure to the Administrator of EPA.

Mr. ASH. We believe strongly it must be that same body as well as the International Commission providing similar information.

Mr. HOLIFIELD. They are usually harmonious in their recommendations.

Mr. ASH. Yes. It is our thought and recommendation that that advice and those recommendations be the basis for the action of the EPA.

Mr. HOLIFIELD. There is a great deal of emotion in this field there is a great deal of ignorance and propaganda, and there is a great deal of political pressure. In the FRC we have seen the political pressure which occurred when the Chairman of the Federal Radiation Council, Mr. Finch, and all the cabinet members were blackjacked—I use the word advisedly—into signing a report by Secretary Wirtz, who was only a member of the Federal Radiation Council, but who had very strong and, I think, sincere feelings on this subject. He set standards for work in the uranium mines which are rapidly going into effect, applied to material purchased by the Federal Government. He would not take scientific advice, but set standards arbitrarily and on the same type of judgment that you and I would use as laymen.

Here is where my complaint came against the Federal Radiation

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Council, that it did not operate, that it did not have a meeting and bring in expert opinion on that. Apparently, a paper was circulated and everybody signed it. The people who signed did not know any more about it than a hog knows about Sunday. They did not take into account expert scientific advice on the subject matter.

I can conceive the same kind of thing happening here if you have a lay Administrator, as you will have in EPA, undoubtedly, or a lay group at the top of it. For administrative, bureaucratic, fiscal, sincere or insincere, political or nonpolitical purposes, they will override the recommendations of the scientists who know more about this than anybody else.

I am getting right down to the nuts and bolts of this question; are we to have the standards set on the basis of scientific compe-

tence, or will we have them set because of political pressure and because of emotion?

Mr. ASH. That is a difficult question. I do not know of any way to preclude errors of judgment, at least by organizational structure. Therefore, I cannot guarantee that any organizational structure proposed would insure that there would not be errors of judgment.

One thing I think is very important that may go directly to your point; we are establishing in the EPA Administrator a point of visibility and accountability in a person who is justified and evaluated by the Congress, by the people, and by the President for his judgments and his positions on these particular matters, rather than they being one of the many things for which he is responsible and for which he is judged and accountable.

This sets up clearly, for the Congress, for the people, for the President to see, an accountability for decisions, for judgments, for actions that we believe give a greater probability of better judgments and better decisions. I know of no way to guarantee that they would all be the ones that we would make.

Mr. HOLIFIELD. I realize we cannot guarantee it, but I want to know the purpose of it. Is it the purpose to lose these seven people in this great organization, or will they have enough visibility with the Administrator? I am sure they will have some visibility with the Joint Committee on Atomic Energy, which I chair. The Administrator will have his day before the committee if he disregards the expert opinion of scientists and substitutes therefor his own political or administrative judgment.

Mr. ASH. I think the important word is "accountability." We propose the creation of an agency and an administrator who is accountable for his actions in this field and not diffused with a lot of other activities that he may also be concerned with. We believe that this will go a long way toward achieving the very objective that you have in mind.

Mr. HOLIFIELD. Do you know a better way of establishing standards for the protection of the people's health and safety than reliance upon the most expert scientific judgment?

Mr. ASH. I know of no better way.

Mr. HOLIFIELD. Would you like to respond to this series of questions, Mr. Ink?

Mr. INK. First, on the numbers that will be transferred over, we have given you estimates. That determination will not be final until and if the plan is permitted to go into effect and there is an

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administrator, or at least an acting administrator, who can be consulted so the viewpoint of the new agency can be taken into consideration. Instead of three, it may be a slightly different number, but that does not really affect your point.

Second, there will also, of course, be transferred from HEW several hundred people in the radiological health area.

Mr. HOLIFIELD. Their function is more in the monitoring field.

Mr. INK. Yes, sir; that is right.

Mr. HOLIFIELD. They are working in harmony with these recommendations, and also in harmony with our agreements with those States that have entered into Federal-State compacts.

Mr. INK. Yes, sir. I mention this to indicate the radiation part is not quite such a small part as the seven or eight might suggest.

Mr. HOLIFIELD. You have, I believe, 511 working in radiobiology at HEW, but these are not really in the policymaking field, are they?

Mr. INK. No.

Mr. HOLIFIELD. They are in the implementing and monitoring field, is that not true?

Mr. INK. Yes. But again, they do add to the resources in the agency concerned with radiation problems.

Third, the radiation group will report to the Director.

Mr. HOLIFIELD. Of the EPA?

Mr. INK. Yes. I am sorry—the administrator. I misspoke. So, there will not be two or three intervening levels. They will be reporting to an officer who reports to the President. I think that will help.

Mr. HOLIFIELD. The radiation hazard is so small in relation to the pollution hazard in water and air, my concern is that they not be forgotten and subordinated in this agency to the point that they are never heard from.

Mr. INK. It is an area in which there is a great deal of public interest and concern. I really do not think it will be lost.

Finally, as you well know in transferring the functions of the Federal Radiation Council to this new agency, there will go with that the requirement that scientific expertise, including that of the National Council on Radiation Protection, be brought into the recommendation process.

Mr. HOLIFIELD. I know of no way for setting levels that would be based on a more knowledgeable group than this group of scientists, because they have no ax to grind. They have only one concern, and that is the scientific effect of radiation exposure.

Mr. INK. Within that group over a period of years there has been quite a broad range of scientific views expressed, so you get a very good cross section.

Mr. HOLIFIELD. Also, there is the National Academy of Sciences, with a tremendous biological program. They are also a very important body. In the past, they have melded their information with the information of the National Council on Radiation Protection, and in most instances have made uniform recommendations.

Mr. INK. Yes, sir. Again, that is mentioned in the statute and there will be a requirement carried over into this plan, through the transfer of the functions of the Federal Radiation Council, to consult with the National Academy of Sciences. I think it is important that in stressing the importance of these two groups we

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not preclude them from seeking other scientific advice. I know this was not your intention and the Federal——

Mr. HOLIFIELD. No, nor was it my intention. If an occasional scientist stands out and denies the validity of findings by 65 experts in the field, I wouldn't want that occasional scientist's unproven theories to be accepted when a jury of his peers, you might say, would say that they are unproven theories not worthy of acceptance.

One doctor will say that you have a stomach ache and another that you need an appendix removed. There is a difference of opinion among doctors as to what causes pain in the abdomen, and there is a difference of opinion among scientists. When you come down to it you have to rely upon the positive opinion if you are going to get any kind of consensus of scientific judgment on a particular point.

Mr. INK. The act helps in that respect in that it talks about qualified experts in the field of biology and medicine and in the field of health physics. I don't think I would qualify, for example, under that definition.

Mr. HOLIFIELD. I have been exposed to this scientific problem for 24 years, and I would not consider myself competent to settle that either. This is the thing that I am very much concerned about; that we use scientific judgment in this field and we do not use lay judgment.

Mr. INK. I think when you talk about a scientific problem, and you are talking about scientific aspects of standard-setting, it follows almost by definition that you must draw upon the best scientific expertise which is available. That certainly is the intention

here and also drawing, of course, upon the strength and the resources that are in the national laboratories, of which Oak Ridge is one major facility, but there are others as well.

Mr. HOLIFIELD. These experiments on animals in the different laboratories and the grants to the universities AEC handles, will continue, and the results will be fed to these people in this group of seven that you have outlined in your chart?

Mr. INK. It is extremely important that they continue. Some of them have gone on for years; it is only through a succession of generations of animal life that we can truly get meaningful data that are useful for this kind of program.

Mr. HOLIFIELD. May I broaden this principle of consultation with experts in laboratories that are set up in other fields such as sewage treatment and air purification? You have not, as you testified, moved those functions over into this department, but I think if it is going to work you are going to have to avail yourself of this tremendous research that is going on in the fields of water, air, and pesticides—any of these potentially polluting or polluted elements. EPA will need to maintain a very close liaison with this research and development that is going in the laboratories, or something is going to fall in the crack between them. I think that the success of this organization is going to rest, in the last analysis, on a close and continuing relation with the great research programs authorized by Congress, that are going on in most every university in the United States.

Mr. INK. Yes, sir.

Mr. ASH. Yes, sir. One of the main points of our recommendation centered around the matter of research. We believe as a matter of effective organizational principle one should not bring to one central point all research activities related to pollution but one should at that central point have a cognizance and ability to iden-

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tify and fill vacuums in the research. I believe that the EPA must have both of these functions, a cognizance of applicable research in and out of Government, wherever it may—

Mr. HOLIFIELD. Application of that research?

Mr. ASH. Application.

Mr. HOLIFIELD. In their rules and regulations. If they just consider and dismiss it for administrative or bureaucratic reasons, why, then, we are going to lose.

In the AEC program today there is close to \$180 million in the biological and medical areas—detection of radiation and many

other research activities which add up to a great body of scientific information which has been developed in the AEC.

I certainly hope that the relocation of these people that have been working in close relationship with these laboratories will not, from an organizational standpoint, divorce them from access to and consideration of and implementation of the tremendous amount of knowledge that is annually being developed in laboratories throughout the country, both in Government and in private laboratories and universities.

Mr. INK. When we talk about the importance of standard-setting being independent of these agencies, and the AEC is a good example of an agency where we think it is important that it be separate and independent, we feel that in no way affects EPA's ability to draw upon scientific results and scientific data from these agencies. This is something which is true throughout what we are talking about, not just the AEC area.

Mr. HOLIFIELD. I thank you for your answers on this matter. I think it is very important that we get this and I appreciate your responses.

That is all, Mr. Chairman. I am sorry to have taken so much time. I am going to preside in the House and I wanted to ask these questions before I leave.

Mr. FINDLEY. Mr. Chairman.

Mr. BLATNIK. Yes.

Mr. FINDLEY. On this same subject matter Mr. Holifield developed, there is a question that I don't think has been answered yet. The question of disposal of waste nuclear byproduct materials is going to be a very big problem in future years. Which agency would have jurisdiction over the pollution represented by the disposal of nuclear waste byproduct materials? Would it be EPA or AEC?

Mr. INK. The standards with respect to general environmental exposure would be set by EPA.

Mr. FINDLEY. EPA?

Mr. INK. Yes, sir; that is right. The design, engineering, that goes into the facilities and determinations as to how to meet those standards would, however, be retained by the Atomic Energy Commission.

Mr. FINDLEY. Who would actually be in control of the disposal practices? Who would supervise that, have jurisdiction over these practices? Who would police it, in other words?

Mr. INK. The AEC will use its licensing operation as a mechanism for seeing that the EPA standards are met.

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Mr. FINDLEY. The Atomic Energy Commission would actually be the onsite policeman of these standards?

Mr. INK. Yes, sir; through the licensing operation. However, the new agency, EPA, will have a monitoring capability and responsibility for environmental problems and this is the function which HEW now performs and it will be transferred.

Mr. FINDLEY. There would, to an extent, be a duplication of this policing responsibility; is that correct or not?

Mr. INK. The Atomic Energy Commission—Dr. Seaborg can go into this in more detail when he testifies—will continue to set forth conditions in the licenses that need to be met. They have the competence and the know-how to see how a reactor is put together, and how it is designed, which, as you can appreciate, is a tremendously complex type of engineering and scientific undertaking. We have not tried to put into this new agency that kind of scientific competence which would be needed in the different areas of the Federal Government, moving over into transportation, for example, it becomes—well, I think it is not just feasible over a short period of time—or desirable. The individuals who will be out monitoring the countryside to see whether the standards are being met, whether the radioactive levels are higher than they should be, will be employees of this new agency.

Mr. HOLIFIELD. If the gentleman would yield?

I say that we have had many thousands of people testify over the last 24 years that have developed the subject matter of waste disposal. This has been one of the major concerns of our Joint Committee and, of course, of the AEC. These 551 employees in radiological health of the Public Health Service in most cases as monitors in the States, along with State officials to ascertain if the AEC is complying with the standards. The AEC or the operational entities of these different plants that are making weapon material or making fuel for electric reactors, they have the specific responsibility of handling that material and disposing of the waste in such a way that it will not damage either the employees or the population. They work on very strict orders along that line.

They are monitored, I say, not only by their own people to be sure that they are in line; this is an hour-by-hour and minute-by-minute occurrence in every one of these factories. But their disposal cemeteries, if you want to call them that, are all subject to

the State and the Federal Public Health officer's monitoring also. It is not just the AEC alone that has the say as to where this material is placed and that sort of thing.

Mr. FINDLEY. I am not suggesting it be taken away from AEC. I am wondering if there would be a duplication.

Mr. HOLIFIELD. There is a necessary duplication at the operational level. Care has to be constantly given by the people working with the materials. This could not be done by an inspection by Public Health officials. When you get ready to move that outside of the plant, any material, whether it be material used in electrical reactors or waste material left over after the fabrication of these rods, then that becomes a matter of Public Health interest and State officials' interests in many States, under joint agreements with the Atomic Energy Commission.

This function is turned over to the States when they will accept

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the responsibility. And if they do not accept the responsibility, the AEC has to be responsible to the Federal Public Health people.

Mr. FINDLEY. Mr. Chairman, I would like to ask Mr. Ash, if I may, a more fundamental question; that is, why we have before us an agency proposal as opposed to a departmental proposal. Is there any advantage to an agency as compared with a department?

On page 7, I think it is, you state that a department would be called upon to make decisions affecting other departments that could adversely affect its objectivity. I would imagine that the same condition might develop with an agency in making decisions, too; would it not?

Mr. ASH. The mission of the departments generally have a degree of operations where they are affected by the standards that would be set and where their own operations for which they do have responsibilities in a sense, have a potential vested interest in what the standards become.

An agency whose sole role and mission is not to carry out operations—Interior has operations of its own, DOD has, and others, but an agency whose mission is to set standards and make sure they are conformed to does not have the potential problem of a conflict of interest between promoting an activity or having operational responsibilities regarding an activity.

The problem posed by having responsibility for setting standards that might bear upon that operational activity is the basic reason that we feel EPA should be separate from any one depart-

ment or, for that matter, not another department but instead an agency, because it does not have the operational content of the departments generally.

Mr. FINDLEY. Once the new agency is established, it will have complete control of the operational activities of all of these subordinate units listed on the chart as well as standards involved, will it not?

Mr. ASH. These operational activities are ones that surround and make effective the setting of standards, research that leads to the setting of the standards, monitoring systems that follow them, the means of enforcement that in turn are based upon standards and monitoring.

While they do have operations under that definition, they are all operations that are supportive of the function of environmental protection as its total function. It is a much narrower function than, let us say, all of Interior or the breadth of all of the Department of Agriculture. It is a crosscut type of responsibility that is narrow and deep on the subject of environmental protection, and therefore the operations are of a narrower mission as opposed to the operations in the broader sense that Interior or Agriculture or others would have.

Mr. FINDLEY. As I recall, Mr. Ash, you stated that the commission you had did not recommend the EPA even though you do now endorse it without qualification. Did your commission, in fact, recommend this?

Mr. ASH. Yes, sir. I think that one account said otherwise. That was incorrect.

Mr. FINDLEY. Mr. Chairman, I have no further questions at this point.

Mr. BLATNIK. Mr. Ash, I have just a few questions.

We have a quorum call underway.

The questions on the manner in which this whole program was attacked are not meant as a personal criticism against you or the

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council. There is no question, it is enormously complicated and it is an involved, intertwined, and interwoven program. You stated that you had your staff working since the latter part of last November in examining the organization of pollution control programs scattered throughout the executive departments, so they have a pretty good notion of what you are trying for. It is a jungle intertwined and interwoven as it affects us in so many, many ways.

Of all of the programs that you have examined, could you tell us roughly just as 10, 20, 30, or 25 or 50 or 75, how many programs dealing directly or partially or peripherally with environment were examined? How many programs are there in the executive departments and agencies of the Government?

Mr. ASH. I think that in those rough terms the number would be approximately 50 to 60.

Mr. BLATNIK. How about 90? Peripheral.

Mr. ASH. It is a matter of definition. As an example, one of the matters that we dealt with was the line of delineation between environmental protection, on the one hand, and occupational and product hazard on the other. In some areas that line is hazy and we felt that nevertheless it was an important distinction to make.

Mr. BLATNIK. To be on the safe side, work with the figure around 50. Of these, how many do you have in your agency, propose and recommend be included in the agency,

Mr. ASH. The number is approximately eight, I believe; six to eight. Obviously, by numbers far from the preponderance of all such programs, but by their particular substantive content—

Mr. BLATNIK. Could we get to that later? I recognize that numbers in themselves are something. We have to start somewhere. Out of the 50 as a starting point we have established yesterday that this Environmental Protection Agency was not so much protection as merely a start in the environmental protection field. How many agencies are included in the chart presented to us in yesterday's testimony?

Mr. ASH. I believe there are 10 of those that are there.

Mr. BLATNIK. How many agencies are recommended to be included in this proposed agency?

Mr. ASH. I have just seen that list for the moment. I didn't know it was there.

Mr. COSTLE. There is a chart——

Mr. BLATNIK. Who made the chart?

Mr. COSTLE. I believe it was furnished by the CEQ yesterday.

Mr. ASH. I didn't know it was there.

Mr. BLATNIK. Can we get this information from someone?

Mr. ASH. Yes, sir.

Mr. BLATNIK. In rough terms?

Mr. ASH. It looks like nine. I estimated eight and the list here is apparently nine.

Mr. BLATNIK. Nine out of 50? You stated that your staff interviewed 180 persons, including top officials of all Government programs examined, former Government officials, public administra-

tion experts, colleges, pollution experts and economists. The staff also interviewed a number of regional, State and local pollution control officials. We made one point yesterday that this Congress began 17 years ago to work on water pollution, long before any [p. 57]

governmental agency was involved, and built it up to the \$1.2 billion program it is today. Not one single member of the top staff people of either the House or Senate committees that I have personally checked on was consulted, except perhaps a very brief and perfunctory discussion in one or two instances. Not one knowledgeable member who knows the legislative processes, who knows the subject material, who knows the contacts that we have had with the citizens, with the individual conservation groups, with industry people, has been contacted in this instance.

Is there any reason for that?

Mr. ASH. Well, I believe there were a number of discussions that were held with the Members of Congress and by our staff people. It is true that what was not done was to prepare recommendations and then with those in hand present them to Members of Congress. In fact, we started with such an open book and open mind that our discussions with all of the people with whom we talked were before rather than after we settled on any recommendations at all. Those 180 people include, I think, 16 Members of the House and Senate and were talked to by the members of the staff prior to formation of any of the recommendations that were made for any points that were felt to be important.

Mr. BLATNIK. I will drop this for the time being.

One point is this: We had a very fine illustration very recently while working on a rather similar related subject matter, consumer policy under the Consumer Agency, where the proposal ranged all the way from creating a new Cabinet to making a little office in the Executive Office of the President. We worked out a compromise bill between the administration proposal, the democratic proposal, and the very fine proposal by Mrs. Dwyer on this side; and, subsequently, the President and the administration sent their own proposal to the Congress. After that, we worked in conference and, with give and take, with a true molding process that is truly legislative shaping, I think, in its best effort, we came out with a proposal, I believe with the almost unanimous support of this committee as well as unanimous and strong support from consumers on a very emotional and controversial matter. I hope in the future we can do more of this give and take. It is not that we

are real experts here, but in certain areas we do have quite a bit of experience in the subject matter and the legislative processes. We know the temper of the Congress. We do have, we think, something to offer.

It is necessary from this point to recognize the need for the leadership to come from the commission of experts assigned to a special mission. We do recognize and respect it. Likewise, we do hope that you will acknowledge that we have no opportunity in the slightest manner to alter a comma of this proposal. I think it is a very weak start. I can start with almost no preparation and there are several additions I can make immediately without any study.

No. 1, since you have the total water pollution program of the Federal Water Quality Administration in which, right now, \$1 billion has been appropriated for grants for pollution facilities, why don't you include in HUD's program the water and sewer grants which total \$150 million a year for grants alone? Then the \$50 million in loans. Is there a \$200 million program right there

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that should be included in this program?

Mr. ASH. Do you wish an answer on that?

Mr. BLATNIK. Yes, sir.

Mr. ASH. The Council discussed that particular set of programs at some length. We felt that these particular programs were more closely related to the primary mission of their departments in the process of urban and community planning than they were to the issue of environmental protection as the first order concern. This was the main reason.

Mr. BLATNIK. I think it is obvious that a sewerline is very directly connected with a pollution abatement plant. If you are not going to have a sewerline you are not going to treat the water. No matter how good the plant is, if you don't have the connecting sewers and stations you are not going to be giving the treatment to the area it should get. Let me give you another illustration in connection with HUD and the water sewerlines. One of the biggest, totally frustrating, immutable, and insoluble problems is what to do with the combined sewer problems in the cities. They are continually getting larger and larger. The population rate of growth is 15 or 20 times larger and yet we have a problem. No matter how many pollution abatement plants you build, you can not compete, you cannot do the job as long as we have these combined storm and sewer lines.

To correct that it would cost \$20 billion, which is a most con-

servative estimate. We had a \$20 million grant for a demonstration program available for 5, 6, or 7 years, with no takers. They came up with two small projects. No one knows how to begin with that problem. Why was that not included in this environmental protection proposal? It is one of the toughest problems involving municipalities and health, regarding research and engineering. It needs every effort behind it. Why was that omitted?

Mr. ASH. None of these are perfect solutions in the sense that the issue solves itself as to whether to include a responsibility or not. There were other close matters. We feel that we were looking at the primary thrust of the programs as the main determinant even though many departments, in their carrying out of their primary missions, are charged—all departments are charged with the cognizance of environmental matters in the process. We feel that on these close matters it is worth continuing to observe and to study the directions that the programs either do go or should go because the Environmental Protection Agency, as an entity, is not the last and only opportunity to improve. It can be augmented in ways that might make it even more effective.

It is not fixed forever. We would welcome continual consideration by the Congress as to which other programs and responsibilities might in fact be brought into that Agency as it develops its own capabilities and its own impact over the years.

Mr. COSTLE. Mr. Chairman, it might help for clarification for the record to indicate that in examining this whole range of environmental-related programs, including natural resource programs, that virtually all of the programs we did look at have an obvious impact in relation to environmental quality. This reorganization plan is not an attempt to sift down all of those programs. That would be a monumental task and would involve, for example, Land Management, the Corps of Engineers. This particular plan deals

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with one particular corner of the problem, which is how to organize antipollution standard-setting functions.

Mr. BLATNIK. I don't mean to interrupt you. You are absolutely right. I fully recognize the interrelationship in many, many areas. We are talking about, say, 15 out of 50, or easily 15 out of 80. Why are we concerned with the sewage abatement facility plant itself, and putting it in the agency and excluding all sewer lines that connect up to it?

Mr. COSTLE. I think——

Mr. BLATNIK. That is a simple directed one.

Mr. COSTLE. FWQA is concerned with the problem of combined sewers. You are aware of the interagency agreement. There is no question that this was one of the most difficult judgments we had to make. We thought the departments involved who have these programs made very strong cases for why they needed to continue to have these programs. Similarly, the connection, as you point out, between sewers and pollution control is a very obvious one. We were assured by the departments that the interagency agreement was beginning to have its own real effect in terms of simplifying the problem for local governments.

As Mr. Ash said, we do not view this plan as an immutable plan.

Mr. BLATNIK. I am not talking about a perfect start but a reasonably good start. I think we are operating at about a 10-percent level of efficiency here. Let us get up to around 30 or 40 percent, if we can, a reasonably good start. Let me give you another example that puzzles me.

Another glaring, striking, vexing, frustrating problem that we have been wrestling with and don't know how to cope with is acid-mine drainage, which is seeping poisons and pollutants continually, day in day out, and week after week and year after year. It is not included in this Environmental Protection Agency.

Is there any reason why this tough problem, that is quite well-defined, visible, precise, and specific is not included? Isn't that a serious part of this factor in environmental protection?

Mr. ELKINS. The Federal Water Quality Administration is concerned with acid-mine drainage and will continue to be so concerned in the new Agency. There are other agencies——

Mr. BLATNIK. Is the acid-mine drainage a problem included in the Environmental Protection Agency?

Mr. ELKINS. The concern with that problem, which the Federal Water Quality Administration now has, will be transferred to the Environmental Protection Agency. There are other agencies concerned with that problem——

Mr. BLATNIK. What other agencies?

Mr. ELKINS. The Bureau of Mines. I am not familiar with all of them.

Mr. BLATNIK. Is that research function of the Bureau of Mines transferred to this agency?

Mr. ELKINS. No, it is not.

Mr. BLATNIK. Is there any reason why it should not be?

Mr. ELKINS. The concern here, I believe, is that the Bureau of

Mines is concerned with the entire mining operation. It is in a position to develop control technology and is concerned with the

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whole economic structure of that industry. Since the Federal Water Quality Administration is already involved——

Mr. BLATNIK. You are not answering the question. Why was not that function of research as it pertains to acid-mine drainage, which is now in the Bureau of Mines, transferred over to this Agency?

Mr. COSTLE. Mr. Chairman, the Bureau of Mines is an example of an agency which, in the course of performing a broad support mission for a particular industry, has developed the expertise necessary to conduct research into the control of pollution generated by that industry. As such, the question of whether to consolidate the research posed a difficult problem. It is clear the Bureau's research activities are related to the antipollution mission of the new administration because they focus on the capture and recycling of wastes, which may create waste disposal problems. On the other hand, these programs form an intimate part of the Bureau of Mines' broad concern with maximum utilization of mineral resources and require the Bureau's unique technical expertise for their execution. The issue is whether transferring the Bureau's program is essential to the operation of the new environmental administration. On balance, we thought not. The EPA will be able to achieve a considerable amount of control over the direction of the Bureau of Mines pollution control work through negotiation of interagency agreements and the transfer of funds needed by the Bureau to continue its research. The National Air Pollution Control Administration has already had some success in this regard. Most of the air pollution research the Bureau of Mines is now doing, for example, with their technical experts is funded by NAPCA.

Moreover, the Bureau of Mines must ultimately conduct its research with reference to the effluent emission standards established by the new Environmental Protection Agency. The Bureau of Mines should be encouraged in its work on control and prevention. EPA should not attempt, in our view, to monopolize all control technology research but should serve as a catalyst——

Mr. BLATNIK. Stop at that point. We should not monopolize all—you are still not explaining why you have only taken nine agencies out of 50. I think mine acid research has been horribly neglected by the Bureau of Mines for 50 years. That is why we have

this problem, because they have not paid attention to it. You cannot tell me that you are going to have an agency to deal with some aspects of environmental control and allow this mine acid drainage to go into these rivers around the eastern coast and around the Capital City of Washington. I don't understand that. If you are going to talk about standards and research and have nothing to do with this, we don't understand why so many functions were omitted from that agency.

Mr. COSTLE. The \$15 million acid mine demonstration program enacted in Public Law 91-224, which is with the Federal Water Quality Administration, would be transferred to the new Agency.

Mr. BLATNIK. We moved—and I helped move that—because of the insistence of the Congressmen from Pennsylvania and West Virginia and particularly from Chairman Jennings Randolph on the Senate side. We moved in because the Bureau of Mines was doing such a lousy job, in plain language. We thought you would pick it up and carry on the drive in this very important field. You

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have to tackle these problems. If you sit there and hope that somebody else is going to do it, we don't need your Agency. We can let the Water Quality Council do that.

If you are not going to have the Agency do the job, then don't come to us and say we have a central, coordinated, and interrelated Agency to take care of all major aspects of environmental pollution, because you are not doing it.

Mr. ASH. Mr. Chairman, may I comment on that point? It is a crucial point in our consideration.

Mr. BLATNIK. There are many other examples.

Mr. ASH. I am going to talk about the point here involved, of which that is an example, because there are other examples of like kind. There are two points that I would like to make.

First, there is always a temptation when a problem is identified or given a higher degree of priority than it might earlier have had, to reorganize the whole of the Government around that problem, identify the many places where activities exist, bring them all to one place, and in effect structure the Government differently. We felt that we should consider the principles of primary mission, acknowledging that across the Government matters of environment were for many people a mission and an objective along with other primary missions. So while we took cognizance of the many activities that concern themselves with pollution, we felt that we

should bring into one place those activities for whom the primary mission was a matter of pollution control.

Secondly, the point that I made in my opening statement, and we believe very strongly in, is that this new Agency has two missions that we believe will deal with the very kinds of problems that you have identified and for which there are other examples. That is, to be a place responsible for identifying new problems and new solutions and also to be a place that is not only cognizant of research and efforts going on throughout the rest of the Government bearing upon environmental protection but with an ability to itself fill vacuums, to identify the needs that are not being met, to take initiatives and cause those needs to be met.

The Bureau of Mines and others may each be charged with some particular function or responsibility relating to pollution and pollution control, but the EPA will be charged with making sure that there are no unfilled vacuums, that there are no identified problems and needs worthy of attention that are not being dealt with by one of the other agencies with the ability to take to itself those responsibilities that are not being met by others.

We have deliberately charged it with the function that none of the other agencies have, the identifying of the very kind of thing that you yourself have identified, the shortcomings of programs, and charging it with the accountability and responsibility to act on those shortcomings, rather than merely leaving the shortcomings for all to observe but nobody to be responsible for meeting.

Mr. BLATNIK. To give another illustration, on page 6 of your testimony, Mr. Ash, you list six major objectives. My illustration relates to the last three of the major objectives that your Council had in mind in the creation of an Environmental Protection Agency. One was raised yesterday when Mr. Train was testifying. In reading your third objective, the ability to recognize and deal

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with new environmental problems, one immediate problem came to mind. That is the one of noise, particularly that in connection with jet airplanes and especially the supersonic transport that is underway. Here again is a simple identifiable entity, by itself, which is easy to locate and put your finger on.

Noise research is a new one. We have no agency concerned with noise itself. We have the National Air Pollution Control Agency whose officials can talk to the aviation people and say, "You are emitting too much hydrocarbons; particles are being emitted by the jets." They can talk to them about polluting the air but they

cannot talk about the noise problem we have. Why wasn't noise included in this Agency?

Mr. ASH. That also is one of those subjects that was given very careful consideration by the Council. It is also one that was a close question. When we looked into the particular programs that to date exist relative to noise as a pollutant, they relate to aircraft engines primarily, even though we all know pollution from noise ranges much more broadly than that.

As those programs do relate to aircraft engine noise, they are very heavily tied in with the technical and engineering aspects of aircraft engine design itself. Again, the closeness of the issue revolved around the balance of the whole of that function, the balance in aircraft engine design considerations versus noise, versus other factors, whether it be power, economics, or anything else.

We do believe that as time goes on it is highly possible that the Congress will feel that the definition of this country's concern for noise pollution will be broadened from the present fairly narrow program for aircraft noise.

Mr. BLATNIK. Why was it omitted? We were told yesterday that now is the time to start. Time is of the essence and the longer we wait and delay, the worse it is. We go along with the idea and now we are told there is no need to worry about the noise pollution; it is at such an elementary stage and such a small program. Whatever happens to it at the agency—in this case, noise research is being done primarily by a part of the Research and Technology Section of the Department of Transportation, that concerns itself with noise pollution—now would be the time to get to this important problem. There is no question that in the next 6 years it would be a major problem with the jumbo and superjets coming into operation.

I think now in its incipient stage this small but important function should be put into the proposed agency.

Mr. ASH. Mr. Ink and I each have a comment. I will defer to him.

Mr. INK. I was going to say simply that I think Mr. Train's point was that the work which is done in Transportation now is primarily directed toward how you develop engines minimizing the amount of noise. The President, when he forwarded this plan, said that as a broad mandate—I am quoting now:

EPA would also develop competence in areas of environmental protection not previously given enough attention, such as the problem of noise, and it

would provide the organization to which new programs in these areas could be added

I think the question is one of time. The decision is a close one and could have gone either way. It would seem to me that if we later draw together a noise program which has broader application

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than what we are talking about here, I would think EPA would be a strong candidate for that kind of program. In the meantime, this agency is one which the President will be looking toward to draw together ideas about what we should be doing to more adequately meet the problem of noise.

As I say, one could argue, as you are, that this——

Mr. BLATNIK. Our intent is not to argue, but to cite a clear example of the problem that clearly ought to be in the agency right now. Time is of the essence.

Mr. INK. There is no question about that. I think we would agree this has not been given the attention it should receive. This is the group that needs to pull that together.

Mr. BLATNIK. These are just random illustrations. I have not made any concerted attempt to go through this with a fine-tooth comb. We are stumbling across these major problems. Look at HEW. You are concerned with the Bureau of Radiological Health in HEW; yet, HEW last February, through a reorganization plan, renamed the former Consumer Protection and Environmental Health Service to the Environmental Health Service. The title sounds like it has something to do with your first objective stated on page 6. Your objective there is that you should have research and standard-setting based on a comprehensive view of the individual's health.

My question again would be: Why isn't the Environmental Health Service in HEW combined with the Bureau of Radiological Health; why only radiological health? Why wouldn't that be included in this agency to comply with your stated objective, "based on a comprehensive view of the individual's health"? Why wasn't that included?

Mr. INK. I might comment that a number of elements of the Environmental Health Service are going over to the new agency. The solid waste group, water hygiene group, and the air pollution group are going to the new agency.

Mr. ELKINS. Mr. Chairman, it might be helpful to explain for the record the organization of the HEW to clarify this point. Within the Environmental Health Service of HEW there are a

number of components. One is the National Air Pollution Control Administration which would be transferred to the EPA. The other major component is the Environmental Control Administration. That administration is made up of several subcomponents. The first one is solid waste. That would be transferred. Another one is water hygiene. That would be transferred. Another one is radiological health. A portion of that would be transferred. Occupational health and safety would not be transferred; nor would the Bureau of Community Environmental Management. This means that the major proportions of the entire Environmental Health Service would be transferred.

It may not be mentioned on Mr. Train's chart perhaps, because it is a structure above a number of components that will be transferred.

Mr. BLATNIK. Let us conclude. Mr. Ash, we had our staff work out a fairly reasonable picture here, after the staff had examined the organization of the pollution control programs scattered throughout the executive branch, out of which you brought together into the Environmental Protection Agency, a single organization, the major Federal pollution control programs now existing in four separate agencies and one interagency. Of these, and in

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this new unit proposed, you estimate they will have a budget of \$1.4 billion, out of which \$1.2 billion is for water alone and approximately 6,000 personnel. Could we have the same type of general figures given as to how many agencies dealing with some important aspects of pollution control have been eliminated? What is the number of personnel engaged in those functions? Approximately how much money is being spent?

We feel that there are more people outside of this agency working on related environmental problems and spending more money than you have. We would like to know the reason for leaving so much out of the environmental program when you entitle this an Environmental Protection Agency.

In short, how much protection are we getting? Is this 10 percent or 20 percent or 30 percent of the total national effort? If so, why that little?

Mr. ASH. I believe we can supply those data. I would like to ask for clarification on one aspect of it. Many of the activities dealing with pollution control, environmental protection within a department may also be so intermingled with the other thrusts of that department that to identify the individuals, the number of individ-

uals and the amount of funds that have to do with a portion of a mission may be very difficult. As an example, much of the Corps of Engineers work does bear upon environmental protection. I don't believe that we want to count all the funds of the Corps of Engineers or all of its personnel. I would find it difficult to determine exactly where to draw the line as to numbers of personnel and as to amounts.

On the other hand, we can very readily identify those many activities that go on within the Government that bear upon pollution control. To the extent that there are separately identifiable people and funds, I think that would be an easier job than where such an integral part of such a major mission does not separate these amounts. This is where I think we will find the difficulty.

When we talk about environmental protection here, we once again feel it is important to keep in mind the standard setting, research leading to it, monitoring, the control processes which are still far short of everything that has to do with environmental protection. It is a set of words, environmental protection, that can be used to mean many, many things. It is not further defined. We have felt it very important, as I indicated in my opening statement, that we not get lost in the language and that we be very precise in our understanding of what exactly we think should be done and why it should be done. We did focus on these particular aspects of environmental protection. We realize that matters of population and population distribution all bear in one way or the other on the environment. So we will do the very best that we can to answer the question that you have asked and provide you with those data, recognizing that definitions become very important as to where environmental matters begin and where they end.

Mr. BLATNIK. The reason we ask for that information—we are in agreement with you—is there is a great and urgent need to get as many of these environmental activities in the Government, which are scattered and fragmented at different levels of authority and different levels of priority within their respective agencies,

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into a single organization. It is now quite a hodgepodge. You continue to leave some of these functions in these agencies and question the public emphasis on pollution control. I can just see these department heads asking for increased budgets. These things will be brought up again. It is like certain kinds of weeds; you cut off the weeds and the next thing there are three of them growing there.

You have the same proliferation and same fragmentation except you have it in the name of the Environmental Protection Agency and probably to some degree in action too.

We want to make clear to the Congress the exact degree of comprehensiveness, whatever you want to call it, and the degree of effectiveness of this Environmental Protection Agency. We want to say that this is a start; this is covering the other. We ought to have the information. This covers 20 or 30 percent of the problem. We are headed in that direction and we will be aiming, we hope, within a 5-year period, upward to 70 to 80 percent of the problem.

When I first got the proposal, I got the impression that this is probably good. I favored greatly upgrading, enlarging, and broadening the existing department and calling it environmental on a Cabinet level. That was my initial reaction. I saw the advantage of putting all these environmental functions in a separate agency where they would be visible, where we could see them, three-dimensional, like a cube or prism, and see them all integrated and interrelated. The more I got into this specific proposal it became clearly obvious that only a small percentage of the total environmental programs in the Government are included in this agency. We want the Congress to know that. It is not an environmental program but just a start of an environmental protection agency.

We would like to have the information, as much as we can get, now that we know how much is proposed to go into the agency. Let us know what is outside.

Mr. ASH. We will identify those other activities that bear upon environmental protection as we define it and discuss it. To the extent that we can quantify numbers of people and dollars spent, we will provide you with that information as to each such activity.

Mr. COSTLE. Mr. Chairman, I think the key to understanding the rationale of this consolidation is the functions that we are talking about here. What we have isolated and identified are the key programs that set and enforce criteria and standards. With those we have associated that research which represents an organic part of those programs.

Mr. BLATNIK. You have a lot of research not in the agency, do you not?

Mr. COSTLE. That is right. The research that is directly associated with the standard-setting process is transferred. That includes the \$15 million for mine acid drainage that you appropriated for the Water Quality Administration. What we have not attempted to do is consolidate all research, particularly in those

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cases where that research may be more intimately related with the mission of the agency in which it is now placed. The research to support the standard-setting judgment is brought in, and this package of programs represents those key standard-setting programs of the Government.

That is essentially the logical shell which surrounds this.

Mr. BLATNIK. You have a case for that. You see why we start off with one understanding when you say it is going to be a NASA-type agency. Imagine NASA going to the Bureau of Standards and saying, "Mr. Director, look, what kind of a valve should we use on the gatelift or oxygen cycling system?" Can you imagine that? They are going to build their own, design their own, determine it, recheck it, and they will tell the industry what kind they want.

We are getting too much of a presentation. This is a not a single in-house agency. It is not comparable to a NASA or AEC structure which we were led to believe—I am sure not intentionally. That is what I thought for a while.

Mr. INK. Even there they depend on other agencies for important functions. For example, NASA did not undertake to develop the nuclear power system for space. Rather, it continued to draw upon the AEC for that aid. When we reach the point of going far out into space, nuclear power is going to be a vital part of our national space program. We decided not to try to pull everything together.

Mr. BLATNIK. I agree, again, completely. I do generally agree with you. My argument here is, if we had at least 40 percent of the environmental functions in Government, after they all have been reviewed and drawn together, I would think we had done a pretty good job. But I do think you have 5 percent. We do not know. It seems that the witnesses do not know. This information should be available. We agree with you that the functions should not be fragmented and scattered throughout the whole Federal structure; but how much of this has been drawn together and how much has been left out?

We cannot do it all. If we had 30 or 40 percent, we would say this is really a good start.

Mr. INK. We agree, of course, that we are talking about the beginning and not the end, by any means. I think we also would agree that we have to be careful on the other end, not to draw so much into EPA that, first, we end up with just another agency with so many functions that the procedures get in the way of moving forward a program which is critical and urgent and, sec-

only, that we not move so far—I know you are not suggesting this—that the agencies that have and must have continuing concern, because of their mission, with things which affect the environment feel they no longer have a concern or responsibility for the environment, because that would be self-defeating.

The bulk of the resources of the Federal Government that are needed to deal with these problems really are around in the various departments—Agriculture, Interior, and so forth—and we want to make sure, as I stated in the beginning, that we do not

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move to the point of stripping them of their capability of carrying out their mission for the enhancement of the environment.

Mr. BLATNIK. A final comment, Mr. Ash.

Mr. ASH. Examples of the principals are the ESSA and the Bureau of Reclamation, just to take two out of a number that were examined in the process of considering these organizational recommendations. Obviously, both of them have much to do, while carrying out their primary mission, with matters having to do with environmental protection. The environmental protection function is not separate even within them, but we would all acknowledge they are there. We would all acknowledge they have important roles to play.

On the other hand, their concern for environmental protection is an integral part of playing another important role. To the extent that we would let the environmental protection consideration dominate, we could well do so to the detriment of the role for which they were created and exist and even now perform well.

Those are the issues. Many things have been left out. When I say there are 50 or 60 that deal with environment, I am including such as the Corps of Engineers, the ESSA, and the Bureau of Reclamation. I do not want to presume anything, but I think we would all see the problem of suggesting that those major agencies be subsumed under a heading of environmental protection, if they have other prime missions to perform. Even in this comparison of numbers, these are the substance of and by far the biggest part of every program that goes on in the Federal Government that deals with setting standards and the ancillary activities that relate to the enforcement of the functions, but these are not a large number out of all of those agencies whose roles include concern for environment even as they are carrying out their other major roles, like the Corps of Engineers, ESSA and the Bureau of Reclamation.

Mr. BLATNIK. Your case is well stated. I gave a few illustrations of glaring, striking, obvious, and very visible programs.

(The following information was subsequently submitted by Mr. Ink:)

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 8, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Executive and Legislative Reorganization Subcommittee, Government Operations Committee, House of Representatives, Washington, D.C.

DEAR JOHN: Attached is a list of the principal programs related to pollution control and the environment which are not proposed for transfer to EPA. This is the material that you requested Mr. Ash to furnish, and it has been prepared by his staff in collaboration with the staff of the Office of Management and Budget.

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There is no broad consensus as to what should or should not fall in these categories. I am sure some would believe that additional items could be added, whereas others would believe that some should be deleted.

As we discussed, the principal reasons for not including these types of functions in the proposed new agency are:

1. The principal purpose of the President's proposal is to provide a manageable, hard-hitting agency which can move forward with a vigorous attack to control pollution, one of the most critical problems confronting this Nation. To add large numbers of diversified programs would tend to encumber the agency with administrative problems inherent in large organizations and dilute the sharp focus on standard setting which we regard as basic to the urgent task of controlling pollution.

2. Most of the activities in the attached list are heavily involved in the basic missions of the departments. We are concerned that moving very far in the direction of breaking these out of existing departments could be self-defeating since it is essential that these departments carry out their basic missions in such a way as to enhance the environment and minimize pollution. These departments must continue to feel a sense of responsibility, and to retain a capability, for helping to improve our environment.

3. As part of the President's staff, the Council on Environmental Quality has the task of flagging gaps and of seeing that all areas of governmental activity related to the environment, not just pollution control, are coordinated. Therefore, these diversified programs do not need to be consolidated in EPA to assure a broad coordinated effort to improve our environment.

4. Although we regard this proposed reorganization as a very important action which is urgently needed, we recognize that other steps will need to follow. We believe that drawing the proposed standard-setting functions together so that environmental control can be looked at in its totality rather than on the fragmented and piecemeal basis we now use, will permit both the executive branch and the Congress to better determine what additional steps may be necessary.

It is my personal view that there is great urgency in establishing the Environmental Protection Agency.

With warm regards.

Sincerely,

DWIGHT A. INK,
Assistant Director.

Enclosure

I. RESEARCH, DEVELOPMENT, AND DEMONSTRATION, \$237

Most of this research is directly supportive of the mission of the agency now carrying it out and is integrally related with other research programs of the same agency. The results of this research will be available to EPA, and EPA will have the authority to supplement it in order to ensure that the total Federal research program is adequate and complete. In addition, the EPA will have the standard-setting authority which will provide the frame of reference within which other agencies must carry out their research.

Despite the urgency associated with establishing the new agency to deal with pollution control, the success of our efforts also depends heavily upon many of our major Federal departments and agencies carrying out research and other activities which will enable them to move forward with their basic missions in such a way as to enhance the environment and minimize pollution. We cannot permit these departments and agencies to gain the impression that they no longer have a responsibility to be concerned about the environment.

This research, development, and demonstration activity consists primarily of:

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TABLE I—PROGRAMS RELATED TO POLLUTION CONTROL BUT NOT TRANSFERRED TO EPA¹

Category	Not transferred: 1971 obligations (in millions) ²	Comments
Pesticides:		
USDA—Research on effectiveness of pesticides in controlling pests and development of safe alternatives to pesticides for food and fiber production.	\$19	USDA's research on pesticides, such as research on more effective methods of pesticide application, is integrally related to its mission of developing agricultural resources. EPA will concentrate its research resources on the environmental effects of pesticides and will look to USDA and other agencies for advice on efficacy. USDA research will be readily available and accessible to EPA.
Interior—Effects on fish and wildlife.	2	Most of Interior's research on pesticides is integrally related to its other research on fish and wildlife (e.g., research on the reproductive cycle of a particular species of fish or animal). EPA will supplement the Interior research and will share laboratory space and laboratory specimens.
Radiation: AEC—Research on effects, safety, disposal practices, etc.	83	AEC research provides the basis for AEC activities directly related to its primary mission (e.g., research related to the safe operation of its own and licensed activities, including waste disposal, processing and handling of nuclear materials, and more basic research, such as the interaction of radiation with genetic material (DNA). Much of it is conducted at the national laboratories. EPA will have access to the results of the AEC research, and will have the responsibility to identify gaps in the research being carried out and the authority to fund additional research not covered by existing programs.

Category	Not transferred: 1971 obligations (in millions) ¹	Comments
Solid wastes. USDA/Interior—Control of animal and crop wastes, and recovery of agricultural and mineral resources from waste.	6	Much of this research is conducted for purposes other than pollution control (e.g., resource development). EPA will have the lead responsibility for research on solid wastes and will draw upon the ongoing research programs in USDA and Interior.
Noise: NASA/DOT—Design of aircraft engines and vehicles that are quiet.	31	NASA and DOT's research is closely tied to its research on the safety and efficiency of transportation systems. EPA will have the authority to do research on the ecological effects of noise from all sources, but will look to NASA and DOT for inputs on the technology of controlling noise from transportation. The only standard setting for noise which now exists is in the FAA and relates to the control of noise from only 1 source—aircraft. The R. & D. program is largely directed at the development of engine control devices. Recent research suggests that noise from nonaviation sources for which there is yet no standard-setting authority may be a far more significant environmental hazard. Should Congress enact standard-setting authority in this area, EPA would be a logical candidate as the place in which to put that authority. CEQ is now developing recommendations for a total noise control program for the Federal Government.
Air: USDA/DOT/Interior/DOD—Development of control methods for windblown soil, and control of pollution from agricultural processing plants, airplanes and vehicles, utilities, and mineral industries.	32	Most of the research on the control of pollution will be funded by EPA. However, EPA will draw upon the ongoing research programs in other agencies where it is relevant and helpful to do so and where another agency may have a special expertise to contribute. EPA will review other agencies' research and will be charged with the responsibility for insuring that the overall research program for the Government is adequate and that gaps are filled.
Water:		
USDA—Control methods for animal and processing wastes, sediment, and other agriculturally related pollutants.	17	Most control technology research relating to water will be funded by EPA, but EPA will draw upon ongoing research in other agencies.
DOT—Coastal protection through detection and cleanup of oil spills (Coast Guard).	4	The Coast Guard has certain responsibilities relating to oil cleanup because of its ability to provide an extensive fleet for these operations and its competence in boat safety. The Coast Guard does research directly related to fulfilling these responsibilities. EPA will also do research in this area and will coordinate with Coast Guard.
Interior—Basic research in Office of Water Resources Research, Geological Survey, and control research in Bureau of Land Management.	9	EPA will have the lead in water pollution research, but will draw on research done in other agencies also. The research in other agencies is integrally related to the missions of these agencies (study of ground water characteristics and flow).

¹ Table does not include water and sewer programs (\$412,000,000) which sometimes are considered to be "pollution related" programs, but which also serve other purposes. These programs are included in table II. This table also does not include expenditures by HEW, Labor, and DOD on occupational safety and health (\$16,000,000). Many of AEC's occupationally related activities are included because it is impossible to separate them from other AEC activities which are directly relevant to this table.

² The dollar amounts shown are estimates subject to determination orders to be issued by the Director, OMB, transferring resources to EPA. Also, amounts do not add to totals since only the principal items are listed in each category.

II. MONITORING AND SURVEILLANCE, \$41

EPA will collect, consolidate, and analyze data from all agencies and be responsible for the development of a comprehensive pollution monitoring program. EPA will make use of existing monitoring capabilities of the Government, but will also have the authority to supplement and build upon these capabilities.

The monitoring and surveillance activities not transferred to EPA consist primarily of:

Category	Not transferred: 1971 obligations (in millions) ¹	Comments
Water:		
AEC—Monitoring of radioactive wastes and other radioactive materials.	\$17	AEC's monitoring activities are aimed at specific AEC facilities and operations. EPA will have authority for monitoring aimed primarily at the general public and the environment. These 2 efforts will be closely coordinated. The experience and competence residing in the Bureau of Radiological Health, HEW, which has been directly involved in surveillance and monitoring activities related to the environmental impact of nuclear energy operations will be transferred to EPA.
Geological Survey—Water monitoring	5	EPA will have the lead in water-quality monitoring, but will rely on Geological Survey for much of the actual sampling and analysis, just as FWQA has in the past.
ESSA—Air monitoring.	2	EPA will do extensive air monitoring, but will look to ESSA for monitoring of background pollution in remote areas and for weather prediction needed for determinations of air pollution alerts.
HEW—Surveillance of pesticides in food.	3	HEW (FDA) carries out extensive food surveillance aimed at protecting the public from unsanitary and contaminated foods. Monitoring for pesticides is only one part of this system. Leaving this monitoring in FDA minimizes multiple Federal inspectors checking the same food. EPA will have the authority to fund supplemental monitoring by FDA or others wherever EPA determines it is necessary.
Other agencies—Monitoring of own activities for control purposes.	8	All agencies must maintain the capability of meeting pollution standards in their own activities as required by Executive order. Monitoring is essential to the fulfillment of this responsibility.

III. STANDARDS PROMULGATION AND ENFORCEMENT, \$15

Primarily:		
AEC—Licensing and regulatory activities.	13	The AEC licenses and regulates facilities such as nuclear reactors and special materials with emphasis on prevention of accidental releases of radioactivity and the protection of the worker. With regard to routine releases of radioactive effluents, EPA will set environmental standards which will be enforced by the AEC through its licensing authority.
DOT—Noise control for aircraft.	2	CEQ is now developing recommendations for a total noise control program for the Federal Government. EPA would be a logical candidate as the place for standard-setting to be located.

IV. OTHER

A. AEC—Waste disposal.	45	Capital and operating costs of AEC disposal sites used primarily for AEC's own high-level wastes; for example,
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Category	Not transferred: 1971 obligations (in millions) ¹	Comments
B Pollution abatement at Federal installations.	213	the restricted disposal sites at Hanford, Wash ; Savannah River, S.C , and Idaho Falls, Idaho. Funds contained in various agencies' budgets for cleanup of Federal operations. Actions are subject to Executive Order 11507 which will require consultation with EPA as to the adequacy of control measures in meeting standards approved or set by EPA

¹ The dollar amounts shown are estimates subject to determination orders to be issued by the Director, OMB, transferring resources to EPA. Also, amounts do not add to totals since only the principal items are listed in each category.

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TABLE II

Federal Funding For Environmentally Related Activities¹

(Not primarily related to pollution control)

<i>Program or activity</i>	<i>1971 obligations (in millions of dollars)</i>
I. Construction related to environmental quality -----	412
Water and sewer programs (HUD, USDA, Commerce, Appalachian Region Commission.)	
[Note: Water and sewer programs are multi-purpose. For example, HUD utilizes sewer programs as a lever to reinforce the goals of its urban development programs, since placement of sewers is a key factor in determining the pace, direction, and nature of urban development; Agriculture's programs represent assistance to rural areas to improve the level of public service provided in those areas; EDA programs provide a subsidy to economically depressed areas for the purpose of encouraging economic development. Transfer of these programs from their present locations would handicap these departments in carrying out their primary missions.]	
II. Enhancing the environment -----	1,050
Primarily: Provision of recreation resources (Interior, HUD, Corps, USDA.) Preservation of fisheries and wildlife (Interior, USDA.) Provision of open space, highway rest areas (HUD, DOT, OEO.) Highway beautification, flood prevention, and urban transportation planning (DOT, USDA, EDA.)	
III. General science services related to the environment -----	796
Primarily: Weather prediction and research (ESSA, DOD, NASA, USDA.) Data buoy program (DOT.) Locating and describing natural resources (USDA, Interior, NASA, NSF.) Basic research (NIH, NSF, Smithsonian.)	

¹ Almost every agency of the Federal Government has programs which bear directly or indirectly on environmental quality. Consolidation of all such environmentally related activities would involve a major restructuring of many Federal departments, weaken the ability of departments to use their programs to enhance the environment, and if carried very far, result in a large, diversified agency in which it would be difficult to mount rapidly an effective pollution control program.

<i>Program or activity</i>	<i>1971 obligations (in millions of dollars)</i>
IV. Weather modification	13
V. Management of public lands (Interior, USDA, DOD)	211
VI. Population control and redistribution	136
Includes new towns program (HEW, OEO, HUD.)	
VII. Minimizing environmental impact caused by public works activities (Federal and non-Federal) and by non-Federal natural resource exploitation activities	864
Control of effects from water development and agricultural programs and construction of highways (USDA, DOD, Interior, DOT.)	
VIII. Education	47
Primarily: Agricultural Extension Service.	

Mr. HENDERSON. Mr. Ash, I am wondering if you could give us any clue as to what considerations the Council had in mind about the internal arrangement of the new Agency after it is set up. We do not have anything in the plan that tells us how this is to be done.

Mr. ASH. I can make one statement, and then Mr. Ink can augment that.

We have identified those activities that we feel should be brought together. On the other hand, one of the reasons for bringing them together is to recognize the interdependence among the problems and their solutions, and that we feel the Administrator of this new Agency should have the opportunity to identify those interdependencies in a way that we can most effectively organize the internal structure of the EPA.

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We do have some ideas, but we felt that it would not be proper and not be valuable to impose those ideas on the structure, but merely to develop them so that when the Administrator assumes such a responsibility, the thinking would have been done, but at the same time he would have the opportunity to structure the organization in such a way that he feels will be effective.

Mr. Ink can discuss some of those ideas. They are not necessarily the way that it ultimately will be internally organized, but it is some thinking that has been done to this point.

Mr. INK. Of course, when the plan becomes effective, the operational units which are now in existence will be transferred over. The water pollution control group from Interior, for example, will be transferred intact. The air group from HEW will be moved

over as a group. The pesticides programs are coming from several different areas. They will be moved into a pesticide unit but, as Mr. Ash pointed out, we do not feel we should preclude the new Administrator from having a voice in how those pesticide groups are brought together.

Mr. HENDERSON. Mr. Ink, you are setting up five new assistant administrators, new positions that are being created. Can you give us some idea what each one of those would be doing and how these organizations will fit in under their responsibilities?

Mr. INK. Let me come to that in a minute, if I might.

Finally, the radiation functions which are coming from three different sources—AEC, Federal Radiation Council, and HEW—will probably be put into one unit.

In addition to that, he will, of course, have an administrative unit, and he will have some type of planning and evaluation unit.

We would expect that a new Administrator will also, as most agencies do, want to establish some staff unit of a crosscutting nature. I think monitoring may be one of these; EPA will have monitoring in a lot of different areas and will have to see what can be done with respect to coordinating that effort. Research is another. Some of the pollution control areas have moved much further in research than have others. That needs to be coordinated.

It is here particularly that we think the new Administrator ought to have the opportunity to have a voice, as was done in the case of the Secretary of Transportation, for example. You recall when the Department of Transportation was discussed before the committee, we talked about staff functions, but they were not specifically identified. We discussed organization with the committee before they were actually specified. At the time of the hearings on DOT on the Hill, this had not been determined.

Mr. HENDERSON. Maybe we can go into that in a little more detail when you make your presentation. I do not want to detain the committee now. Would that be all right with you?

Mr. INK. Yes.

Mr. BLATNIK. We thank you, not only for your presence but for the enormous amount of time that you and the members of the Council have paid to this important subject. I hope the discussions of yesterday and today do not indicate differences of opinion. I think they underlie and underscore the magnitude of the problem as much more complicated, complex and interrelated—a frustrating problem. We worked with water alone and are still having a dickens of a time trying to solve that problem.

We appreciate your recommendations and your judgments, and I hope you understand our feelings. Our main problem, I think, is not so much differences in objectives or differences in goals or even how to get to the goals, but I think a closer working relationship, to some degree, in advance of these problems would be helpful.

The Congress is in a rather difficult position, being in a sort of strait-jacket so it cannot make even reasonable minor adjustments in the proposal once it comes up here. The more comprehensive the program is before it is presented, the easier time we have here.

We thank you, the Council and the members of your staff, for your participation and for your very important contribution.

The hearings will recess until 2 o'clock this afternoon. Mr. Ink, I think you may summarize your portion on the administrative aspects as necessary. I do want to express apologies to the remaining witnesses. I am confident we will be able to hear your testimony this afternoon.

The hearings will recess until 2 o'clock.

(Whereupon, at 12:15 p.m., the subcommittee recessed, to reconvene at 2 p.m. of the same day.)

AFTERNOON SESSION

Mr. BLATNIK. The Subcommittee on Executive and Legislative Reorganization of the House Government Operations Committee will please come to order. We will resume public hearings on Reorganization Plan No. 3 of 1970.

Thank you, Mr. Ink, for standing by all day yesterday and being available this morning. You have a statement to present as Assistant Director of the Office of Management and Budget.

Mr. Ink, if I may suggest it—it is our fault as much as anyone's, because we inadvertently scheduled too many witnesses for today—if you could summarize your statement, the statement in its entirety will appear in the record at this point. Without repeating those areas that have been covered yesterday and this morning—the need for a single agency, the advantages, et cetera—without duplicating all that has been covered, feel free to make any comments which you feel have not yet been brought to light to make a more complete record available—what we have not covered too well yet on the organizational structure, the agencies, the personnel, and the possible costs.

We may have some questions in that area, too.

You may proceed. Your statement will appear in its entirety at this point in the record.

(Mr. Ink's prepared statement follows:)

PREPARED STATEMENT OF DWIGHT A. INK, ASSISTANT DIRECTOR, OFFICE OF
MANAGEMENT AND BUDGET

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear in support of the President's Reorganization Plan No. 3 of 1970 which would create a new Environmental Protection Agency.

As the President pointed out in his message transmitting plan No. 3 and plan No. 4, which would establish a National Oceanic and Atmospheric Administration in the Department of Commerce, these plans represent important steps toward organizing our environmentally related activities more effectively. They have grown up piecemeal and are now scattered among a number of departments and agencies. While he recognizes that further changes may be desirable in this very complex area and that proposals have been made for such changes, the President has stated, "I also think that in

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practical terms, in this sensitive and rapidly developing area, it is better to proceed a step at a time—and thus to be sure that we are not caught up in a form of organizational indigestion from trying to rearrange too much at once."

The President well summarized the basic problem we face in the environmental protection area when he stated that, "Our national Government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action." In pointing out that the environment must be perceived as a single, interrelated system, the President also indicated that current executive branch assignments do not reflect that interrelationship.

At present, responsibility for pollution control is divided primarily according to the medium in which the contaminant occurs, i.e., air (HEW), water (mainly Interior), and land or food (HEW, Agriculture). However, a single source may pollute the air with smoke and chemicals, the land with solid wastes, and a river or lake with chemical and other wastes. Control of air pollution may convert the smoke to solid wastes that then pollute land or water, and control of water-polluting effluents may convert them into solid wastes which then must be disposed of on land. Some pollutants, such as pesticides and radiation, are present in all media, and do not fit into the traditional air-water-soil categories. This fragmentation leaves us vulnerable to confusion, overlap and delay in the recognition of new problems which cut across organizational boundaries. More importantly, there has been no place of central cognizance and responsibility for determining research priorities and recommending standards, for monitoring individual pollutants appearing in different media, and for preventing the introduction of new pollutants into the environment.

A more effective approach to pollution control would involve the systematic identification of different pollutants and then the tracing of their paths

through the various elements of the environment, the determination of the total permissible exposure of an individual or the environment to a pollutant or pollutants, and the evaluation of the interactions among different pollutants and different forms of pollution. Research, standard-setting and policy formulation could then occur on a comprehensive basis.

A consolidation of the major existing pollution control programs is, in our judgment, necessary to accomplish these objectives. Similarly, a consolidated pollution control agency would insure that the responsibility for dealing with new environmental problems will be promptly fixed. It would also serve to simplify relations between the Federal Government and State and local governments, and would enable private industry to comply more readily with pollution control regulations by providing a single tolerance-setting agency.

In order to deal with these problems and issues, Reorganization Plan No. 3 would create a new agency—the Environmental Protection Agency (EPA)—to consolidate our basic efforts to determine tolerance levels and standards for various major forms of pollution affecting the general environment and, where appropriate, to bring together our efforts to enforce those standards and to provide assistance in alleviating pollution problems.

The plan deals with activities relating to five basic areas of pollution—water, air, solid waste, pesticides and radiation—and combines in EPA the functions carried out by the Federal Water Quality Administration (FWQA), now in the Department of the Interior; the National Air Pollution Control Administration (NAPCA), parts of the Environmental Control Administration (ECA), and the pesticides research and regulatory programs of the Food and Drug Administration, all presently located in HEW; the pesticides registration and related authority of the Department of Agriculture; the environmental radiation protection standard-setting function of the AEC; the functions of the Federal Radiation Council; some of the pesticides research conducted by the Bureau of Commercial Fisheries; and authority to conduct ecological systems research, now vested in the Council on Environmental Quality. The EPA's estimated budget and staff in fiscal year 1971 will be \$1.4 billion and almost 6,000 personnel.

The criterion for deciding what programs should be placed in the new agency was that the EPA should include all those, and only those, programs or functions necessary for it to carry out its mission of integrated policy-making and pollution control. Thus, the plan would transfer existing standard-setting authority covering all the major classes of pollutants to the new agency, and provide it with access to the research competence necessary to determine what the standards should be. EPA can also obtain needed infor-

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mation or services from other agencies, on the basis of interagency agreements if necessary. In addition, the EPA will incorporate many of the major Federal technical assistance and grant programs which, hitherto, have been the backbone of the Government's antipollution effort. We have not felt that it was either practical or desirable to transfer to EPA certain enforcement activities—such as FDA's food removal authority—which are integral parts of a larger effort in another agency involving factors other than pollution. This has involved difficult judgments in some areas, and experience may well indicate later adjustments are desirable.

While the plan results in reasonably clear and simple transfers in the areas of water, air and solid waste pollution, I believe it would be helpful

to explain in some detail how the plan would deal with the areas of pesticide and radiation pollution which are quite complex and involve pulling together programs of several agencies.

The present Federal regulatory authority in the pesticide area is directed at providing farmers, homeowners, public health officers, and other individuals with pesticides which are adequate to control pests while at the same time protecting the public health, the health of the user, and the general environment. Federal law provides for a system of standard-setting and premarket clearance in order to achieve this goal. For example, the Federal Food, Drug, and Cosmetic Act directs the Secretary of HEW to establish food tolerances for pesticides, that is, pesticide residues allowed on raw agricultural products and in processed foods. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Secretary of Agriculture may register a pesticide for specific uses in the United States if he finds that the pesticide is both effective and safe for humans and is not overly damaging to the environment. The pesticide must be registered in such a manner that the pesticide, when used according to the directions on the label, will not result in residues on or in foods greater than those established by the Secretary of HEW.

In establishing food tolerances, the primary objective of the HEW Secretary is to protect the public from unsafe food. However, the Act also directs the Secretary to “* * * give appropriate consideration among other relevant factors * * * to the necessity for the production of an adequate, wholesome and economical food supply * * *.” These tolerances are enforced through both the FDA food inspection program and the USDA meat and poultry inspection programs.

The Secretary of HEW also reviews proposed pesticide labels for safety to humans, focusing particularly on the possibility of hazard to the users or to other humans who might come in contact with the pesticide. In a similar way, the Secretary of the Interior reviews proposed pesticide labels to insure that the label instructions are adequate to protect fish and wildlife. The latter two reviews are conducted under the terms of an administrative arrangement among the three Secretaries. The Secretary of Agriculture may take the views of the other two Departments into consideration when registering a pesticide and in practice usually does, but he is not legally bound to do so.

There has been considerable criticism recently of the way in which the Federal Government has acted to avoid the undesirable effects of pesticides. Part of the problem stems from the fact that the laws under which the Federal Government operates are inadequate. For example, the Government does not have control over the actual use of pesticides (except in the limited case of application of pesticides by airplane). Another part of the problem results from the fact that the principal emphasis of the Federal program when it started was on the efficacy of marketed pesticides. While this aspect of the problem is still extremely important, we are now beginning to place very heavy emphasis on the environmental effects of pesticides. Further, since the regulatory authority has been so fragmented, it has been difficult for any one department to assume the needed leadership role and to direct resources for a coordinated Federal effort.

During the past year considerable effort has been made to improve the operation of the Federal program. A new interagency agreement between the Secretaries of Agriculture, HEW, and Interior was developed which assures that the registration process will reflect the increased concern with the human

health and other environmental effects of pesticides. This action has led to cancellation and suspension actions on certain uses of some persistent pesticides, such as DDT. Nevertheless, further steps, such as this reorganization, are needed.

Reorganization Plan No. 3 calls for the consolidation of the major aspects of the Federal pesticide effort. EPA will have the responsibility both for establishing tolerances for pesticide residues on food and for registering [p. 76]

pesticides under FIFRA. The EPA will look to the Department of Agriculture, the Department of the Interior and the Department of HEW for research and advice on the efficacy of these pesticides, and for basic research on the effects of these pesticides on health and on the general environment. However, EPA will have authority and funds to conduct certain research needed for its regulatory decisions. The EPA will also be the focal point for the Federal monitoring effort and public information activities related to pesticides.

The Food and Drug Administration will retain its responsibility for taking legal action against foods which have excessive residues of pesticides. This legal enforcement function is an integral part of the FDA's food protection activities and there is no need for the EPA to duplicate this extensive enforcement capability. For the same reason, the Secretary of Agriculture will retain his authority to remove from the market meat and poultry products which contain residues of pesticides in excess of EPA tolerances. EPA will do supplementary monitoring of pesticides and their effects to the extent it deems necessary.

Perhaps the most essential feature of this reorganization of pesticide activities is the combining of two Federal regulatory authorities—the USDA registration authority and the FDA tolerance-setting authority.

In the radiation area, the Administrator of the Environmental Protection Agency will assume responsibility for the functions presently performed by the Federal Radiation Council, the functions of the Division of Radiation Protection Standards in AEC that have to do with establishing environmental standards applicable to the general population, and the functions of the Bureau of Radiological Health in HEW, except for those functions that relate to consumer product regulation, radiation as used in the healing arts, and occupational exposures to radiation.

The FRC now sets body dose guides or criteria: The amount of radiation to which a member of the general public may be exposed. It also deals with the problem of occupational exposures. To do this, the FRC now relies on the published literature and the competence of groups such as the National Academy of Sciences, the National Council on Radiation Protection and Measurements, and the International Commission on Radiation Protection. The FRC also utilizes expert temporary staffs for special studies. The radiation protection guides are now presented by the chairman of the FRC to the President for approval. Upon his acceptance, they become guidelines for Federal agencies in their own activities and those licensed by them, and the guidelines are incorporated into standards and regulations promulgated by the agencies.

The Federal Radiation Council would be abolished, but all its duties, responsibilities, and activities will be assumed by the EPA. As a result, EPA will establish radiation protection guides (dose criteria) for the general

population and occupational workers. These criteria will be determined (and continually reexamined), as is done now by the FRC, with the aid of panels of scientists from within and without the Federal Government who will sift data produced by researchers in the scientific community. The existing statutory requirement that the NAS and NCRP be consulted would continue to apply. I would stress the importance of drawing upon the best technological and scientific expertise available for this important work.

The EPA will use these radiation protection guides in setting general environmental standards. By standards, we mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

EPA's general environmental standards will be enforced by the AEC through its licensing authority. They will also be used by the AEC and other Federal agencies in carrying out their direct activities.

During the course of our discussions of plan No. 3 with Members of Congress and others a series of questions have been raised which I would like to comment on.

First, the establishment of the Environmental Protection Agency as a separate agency rather than as a component of an existing department or agency has been questioned. A deciding factor in this case was the need to give emphasis to the environmental protection programs and to avoid the risk of those programs being buried in the massive variety of on-going efforts in which Cabinet departments are involved. Just as the atomic energy and space programs were organized to be performed by separate new agencies because of their high national priorities at the time they were established, so the President believes that the environmental protection program, which is of critical importance, needs to be housed in a separate agency for the concentrated effort that needs to be mounted.

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It has been suggested that, since most of the EPA programs now are within executive departments headed by Cabinet members, their placement in a separate agency headed by a non-Cabinet level administrator results in a downgrading. We cannot agree. At present, these programs are placed in such a way that various levels of supervisors exist between them and the Cabinet members, and they must compete for attention with a host of other important departmental activities. Their placement in EPA will assure close top level supervision by an officer who will have a key position in the administration.

In addition, the decision was based, in part, on the need to avoid the institutional biases of existing agencies. This is not said in any derogatory sense, but, as the President has pointed out, the existing departments have their own primary missions—resource development, transportation, agriculture—which properly and necessarily affect their views of environmental matters. To vest all the EPA programs in one of those departments is apt to result in a particular slant to those activities and questions as to its objectivity in dealing with matters affecting and controlling other departments.

Second, interest has been expressed in the relationship between EPA and the Council on Environmental Quality. The relationship will be akin to that which exists between the Office of Science and Technology and our major re-

search and development agencies or between the Council of Economic Advisers and the agencies having a major impact on the economy and employment levels. CEQ, like OST and CEA, is a unit in the Executive Office of the President, and as such plays a key role in advising the President and acting in his behalf to coordinate activities and to help develop policies and priorities in its program area. These units do not have day-by-day operating responsibilities. In contrast, EPA will have the latter type of responsibilities in the area of standard-setting and certain related research, enforcement, and assistance activities. Obviously, the two agencies will have to work closely together to achieve overall strategies and objectives. In addition, CEQ is concerned with all environmental activities, not just pollution control.

Third, there have been questions relating to the organization of EPA, particularly with respect to how ongoing programs can be moved into the new agency without creating serious disruption and confusion. In part, I believe this concern results from the problems which occurred several years ago when the water pollution control function was shifted from HEW to Interior, causing significant operating problems in the process. We agree on the importance of avoiding these problems. For that reason, it is intended that the programs involved be moved to EPA intact. Thus, we would anticipate the Federal Water Quality Administration, the National Air Pollution Control Administration and the Bureau of Solid Waste Management would move into EPA as major constituent units. We would also anticipate that the radiation activities coming from HEW and AEC and the pesticide activities coming from HEW, Agriculture, and Interior would move intact, although they probably will be brought into two overall units dealing with radiation and pesticides.

We believe the new Administrator should consider the establishment of certain cross-cutting staff units to help him coordinate related activities in the operating units. In addition to a general administrative and management staff, examples of such units might be ones dealing with the areas of research and standards, monitoring, technical assistance to State and local governments and enforcement. We have established an interagency task force to develop various alternatives for the new Administrator to deal with these matters and to develop necessary common or consistent administrative services.

We do not believe it wise to make a final determination with respect to these staff functions prior to the new Administrator, or at least an acting administrator, having the opportunity to consider the various options. I believe this is common practice. Likewise, there are a few organizational units in existing departments in which some staff will be shifted to the new agency and others left in the existing department. In those instances, although we can indicate the approximate division of manpower, we believe that the final determination should not be made until the new leadership has an opportunity to express its views with respect to the division of resources. As you know, the precise breakdown of dollars and numbers of people and other resources is made by means of determination orders. Such orders are developed by the Office of Management and Budget in consultation with the affected agencies and are issued by the Director of OMB. Although planning is underway now with respect to factors that will go into the determination orders, the actual orders will be issued at the time the transfer becomes effective.

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Finally, there has been concern about the transferability of members of the Public Health Service Commissioned Corps. You will recall that this was a serious problem at the time the water pollution control program was transferred from HEW to Interior. Initially, such personnel will be detailed to EPA. Then under separate legislation, which was forwarded to the Congress last week, they will be given an opportunity to convert to positions in the regular civil service in such a way that they will have compensation and other benefits which will not result in a basic loss to themselves.

In summary, Reorganization Plan No. 3 would in creating EPA provide us with a strong focal point for dealing with the critical problems of setting and enforcing pollution control standards in a rational and consistent way. As such, EPA would have a key role to play in protecting the environment by abating pollution. It would bring to bear related research and information activities, assist State and local governments and others in arresting pollution through grants and technical aid and assist the Council on Environmental Quality in developing new policies in this vital area.

I urge that Plan No. 3 be allowed to become effective.

STATEMENT OF HON. DWIGHT A. INK, ASSISTANT DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET; ACCOMPANIED BY HOWARD SCHNOOR, CHIEF, GOVERNMENT ORGANIZATION STAFF, AND CHARLES ELKINS, EXAMINER; AND DOUGLAS COSTLE, SENIOR STAFF ASSOCIATE, PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION

Mr. INK. As was discussed this morning, the Agency is designed to provide a special focus in the environmental pollution control area. One of the areas about which I think some question has been raised is the relationship of the Council on Environmental Quality and the Agency. I might just add a little to what has been discussed thus far on that point.

Mr. BLATNIK. That is a good point.

Mr. INK. Important as we regard pollution control, it is, of course, just one of a number of broad areas that relate to the environment. The Intergovernmental Cooperation Act talks about some of these other areas for example, the development and conservation of natural resources, including land, water, minerals, and wildlife. Here we have the Agriculture Department and the Interior Department. Recreation and natural beauty, and planned communities are other related areas. The environment involves, as we see it, many functions, involving many agencies, and the Council has the task from a policy standpoint, not as an operating staff but as a staff to the President, of relating this broad range of activities throughout the Federal Government.

As you know, the statute which established the Council on Environmental Quality did give that Council some specific functions

which, if it is agreeable, it might be useful to include in the record at this point.

Mr. BLATNIK. Yes. Without objection, it will be so ordered.

Mr. INK. It talks about the appraisal of programs and about following the trends, about studies and research relating to environmental quality which, as I say, go far beyond just the element of pollution control that we are concerned with here. As Mr. Train pointed out yesterday, the Agency we are talking about, the EPA, is an operating agency, and it would report directly to the President and not be a subordinate to the Council.

(The statute referred to, Public Law 91-190, follows:)

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Mr. INK. I think we have covered pretty much the question of the components of the agency. I might add a bit to some of the discussion this morning with respect to why certain types of things were left out. I might give one or two examples that would be helpful and, as requested this morning, a list of excluded functions will be forwarded to the committee.

Pesticides are an important area of EPA concern, clearly, but the pesticides research program in Agriculture is not transferred to this agency. The rationale of the Ash Council, which we support, is that it is an important task of the Department of Agriculture to continue to undertake research toward the effectiveness and efficacy of pesticides. It is important from the standpoint of the farmer that there be a place in the Federal Government that is concerned about research that relates to the effectiveness of pesticides to do the job they are supposed to do from the standpoint of agriculture. So, it was felt that this program was too intimately related to the Agriculture mission to be transferred, but the standard-setting of pesticides to assure the protection and health of people is being shifted under this proposal.

Mr. BLATNIK. Will the efficacy of pesticides be left to the Department of Agriculture for the research work required?

Mr. INK. Yes.

Mr. BLATNIK. But the adverse effects on environment and standards will be included in the new agency.

Mr. INK. That is correct.

Mr. BLATNIK. Does not the Government require just the opposite in the case of the Food and Drug Administration? In dealing with drug certification, they require the manufacturer to prove the efficacy of the drug, and also to secure the certification as to what

the side effects may or may not be, and, if there are side effects, how serious they are.

I ask this question because of the relationship between the scientific approach in the field of drugs and in the field of pesticides, both affecting the health of living things. It is not an important question at this point, but I am interested in why it is a divided function in the case of pesticides, whereas the FDA requires the manufacturer to do both in the case of drugs.

Mr. ELKINS. The new agency will make the decision with regard to the registration of pesticides, and that decision will be based not only on the effects of the pesticides on the environment and on health, but also on the efficacy. So, the standard-setting or registration process decision will be on both efficacy and the effects. What will be left in the Department of Agriculture is the research on efficacy.

Mr. BLATNIK. And the adverse effects on the environment.

Mr. COSTLE. Agriculture also conducts research on developing alternatives to pesticides. To that end, they have a special expertise. The primary responsibility for that will be left in Agriculture.

Mr. INK. Again, it is the feeling that that is an important part of Agriculture's mission in the field of agriculture, and there is a desire not to bring into the pollution control agency a range of missions and functions which would probably decrease the effectiveness of such missions, because it is hard to develop and maintain the kind of expertise in these special-mission areas outside of their home base, which is the Department of Agriculture.

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Mr. BLATNIK. I do not quite agree with that, because the scientists, usually biochemists, working on pesticides, find precisely what is happening to a living organism, plant or animal. They know the adverse effects, and they likewise know its effects in other forms. They are not using a peephole approach as scientists.

For example, let us say a pesticide firm comes out with a very effective pesticide which is cheaper, more efficient and more effective than any one thus far known. They use it. They say it is not our responsibility to have regard or concern about the adverse effects or how bad they may be. Certainly, it will have some adverse effects, but if nobody hollers or yells, it is fine, and we will continue to use it. It will be up to some agency to determine that this stuff is not dangerous for immediate use but over a long period of time the cumulative effects are terrible. There is a con-

troversy. What shall we do? Shall we continue using it? Shall we find a less efficient pesticide which is more costly? You have to balance the two sides in the approach.

There is a question about using that as a basis for making a determination. In the case of pesticides, how much of the operational function shall remain in Agriculture and how much shall be transferred to EPA?

Mr. COSTLE. There will be in EPA a considerable amount of research on pesticides. For example, we are transferring a portion of the authority for the Fish and Wildlife Bureau to do specific pesticide research on fish and wildlife. The issue, I think, is more the accessibility of the research and its results and its availability to the people who have to set the standards. This is true particularly with respect to agencies that would have related research responsibilities. EPA would have the authority to supplement their research and serve as the point of central cognizance to assure the whole research effort in any area is in fact adequate.

Mr. BLATNIK. Would EPA have premarket clearance authority? Would they have that authority?

Mr. ELKINS. That is correct.

Mr. INK. We think that standard-setting is a highly significant function. It has significance out of proportion to the numbers of people and numbers of dollars allocated to it. If you can set a standard which will protect the safety of people, then you in effect have set a line in back of which people have to work to develop the kinds of systems and programs which can meet those standards.

Even in instances, such as atomic energy, where the numbers of people in EPA are small, the standards are extremely critical and crucial, we feel, to the overall operation.

There were questions raised with respect to the organization of EPA. I might read my statement beginning at the bottom of page 12 on that part of it.

There have been questions relating to the organization of EPA, particularly with respect to how ongoing programs can be moved into the new Agency without creating serious disruption and confusion. In part, I believe this concern results from the problems which occurred several years ago when the water pollution control function was shifted from HEW to Interior, causing significant operating problems in the process.

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Mr. Chairman, you are aware of this because we have talked about that problem.

We agree on the importance of avoiding these problems. For that reason, it is intended that the programs involved will be moved to EPA intact. Thus, we would anticipate that the Federal Water Quality Administration, the National Air Pollution Control Administration, and the Bureau of Solid Waste Management would move into EPA as major constituent units. We would also anticipate that the radiation activities coming from HEW, AEC, and the FRC and the pesticide activities coming from HEW, Agriculture and Interior, would move intact, although they probably will be brought into two overall units dealing with radiation and pesticides, that is, one unit for each.

We believe the new Administrator should also consider the establishment of certain crosscutting staff units to help him coordinate related activities in the operating units. In addition to a general administrative and management staff, examples of such units might be ones dealing with the areas of research and standards, monitoring, technical assistance to State and local governments, and enforcement.

We have established an interagency task force to develop various alternatives for the new Administrator to deal with these matters and to develop necessary common or consistent administrative services.

Mr. ERLNBORN. Might I ask the witness at this point, you mentioned the difficulties that arose when the Water Pollution Control Council moved from HEW to Interior. As I recall, one of the elements that contributed to the problem here was the fact that we were moving a group that was in the uniformed service, a commissioned service, under different retirement rules, and not under the regular civil service. That will not be the case in this shift; is that correct?

Mr. INK. That was a problem. There were several problems, but the difficulty in making that move was certainly one of the major problems. We have introduced legislation to deal with this. Of course, it will not be a problem in transferring the water group from Interior, because that change has already been made, but we need to make sure that a similar problem does not arise with respect to the Commissioned Corps people who will be moving from HEW to the new Agency. For that reason, legislation has been introduced to meet that particular problem.

If you are interested, when Mr. Jones comes—he will be here in a few minutes—he can go into that legislation with you. The Surgeon General is also here, and he can describe it in some depth.

I also would like to suggest that it is easier to move into a new

agency in the sense that one has more administrative flexibility in dealing with these kinds of problems than when you move from one large Cabinet department to another, where the procedures have been established for a good many years and applied to large bodies of people.

We do not believe it wise to make a final determination with respect to these staff functions prior to the new Administrator, or at least an Acting Administrator, having the opportunity to consider the various options. I believe this is common practice.

Likewise, there are a few organizational units in existing departments in which some staff will be shifted to the new Agency and others left in the existing department. In those instances, although we can indicate the approximate division of manpower,

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we believe that the final determination should not be made until the new leadership has an opportunity to express its views with respect to the division of resources.

This, again, has been our practice in the past.

As you know, the precise breakdown of dollars and numbers of people and other resources is made by means of determination orders. Such orders are developed by the Office of Management and Budget in consultation with the affected agencies, and are issued by the Director of OMB. Although planning is underway now with respect to factors that will go into the determination orders, the actual orders will be issued at the time the transfer becomes effective.

I think, looking over past history, they very often come out 2 or 3 weeks after the plan becomes effective. Although we like the basic order to be issued at the time the plan becomes effective, there may be some areas in which such orders will follow later.

Finally, there has been concern, which Mr. Erlenborn mentioned, about the transferability of members of the Public Health Service Commissioned Corps. You will recall that this was a serious problem at the time the water pollution control program was transferred from HEW to Interior. Initially, such personnel will be detailed to EPA. Then under separate legislation, which was forwarded to the Congress last week, they will be given an opportunity to convert to positions in the regular civil service in such a way that they will have compensation and other benefits which will not result in a basic loss to themselves.

In summary, we believe this plan would, in creating EPA, provide us with a strong focal point for dealing with the critical

problems of setting and enforcing pollution control standards in a rational and consistent way. As such, EPA would have a key role to play in protecting the environment by abating pollution. It would bring to bear related research and information activities, assist State and local governments and others in arresting pollution through grants and technical aid, and assist the Council on Environmental Quality in developing policies in this vital area.

Mr. Henderson was interested in organization, and we were talking about that briefly this morning. As we indicated, program elements that are coming in from the other departments would probably be grouped at the time the plan becomes effective into five operational units: one on water, which is the water pollution control group in Interior which would come over intact; the solid waste group from HEW; the air group from HEW, the pesticides group from three areas—Agriculture, Interior, and HEW; and the radiation group, again from three areas—AEC, HEW, and the Federal Radiation Council.

Mr. HENDERSON. Would they all be listed at the same level? The reason I ask that is there is so much more involved in the water pollution program than in the others, both moneywise and personnelwise.

Mr. INK. I will be happy to give you a copy of the working chart that we are using at the present time. We would show them all on the same level from the standpoint of organization. This does not necessarily mean they would all have the same grade level. They would report to the Administrator and the Deputy Administrator.

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Then, as we mentioned this morning, we would expect some staff groups to be established. Clearly, an administrative unit will be necessary, and some type of planning and evaluation group will be necessary. Decisions on the crosscutting staff units is where we particularly feel the need for the new Administrator to have a chance to express his views.

Before putting that in concrete, Mr. Chairman, we would welcome any thoughts you people may have in terms of areas where you in your work or other committees have seen a need for this kind of crosscutting staff effort.

We mentioned monitoring and research as two types of candidates.

As I say, we would be happy to give you a copy of this worksheet.

Mr. HENDERSON. There are five major groupings. Do you expect each one will have an assistant secretary?

Mr. INK. Assistant administrator?

Mr. HENDERSON. Yes.

Mr. INK. We do not know whether the administrator would want to use, I think it is, up to five for that purpose. In the case of the Department of Transportation, for example, these types of positions were used in crosscutting staff functions or combinations thereof. We would feel it important that such aides not be a layer above the operational units. In other words, if they were used in an operational sense, they would head up the operational unit.

Mr. HENDERSON. Would that be different from the situation that exists in Interior now, where there is an Assistant Secretary for Water Quality and Research, and the agency is separate and has its own head?

Mr. INK. If the head of the water unit were made an Assistant Administrator, then it would be different in that there would be no group or no level in between the operating unit and the head of the Agency. In the case of a Cabinet department where there are so many functions, a broad range of functions, the kind of grouping becomes much more significant, and necessary, than in the case of a more limited focus such as you have in an agency of this kind.

Mr. HENDERSON. There has been a good deal of concern expressed by many interested in the legislation that bringing these groups together, although they are not of the same order of magnitude in their programs, might cause some of the larger ones to be subordinated in ways that they may not presently be, to the benefit of some of the smaller groups. Can you give us any assurance on that?

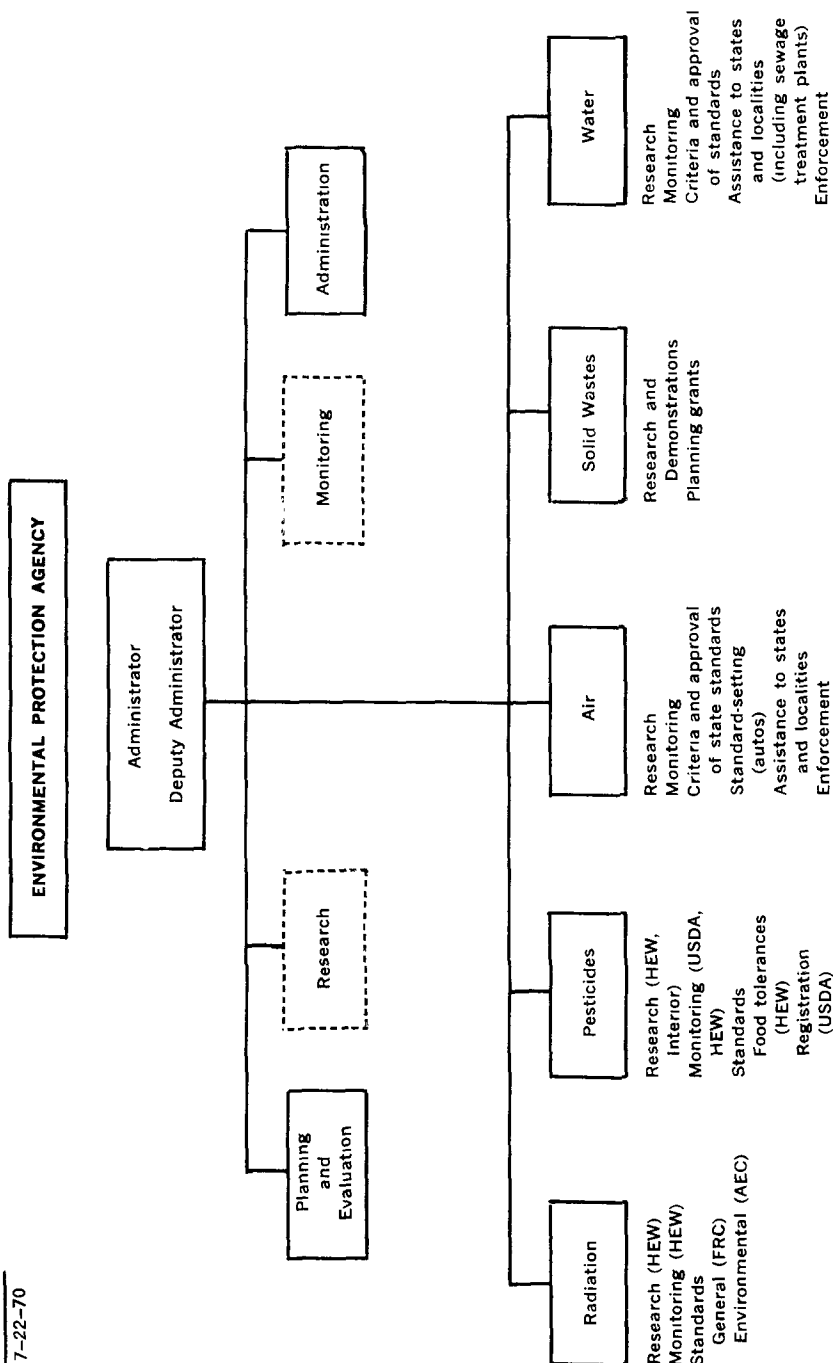
Mr. INK. As I indicated, each of these program elements would report directly to the Administrator and, consequently, I do not really see how one would be subordinated to the other.

Of course, in any organization, some individuals are more effective than others. The funding clearly will be different. Some areas have a public works element to them, whereas others do not.

There is no intention to subordinate air to water or water to air or radiation to pesticides or pesticides to radiation.

(The following draft organization chart was subsequently submitted by Mr. Ink:)

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Mr. BLATNIK. Mr. Erlenborn?

Mr. ERLENBORN. Thank you, Mr. Chairman.

I do not now have any questions to ask Mr. Ink. Your testimony is eloquent in support of the plan. I know my colleague, Mr. Brown, has a few questions, so I will defer to him.

Mr. BLATNIK. Mr. Brown?

Mr. BROWN. Mr. Ink, if I were involved in some kind of business concerned with a pesticide that might be put on crops and wanted to get approval of this item, under present circumstances and under the proposed EPA Agency, it occurs to me I might have to go to a number of different agencies for that approval in order to get it cleared. I would assume the same thing is true if you had something in the pollution control area. It would be delayed in terms of dealing with the Federal structure.

I have had experience with reference to a company which has a solid waste disposal idea wherein they had to deal with at least four different Federal agencies, and have run into the problem that one agency tells them one thing, and another agency says it will take a serious look at the situation, and total frustration results from that.

Will this resolve that kind of problem?

Mr. INK. We think it will in most cases but not all cases, Mr. Brown. The drawing together of the pesticides registration work in Agriculture and that which is done in the Food and Drug Administration supported by research from the Interior Department, we think will help in most cases, but not all cases.

Mr. BROWN. At least it will resolve things that might be combined, say, in solid waste and air pollution and water pollution.

Mr. INK. Yes. We think one of the advantages, both to industry and to State and local governments, will be the ability to come to one place in the Federal Government concerned with most of the standard setting that relates to pollution control. This, we think, is significant because pollutants do not all recognize the difference between air and water and land. It is important that State and local governments, in dealing with these problems, deal with the *environment as an entity*. When the Federal Government is fragmented in this fashion we tend to handicap the State governments by our inability, at times, to pull ourselves together in the Federal Government. I think this probably handicaps the State governments in mounting the effective environmental pollution control programs that they need.

Mr. BROWN. I get the impression, from what I know of pollution control and the degree of sophistication of research and standard

setting by the various agencies that are now being carried on under different organizational levels in different departments, that perhaps the water research is the most sophisticated. The water pollution control agencies appear to have done the most work for the longest period of time and are perhaps further along with reference to pollution control, standards, and criteria, and enforcement activities than, for instance, those in air pollution control, and, certainly, a good deal further along than those in the solid waste disposal area.

Mr. INK. There is no question that it is much further along than solid waste disposal.

Mr. BROWN. What has been the atomic energy experience?

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Mr. INK. In atomic energy there is a very high degree of sophisticated experience. It is nonetheless a controversial area. There is disagreement.

Mr. BROWN. You mean disagreement in sites.

Mr. INK. Yes; and some disagreement with respect to standards. But there has been a tremendous amount of scientific effort put into the atomic energy field.

Mr. BROWN. The experience of the Water Quality Control Administration demonstrates fairly effectively that objective water quality standards can be developed and enforced. In the Water Quality Control Administration, as I understand, just to take one small aspect of it, the question of thermal pollution requires you to determine, in advance, what kind of fish you want to maintain in the river and then to regulate your pollution to different levels at different times so you do not destroy the fish especially when they are hatching.

Mr. INK. I am afraid you lost me, Mr. Brown.

Mr. BROWN. Although the administration of the air quality standards has not advanced to the same degree of development of standards, objective standards can, undoubtedly, be developed also. What I am really asking, is there a relationship, administratively, between the experience that can be developed in water pollution control enforcement and enforcement in the air pollution area or in the solid waste disposal area?

Mr. INK. Yes; I think there is. We can tell a good deal better how much and what that is after these units are brought together in the same agency.

I recall in the early days of establishing the regulatory program in the atomic energy field experience in other regulatory fields was

drawn upon and was useful. I am sure here we will find the same thing to be the case here.

The water program has been under way, I believe, for a longer period of time than air. I know the chairman and some others have put a good deal of effort into the water program, and it has developed a good deal of competence in recent years.

Mr. ERLNBORN. Now that Mr. Brown has gotten into this area, it reminded me of one or two questions that I asked Mr. Train yesterday and on which he deferred and suggested you might better be able to answer them.

You may recall I asked him who would appear here before the legislative committees to present the case for legislative authorizations and levels of spending. For instance, in the FWQA, I presume it is an assistant secretary who has some jurisdiction in this area and maybe jurisdiction broader than just FWQA.

Under the EPA, it would be the Administrator or someone in that Agency, I presume.

Mr. INK. Yes; I would suspect normally the Administrator would bring along the head of whichever area was under discussion. The Administrator would have the responsibility and the accountability for defending these areas before Congress, both on the authorizing and the appropriating actions.

Mr. ERLNBORN. Maybe on the appropriations side it is even more imperative or important. Presently, you find the various appropriations in the field of environmental control, I might use the word "buried" in the overall appropriation for the depart-

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ment, some in HEW, some in Interior, and so forth. Would this reorganization change that pattern so there would be an item or several items in the independent offices appropriation that would present a clearly identifiable package of environmental control appropriations?

Mr. INK. Of course, we do not know how the Appropriations Committee will want to handle the appropriation, but the budget will be drawn together on a coordinated basis. There will be a budget for environmental pollution control. It will be drawn together within the executive branch, and it will be reviewed in the executive branch on that basis. How it would be handled by the Appropriations Committee will be determined by the Appropriations Committee.

Mr. ERLNBORN. Obviously, it no longer would be in the separate Cabinet departments such as Interior, HEW, and so forth, since the jurisdiction has been removed from those departments.

Mr. INK. That is right.

Mr. BLATNIK. The administrator, the head of the agency, with officials under him, would appear before the appropriate Subcommittee on Appropriations; but if there is more legislative action, would the EPA chief appear before the parent committees that created these programs? For example, water pollution, which emanated from the House Public Works Committee; solid waste disposal, which stemmed I believe, from the Interstate and Foreign Commerce Committee; and air pollution from the Interstate and Foreign Commerce Committee. Some health aspects, of course, are in HEW. Would the Administrator and his deputies go back to the parent committees?

Mr. INK. You remember this morning that Mr. Holifield said he expected to see the head of the agency with respect to the atomic energy area. The head of the agency will appear before the committees having substantive jurisdiction.

Mr. BROWN. Is it proper to consider this a regulatory agency?

Mr. INK. It has regulatory functions. We have not thought of it in the same context as the Federal Trade Commission, for example.

Mr. BROWN. It will have research powers. It will have standard setting authority.

Mr. INK. It has research related to standard setting, yes, sir, and it has monitoring powers.

Mr. BROWN. Where do you put monitoring? Do you consider that an important authority? That would make it to a degree an important agency.

Mr. INK. Yes.

Mr. COSTLE. Monitoring also in terms of what the problems are, as well as telling you how effectively you are dealing with them.

Mr. INK. In terms of seeing what the gaps are. After these groups are brought together and the administrator has an opportunity to look over the whole area in conjunction with the council, we would be very much surprised if they did not conclude that there are gaps that need to be dealt with; but in addition to that, the monitoring should show this up.

I think, Mr. Chairman, you mentioned several instances of related environmental problems. We hope through the monitoring capability over a period of time to identify those problems, because we have here an agency that is concerned with the environ-

ment as a totality from the control standpoint, rather than an agency concerned with a single-purpose focus which is the present way, since the elements are fragmented around in the Government.

Mr. BROWN. As I indicated earlier, water, air, and solid waste disposal, as well as atomic power plant pollution, must be considered together. In the enforcement area under the Clean Air Act there is authority vested in the Secretary of HEW to go in and set standards and engage in enforcement. Where does that now fit as a result of this proposal?

Mr. INK. This will be transferred to the agency.

Mr. BROWN. So, you put in the agency's hands the power to do the research and determine what the criteria will be upon which the standards are set for air, and then the enforcement of the regulations, if the State or local agencies fail to act in timely fashion. Is that correct?

Mr. INK. In most instances. However, there are some areas where this is so intertwined with highly complex safety features that not all of the enforcement machinery is moved over. The standard setting is, but not all of the enforcement machinery is shifted over.

For example, you were talking about atomic energy. How to make nuclear reactors safe is a tremendously complex, scientific and engineering problem. There is no effort here to move over that tremendously complex capability, which involves immense laboratories, and so forth, although the general environmental standard setting in the radiation area is being shifted over from the AEC to the new agency.

Mr. BROWN. Under the Clean Air Act, there is recourse to the courts, as I recall the legislation. In a way, this does become a regulatory agency, does it not?

Mr. INK. Yes.

Mr. BROWN. A decision is made, and it becomes a judicial decision in a way, because there is opportunity for appeal. It is an administrative decision, but it has a judicial aspect to it.

Mr. INK. In one area or another. I would not want to leave the impression of uniformity because, as you know, we are not setting up new functions. We are shifting them. Of course, they are somewhat apples and oranges as they come in from the different places.

Mr. BROWN. As a member of the Interstate and Foreign Commerce Committee where this originated, as the chairman pointed out, I am very much interested in which parts of this will be either better or more poorly administered. It occurs to me that by

putting it all together in this Agency, it will be better administered because the research will be closely connected.

I would also like to point out that in the Intergovernmental Relations Subcommittee of this committee, we conducted a study of the Agricultural Research Service, and not a very flattering study, which disclosed the inability of the Department of Health, Education, and Welfare to get information out of the Agricultural Research Service that related to pesticide use in which the Department of Health, Education, and Welfare was interested and which the Agricultural Research Service had the licensing authority over.

I do not know whether you are familiar with that report, but would that be resolved by the transfer of the pesticide functions of these agencies as they relate to the health aspects of pesticides?

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Mr. INK. The Pesticides Registration Division in the Agricultural Research Service will move over under this plan, as well as the environmental quality branch. Both of these units will be moved over from Agriculture.

Mr. BROWN. The input of the part that FDA has in this, will that also be combined?

Mr. INK. Yes, sir.

Mr. BROWN. I cannot help but think that that would be a beneficial combination.

One other area, if I may. This goes back to the point Chairman Blatnik was discussing in terms of relationship of the legislative branch. Between this proposed agency and the new Environmental Council, what relationship is envisioned here? Will the Environmental Council have an oversight responsibility with reference to the Agency?

Mr. INK. We look upon the Council as a staff group to the President, somewhat similar to the Council of Economic Advisers and the Office of Science and Technology. It does not have a direct line relationship to EPA. The Council's responsibility deals with the broad range of environmental activities that are in the Federal Government, the conservation of resources, for example, recreation, enhancement of the environment, which is a much broader area than we are talking about here in EPA. EPA has a very important part of the environmental area but it is focused on pollution control.

Mr. BROWN. EPA, if I may, will be charged with cleaning up

the water whether you use it to drink, swim in, or raise fish in. Is that correct?

Mr. INK. Yes, sir.

Mr. BROWN. In other words, that is their interest?

Mr. INK. Yes, sir.

Mr. BROWN. The recreational area or the transportation area goes to somebody else?

Mr. INK. Yes, sir.

Mr. BROWN. Are you telling me that the Environmental Council and the White House are concerned about what EPA is doing but it also has some of these other things it is concerned with?

Mr. INK. That is correct in a staff sense. The Council is not a line agency; it is not an operational agency. It is concerned with what EPA, Agriculture, Interior, and other agencies do with respect to environmental policy.

Mr. BROWN. The question is, If EPA does not do its job under this reorganization, you have this Council to look down its throat and tattle to the President or to the Congress or to the American public or somebody. Is that right?

Mr. INK. In the sense of appraising the effectiveness of the program, that is true. Not only with respect to EPA, but with respect to other departments as well.

Mr. BROWN. You also have the substantive committees of jurisdiction, Mr. Blatnik's Public Works Committee, Interstate and Foreign Commerce Committee, and Mr. Holifield's Joint Atomic Energy Committee. The House has passed a Joint Committee on the Environment. I think that is still along with other things hung up in the Senate. Presumably, that would also have jurisdiction over some of the EPA, would it not?

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Mr. INK. I would suspect they would want to hear from this group. I am sure that they would. It will be a highly visible group and, as Mr. Ash pointed out this morning, we think it is in the interest of the public that there be an organization, one organization which has this kind of visibility for better accountability to the President and the Congress and the people in its important area of pollution control.

Mr. BROWN. I don't want to belabor the question, but, Mr. Chairman, if I might have permission to submit written questions——

Mr. BLATNIK. Yes; Mr. Ink will be available on his return.

Mr. BROWN. Fine.

The only comment I have to make is that I am glad we have in prospect here an agency which will have the standard-setting responsibilities and the research responsibilities and the enforcement responsibilities put together. One of the concerns that I had a couple of years ago when we had the Clean Air Act up for consideration was that everybody wanted to do something about taking care of the air. We have now been in this business for several years.

Mr. BLATNIK. Seven years.

Mr. BROWN. Still, there was a real basic question as to what the standards should be, because the feeling was that adequate research had not been done. You were having somebody enforce and set standards that didn't control the research aspect of it. You began to feel around for answers and it was like fighting feathers.

In this area it seems to me we will now have a single responsible agency which will not be able to pass the buck to other agencies. We will be able to blame them for failures that occur or persist.

Mr. COSTLE. If I may, I would like to underscore the importance that we place on the standard-setting function. As we go down the road I think everyone expects that our problems of pollution are going to increase as our population does, as our society changes. The leverage that the standard-setting function has in this whole area is just absolutely critical. Even though we are transferring only a handful of programs, these programs represent that standard-setting authority that now exists, although fragmented within the Government. One should not underestimate the leverage that that function has on the whole question of environmental quality. It is an extremely influential factor in our efforts to improve environmental quality.

Mr. BROWN. Thank you.

Mr. BLATNIK. The gentleman made a very fine point in his concluding statement. The Chair is in complete agreement with it.

My question, Mr. Brown—not directed to you, but my question raised several times during the course of the hearings yesterday and today pertained to the fact that not enough of environmentally related activities are included in EPA; it was subjected to further research work; and the monitoring would revive the basic information and basis for your standards and enforcement.

Mr. BROWN. I would only submit, Mr. Chairman—and it might be appropriate to ask this question if it has not been already asked.

There are other environmental concerns, are there not, that will

surface, or have already surfaced, that can at some later time be included in this agency or moved to this agency?

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Mr. INK. Yes, sir; we agree with that. We regard this as an extremely important step. We do not regard it as the end-all for dealing with the pollution control problem. There are undoubtedly other things that the President and the Congress will feel should be placed in this agency. We feel, however, this is a very meaningful and important and significant step forward.

Mr. BROWN. That was an assumption on my part because there are other agencies or other activities in this area that I personally sense might be included and the plan, perhaps, could be criticized on that same basis for their exclusion. I am glad, however, to see the beginning made to develop this kind of strong regulatory agency.

I am not leery of using that word. I think that is what it is and what it ought to be. We should add to it and strengthen it and beef it up and change the laws because there are laws that need revision. We can build from this a much more effective knowledge as to how to deal with pollution in the future. It is going to be a whale of a lot more effective, I believe, than what we have had in the past. For this reason, I view it with some enthusiasm. If it does not work out you will be hearing from us, I am sure.

Mr. INK. I am sure of that.

Mr. LANIGAN. I have one question at this time.

Mr. BLATNIK. Yes.

Mr. LANIGAN. In the case of pesticides, there are two factors involved in registers or licensing. One is the chance that you might pollute the atmosphere or their use be dangerous. Another is whether or not they are as effective as claimed to be as pesticides. Will this new agency register and license pesticides on the basis of not being dangerous to the environment and being effective as pesticides, or will the Department of Agriculture still have to license them and do tests?

Mr. INK. The registration will be done in one place in the new agency. As we indicated earlier, the Agriculture Department will continue to have research responsibility concerned with the efficacy and will advise the new agency with respect to efficacy.

Mr. BLATNIK. Thank you very much.

Thank you and your associates, Mr. Costle, for standing by. Your testimony has been helpful to us.

The next witness is the Honorable Fred J. Russell, Under Secre-

tary of the Department of the Interior, speaking for the Secretary of the Interior.

Mr. Secretary, thank you very much for your patience and your tolerance in standing by these past 2 days. Mr. Secretary, we know the gentlemen with you, the distinguished Assistant Secretary for Water Quality and Research, Mr. Carl Klein, and the Commissioner for the Federal Water Quality Administration, Mr. David Dominick.

Thank you very much for your standing by so long. Do you want to read your statement?

Mr. RUSSELL. It is short.

Mr. BLATNIK. Please feel free to utilize the time to present your case as you want to have it presented. You can read the statement or it certainly shall appear at this point in the record in full. Summarize parts of it, if you wish. Proceed at will.

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STATEMENT OF HON. FRED J. RUSSELL, UNDER SECRETARY, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY CARL L. KLEIN, ASSISTANT SECRETARY, WATER QUALITY AND RESEARCH; AND DAVID D. DOMINICK, COMMISSIONER, FEDERAL WATER QUALITY ADMINISTRATION

Mr. RUSSELL. Mr. Chairman, members of the committee:

I am pleased to appear before you today to testify in support of Reorganization Plan No. 3 of 1970, which the President transmitted to the Congress on July 9, 1970. This reorganization plan, prepared in accordance with chapter 9 of title 5 of the United States Code, provides for establishment of an Environmental Protection Agency (EPA).

The President, in his landmark message of February 10, 1970, on the environment, pledged to recommend new and improved administrative measures to meet the environmental crisis. The establishment of EPA will carry out that pledge by consolidating the major Federal pollution control programs. Since you have reviewed the reorganization plan and the accompanying message of the President, and have heard the witnesses who have preceded me, I will summarize the content of the reorganization plan briefly at this time, but will not go into great detail.

EPA will bring together Federal pollution control programs which are now administered separately by the Department of the Interior and a number of other Federal agencies and councils. It will be able to conduct a comprehensive campaign to advance

environmental quality and to combat pollution in a manner which takes into account the interrelationship among what we have tended to consider as independent environmental problems—air, water, solid waste, radiation, pesticides.

We expect that EPA will make the Federal Government's major pollution control programs fully effective; that it will expedite the elimination of pollution in its many forms from Federal activities and activities under Federal licenses or permits; that it will increase the status and consideration accorded to environmental problems and pollution abatement activities within the Federal Government; that it will facilitate more prompt compliance by industrial and other polluters by providing clear and consistent standards and unified enforcement; that it will encourage State and local governments to increase their emphasis upon environmental protection and pollution abatement by providing a focal point for financial support, technical assistance, and program guidance; that it will separate, and thus avoid, any real or apparent conflicts between (1) pollution abatement standards setting and enforcement activities, and (2) the continuing responsibility of various departments to promote activities which may cause pollution if proper safeguards are not provided.

EPA will have an estimated 5,605 personnel and a budget of \$1.4 billion for fiscal year 1971. Of this total, the functions to be transferred from the Department of the Interior presently have 3,005 personnel and \$1,098,576,000 budgeted for fiscal year 1971.

EPA will be comprised of the following components:

The Federal Water Quality Administration (FWQA), now in the Department of the Interior.

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The National Air Pollution Control Administration (NAPCA), now in the Department of Health, Education, and Welfare.

Parts of the Environmental Control Administration (Bureaus of Solid Waste Management, Water Hygiene, and part of the Bureau of Radiological Health), also from HEW.

The pesticides research and standard setting program of the Food and Drug Administration, also from HEW.

The pesticides registration authority of the Department of Agriculture.

Authority to perform general ecological research, from the Council on Environmental Quality.

Certain pesticide research authorities of the Department of the Interior.

Functions regarding radiation criteria and standards now vested in the Atomic Energy Commission and the Federal Radiation Council.

Specifically, there will be transferred from the Department of the Interior the functions of the Secretary and the Department, which the Federal Water Quality Administration administers; the functions which Reorganization Plan No. 2 of 1966 transferred to the Interior from the Department of Health, Education, and Welfare; the functions which the Federal Water Pollution Control Act vested in the Interior; the functions with regard to the studies of effects of insecticides, herbicides, fungicides, and pesticides on fish and wildlife resources vested in the Interior by the act of August 1, 1958; and the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries at Gulf Breeze, Fla., which performs research on the effects of pesticides on fish and wildlife resources as its chief function.

In addition, the plan specifically transfers from the Department the Water Pollution Control Advisory Board and enforcement hearing boards provided for in the Federal Water Pollution Control Act, as amended, and the Secretary's functions as the Chairman of the Water Pollution Control Advisory Board under the act.

The Department consistently has endorsed the concept of consolidating activities related to environmental protection and pollution abatement in a single agency.

We are cooperating fully in making the necessary changes and adjustments which Reorganization Plan No. 3 requires.

I have with me other officials of the Department. We shall be happy to answer any questions which you may have.

Mr. BLATNIK. Thank you, Mr. Secretary.

Mr. Secretary, may I ask, did you say the Water Quality Control Administration would be more effective in the EPA by itself? What would it do better in EPA than it is doing now in the Department of the Interior?

Mr. RUSSELL. I would certainly say it would do no less better and it should be helped by the other activities of environmental protection and pollution abatement that would have been brought together with it.

Mr. BLATNIK. Your main point is that you would be satisfied, as far as the water aspects of pollution are concerned, they would be equally served by remaining in Interior, which is certainly justifiable. But do you feel that you would be in favor of coordinating or

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consolidating all environmental functions that may bring the water aspect closer to the others, such as pesticides?

Mr. RUSSELL. The help that would come from it being better coordinated with the effects of pesticides and some of the other pollution matters which now are addressed by our Federal Water Quality Administration at a distance.

Mr. BLATNIK. Getting back to the important point we mentioned yesterday, although not related directly to this proposition before us, we are deeply concerned by the complete and unexpected suddenness of the appearance of mercury poisoning in many large sections of the United States, almost simultaneously. Would you give us a quick summary of just what has happened or how this came about? How did it come about so abruptly? Obviously, the mercury poisoning, ingestion of mercury into our water systems and marine plants and fishlife didn't begin within the past few weeks or months.

The question is, what is happening and how did this mercury poisoning advance to the dangerous degree it has where it does threaten the health and welfare of organisms and human beings without having been detected earlier?

Do you have any comments on that?

Mr. RUSSELL. Well, first we must understand that mercury is an inert, heavy density metal and it has not been until more recent times that the condition has developed, or has become known, that it can be absorbed by such as fish in the waters. The accumulation of it, occurring over a period of time, reaches an intensity that is of concern, and it is a concern that is sufficiently great as to be dangerous. But, I think, certainly, one ought to keep in mind we don't have, in fact, a record of deaths of any people who have actually died.

Mr. BLATNIK. Why did it become lethal or dangerous so suddenly? Was the buildup sudden or just the discovery new?

Mr. RUSSELL. It is the discovery that is more recent. We should remember that we don't actually have this record of death, of any significant number of deaths, that have been caused from it. However, the danger is present and, having been more recently discovered, it is something that has to be dealt with.

Mr. BLATNIK. How is this problem being approached? I notice from the health aspect that the Public Health Service is involved in the water quality aspect. The Water Quality Administration would be involved. Are they working together on this or are they each working in their own areas of responsibility?

Mr. RUSSELL. They are working together on it. We are able to do it by development of the techniques and the means by which we can actually make the measurement of the presence of mercury in fish and other life.

Mr. BLATNIK. It is not the mercury in the water so much as it is the mercury in the fish. If you eat the fish that is the dangerous thing, not the drinking of the water; is that correct?

Mr. RUSSELL. No, sir; there is no amount of mercury in the water that would be of sufficient a level as to be dangerous. It is only where it accumulates in the fish.

Mr. BLATNIK. I think we get the answer, then, that with the monitoring system no dangerous levels of mercury in the water
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would show up. It is the cumulative effects in the fish, eating plants or organisms, that have this accumulation over a period of time.

Mr. RUSSELL. Yes, sir.

Mr. BLATNIK. Suddenly the lethal effects show up in the fish itself that affect the human being.

Mr. RUSSELL. Yes, sir.

Mr. BLATNIK. It is a good illustration of how evasive and elusive and insidious this pollution can be. It can reach human beings through an indirect method rather than through water directly.

Mr. RUSSELL. This is even more elusive in that it is the accumulation in the mud which in turn transfers into the plants, which in turn are eaten by the fish, and finally accumulating in fish to the point of the danger level.

Mr. BROWN. Could I interrupt you just a minute?

Mr. BLATNIK. Yes.

Mr. BROWN. When was it discovered that mercury ingestions were dangerous or damaging? Does anybody know?

Mr. RUSSELL. Perhaps Mr. Klein.

Mr. KLEIN. Quite some time ago, we knew mercury was dangerous to human beings. The fact it was in the water and could be ingested in this way first came to our notice when we got new types of detection, the beginning of this year, when we were able to identify parts per billion.

Mr. BROWN. As affecting water, only a few months old?

Mr. KLEIN. It has been there for a great many years. For instance, the Wisconsin situation is still there even though those plants closed in 1958.

Mr. BROWN. I don't mean that. I mean the knowledge it was in the water and——

Mr. KLEIN. That is very, very recent.

Mr. BROWN (continuing). Ingested by human beings as a result of being in the water.

Mr. KLEIN. Only by the fact it is in the fish in the water. The fact——

Mr. BROWN. Knowledge as to its effects upon humans——

Mr. KLEIN. That is very recent. Within months.

Mr. BROWN. How long has it been known that the ingestion of mercury by human beings was damaging?

Mr. KLEIN. I think that is quite a period of time.

Mr. BROWN. Are you talking in years?

Mr. KLEIN. Yes, sir; they had deaths, I think, in the fifties in Japan from this.

Mr. BROWN. I heard something on the radio this morning that said people who made hats in England some years ago used to have something that had mercury in it and the expression "mad as a hatter" was an expression used because of the result of this. My question is, did people know that it was the mercury causing that condition when that expression became popular, or is this a relatively recent development? The inference from the news story this morning was that we have known for years that mercury was damaging and people were being damaged by it. I wanted to know whether that is true or not.

Mr. KLEIN. I think for quite some period of time they have known that it was damaging, but the delineation of the damages and where it came from is very, very recent.

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Mr. BROWN. Thank you.

Mr. BLATNIK. If we have no further questions——

Mr. LANIGAN. I have a couple of questions.

One, how many positions are going to be eliminated in your central personnel or administrative services office, information offices, as a result of the transfer out of the Department of these 3,000 people?

Mr. RUSSELL. In view of the fact that the Federal Water Quality Administration would be moved in its entirety and the only other personnel moving are 32 other people, it would have a very limited effect insofar as other personnel that would have been either above in authority over these operations or would have been in a service relationship to them. We have not endeavored to make

a measurement as to what this would consist of. It would be quite inconsequential.

Mr. LANIGAN. Would you say there may be none; no change in your central management personnel offices as a result of this transfer?

Mr. RUSSELL. I think it might be safe to say none.

Mr. LANIGAN. Still, the new agency will have to set up its own central personnel and administrative services, would it not?

Mr. RUSSELL. Yes, sir; it would.

Mr. LANIGAN. You will have an old system plus a new one.

Let me get to another question. Reorganization Plan No. 2 of 1966, which transferred the Federal Water Pollution Control Administration from HEW to Interior, provided for an additional Assistant Secretary of the Interior "who shall, except as the Secretary of the Interior may direct otherwise, assist the Secretary in the discharge of the functions transferred to him hereunder."

That is in connection with the Water Pollution Control transfer.

I see no provision in Reorganization Plan No. 3 either for the transfer of this Assistant Secretary to the new agency or for the abolition of his job. Was it contemplated that this additional Assistant Secretary will remain in the Interior Department?

Mr. RUSSELL. There are certain functions that continue in the Department of the Interior and would continue under that Assistant Secretary. Very frankly, it is another reorganization plan that we are not addressing today but will be addressing next week, this being the Reorganization Plan No. 4. This introduces some other changes affecting the Department of the Interior, and we will have to consider the effects of both of these reorganization plans in arriving at the decision on how to reorganize the Department of the Interior.

Mr. LANIGAN. Reorganization Plan No. 4 transfers away from the Interior additional employees?

Mr. RUSSELL. Yes, sir.

Mr. LANIGAN. Not adding?

Mr. RUSSELL. Yes, sir.

Mr. LANIGAN. Wouldn't you say that as a result of the transfer to Interior in 1966 of the Water Pollution Control Administration and the transfer out of it in 1970, Interior has sort of picked up an extra Assistant Secretary without going through the normal legislative process?

Mr. RUSSELL. As I said, we will have to take into consideration the effects organizationally on the Department of the Interior as a result of what will have transferred out of the Department of the

Interior, plus taking into account the other developments that
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relate to the work of the programs which continue to remain in the Department of the Interior. So we will have the need to reexamine our organization structure.

Mr. LANIGAN. Do you think one of the assistant secretaries might be abolished in view of all the transfers out of the Interior Department?

Mr. RUSSELL. It is a possibility, certainly. All I am saying is that we have not really evaluated it in terms of this Reorganization Plan No. 3 because we have another reorganization plan that is to take effect, and we would have all of these factors to consider together in determining what next better be done about the Department of the Interior organization.

Mr. LANIGAN. Do you think that you will have more after you testify?

Mr. RUSSELL. No, sir. I would say that we would give it better attention than merely to take a look at it, at this early point.

Mr. LANIGAN. The point I was making, these jobs are still going to exist and the new jobs are going to be created and it would have the tendency to enlarge that.

Thank you.

Mr. BLATNIK. Any further questions?

Mr. RUSSELL. Thank you, sir.

Mr. BLATNIK. The Honorable J. Phil Campbell, Under Secretary of the Department of Agriculture.

Thank you for standing by for these 2 long days, and for making yourself available on such short notice. We appreciate that.

Mr. Secretary, we notice Dr. Irving is with you. Will you, for the record, give your full name and title to the reporter?

Dr. IRVING. George W. Irving, Administrator, Agricultural Research Service.

Mr. BLATNIK. Thank you.

STATEMENT OF HON. J. PHIL CAMPBELL, UNDER SECRETARY, DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY DR. GEORGE W. IRVING, ADMINISTRATOR, AGRICULTURAL RESEARCH SERVICE

Mr. CAMPBELL. Mr. Chairman, I am pleased to appear before you and the members of your subcommittee to discuss the President's Reorganization Plan No. 3 of 1970. This plan would provide for an Environmental Protection Agency by consolidating in one

agency functions from various departments concerned with the environment and pollution of land, water, and air.

The USDA recognizes the desirability of providing a focal point for Federal activities intended to insure further environmental protection and supports the President's proposal to consolidate a number of environmental control programs under one agency. We also recognize the rule of including pesticides in the problems concerned with air, land, and water pollution.

Over the years the Department of Agriculture has worked diligently to help provide farmers with the chemicals that are so vital in meeting the Nation's food production needs, and so essential in the economy. At the same time, the Department has made every effort to assure safe application of chemicals for the protection of the American public and the Nation's wildlife. During the past year, additional reorganization of pesticide control efforts has

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been accomplished within the Department to further carry out these goals and especially to give the public full assurance that human health and the environment were being protected in a completely responsible manner.

We anticipate that proper safeguards necessary for the protection of agriculture as well as for the American public in the area of pesticides will be maintained in the new agency and that the Department of Agriculture will have opportunity to work closely with the new agency on all items that directly affect agriculture. In other words, as the President has indicated, the new agency would be able to make use of the expertise of this Department with respect to the effectiveness of pesticides.

The effect of the reorganization plan on the Department would be to transfer to the new agency the responsibility for the administration of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), and the functions of the Secretary of Agriculture under section 408(1) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a(1)). This would involve the transfer of the Pesticides Regulation Division of the Agricultural Research Service which now administers these acts. This division had a total of 185 professional and 109 nonprofessional employees as of June 30, 1970. The majority of these personnel are located in Washington, D.C. However, there are 13 analytical laboratories located outside of the Washington area, in New York, California, Colorado, Mississippi, Oregon, Texas, and Beltsville, Md., which account for 94 of the total per-

sonnel. One laboratory at Brownsville, Tex., involving one professional and five nonprofessional personnel would be retained by the Department to continue activities concerned with pesticide use management.

In addition, our soil monitoring activities of the Environmental Quality Branch, Plant Protection Division of the Agricultural Research Service would also be transferred to the new agency. This branch has a total of 26 employees—13 professional and 13 nonprofessional. Of this total, 2 employees are located in Omaha, Nebr., and 20 are located in Gulfport, Miss. Only those personnel would be retained by the Department that are essential to monitoring the ongoing activities of the Plant Protection Division concerned with the plant pest control. The Department of Agriculture will retain its current responsibilities for research on pesticides as related to other pest control methods and on the effects on nontarget plants and animals. It will also retain responsibility for extensive pest control programs which utilize pesticides.

This is the total impact of Reorganization Plan No. 3 on the Department. I shall be happy to respond to any questions you or the members of the subcommittee may have.

Mr. BLATNIK. Mr. Secretary, your major concern would be the distribution of responsibility and a working relationship with this new agency for the protection of the environment in the area of pesticides and insecticides and in rodent control methods, is that right?

Mr. CAMPBELL. That is correct. Insofar as this transfer is concerned, we retain many activities in the Department which would be related to any agency involved with the environment because the Department has many other activities which do bear on the environment.

Mr. BLATNIK. You would retain some of the research functions of this operation. Can you explain what those would be?

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Mr. CAMPBELL. We would retain research.

Dr. Irving, if you would give that detail insofar as the research that would be retained.

Dr. IRVING. None of the research from the Department of Agriculture, Agricultural Research Service, would be transferred to this proposed new agency. All of the research now in Agriculture would remain in Agriculture.

Mr. CAMPBELL. I think the chairman asked specifically as to

research that would be relevant to the work in the new agency. Is that correct?

Mr. BLATNIK. Right; to the pesticides.

Mr. CAMPBELL. The research with regard to the uses of pesticides and the effects on domestic animals, crop and noncrop plants and trees would be done in USDA. We have an agreement with the Department of Health, Education, and Welfare whereby they evaluate pesticide uses with regard to human health.

Mr. BLATNIK. I notice the pesticide standards and research functions now in HEW and Interior would be transferred. Have you been working with HEW and Interior on pesticide work?

Mr. CAMPBELL. Yes, sir; we have done this for many years. Formerly there was a committee at the lower level within each of these Departments. Last year the committee was elevated to Cabinet status so that Secretaries Hickel, Finch, and Hardin were the committee in order to have better coordination coming right from the top.

Mr. BLATNIK. Mr. Secretary, it wouldn't be much of a problem to work out the same type of mutually satisfactory and beneficial relationship with this new agency.

Mr. CAMPBELL. Yes; we think we could do that.

Mr. BLATNIK. Thank you, Mr. Secretary.

Any questions?

Mr. ERLNBORN. No questions.

Mr. BLATNIK. Thank you very much.

Mr. CAMPBELL. Thank you, Mr. Chairman.

Mr. BLATNIK. Next we have Dr. Jesse L. Steinfeld, Surgeon General of the U.S. Public Health Service, speaking for the Secretary of HEW.

Doctor, welcome, and we thank you, too, for standing by these past 2 long days to make your presentation.

Dr. STEINFELD. It has been quite an education, Mr. Chairman.

STATEMENT OF JESSE L. STEINFELD, M.D., SURGEON GENERAL,
U.S. PUBLIC HEALTH SERVICE, AND DEPUTY ASSISTANT SECRETARY
FOR HEALTH AND SCIENTIFIC AFFAIRS, DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE; ACCOMPANIED BY CHARLES C. JOHN-
SON, ADMINISTRATOR, ENVIRONMENTAL HEALTH SERVICE; AND
DR. DALE LINDSAY, ASSOCIATE COMMISSIONER FOR SCIENCE, FOOD
AND DRUG ADMINISTRATION

Dr. STEINFELD. Mr. Chairman, appearing with me is Mr. C. C. Johnson, on my right, the Administrator of the Environmental

Health Service, and Dr. Dale Lindsay on my left, Associate Commissioner for Science of the FDA.

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Mr. BLATNIK. Do you have a prepared statement? Do you prefer to read the statement in its entirety or summarize it?

Dr. STEINFELD. I can read it very rapidly.

Mr. BLATNIK. Proceed at will. Make whatever points you ought to. We want to make the record complete. We are very happy to have you.

Dr. STEINFELD. Thank you.

I am pleased to appear before you to present the views of the Department of Health, Education, and Welfare concerning Reorganization Plan No. 3, submitted to the Congress by President Nixon on July 9, 1970. In that message, the President expressed his assessment of current Federal efforts related to pollution:

Our national Government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action.

Despite its complexity, for pollution control purposes the environment must be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness.

The case for centralization of responsibility for pollution abatement in a single agency is a strong one. A single agency can provide visibility, focus, and overall direction to the complex problems of pollution control. Such an organization allows the development of an integrated operational strategy for considering the significant interrelationship among pollutants, including pollutants which affect more than one aspect of the environment, as well as those whose abatement may cause another form of pollution. A single organization with primary responsibility for pollution control can reduce the fragmentation which has characterized Federal pollution control to the present time. For these cogent reasons, the President has proposed the consolidation of these responsibilities into a single, cognizant agency for pollution control. To carry out these responsibilities, he has proposed the establishment of the Environmental Protection Agency, an independent, sub-Cabinet level agency, to report directly to him.

The establishment of EPA, with the wholehearted assistance of related programs, can greatly improve the effectiveness of Federal action in pollution abatement. The Department of Health, Educa-

tion, and Welfare looks forward to assisting the Environmental Protection Agency in effectively carrying out its pollution control responsibilities.

Several major programs of the Department of Health, Education, and Welfare are to be transferred to the Environmental Protection Agency according to the reorganization plan. From the Environmental Health Service, these include:

The National Air Pollution Control Administration;

The Bureau of Solid Waste Management;

The Bureau of Water Hygiene; and

The environmental radiation functions of the Bureau of Radiological Health.

In addition, the responsibilities of the Food and Drug Administration for establishing pesticide tolerance in food, as well as for that research which is integral to tolerance setting, will be transferred to EPA.

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The Department of Health, Education, and Welfare supports the President's reorganization of environmental programs and offers its full cooperation to the environmental protection agency in facilitating the transfer of these functions and the personnel associated with them.

To minimize any untoward effects of this reorganization on the careers of many of the personnel serving in these programs which are to be transferred to EPA, the Department transmitted to the Congress on July 16, 1970, draft legislation, "To provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service."

The effort to control environmental pollution, which has long been a concern of the Public Health Service, engages some 900 PHS commissioned officers. Of these, approximately 600 are directly serving functions which will be transferred to the new agency in accordance with Reorganization Plan No. 3. The draft bill would authorize those officers serving in transferred functions, and officers serving related functions as jointly agreed upon by the Secretary and the Administrator of the EPA, to transfer to competitive civilian positions within the new agency. The transfers would be effected in most cases at levels of compensation, and with benefits, comparable to those now being received by the officers. In addition, for those officers whose functions have been transferred to EPA, but who do not wish to transfer to competitive civilian

status, separate provision has been made in the draft legislation to assign them to duty with the EPA while they remain on active duty with the Public Health Service. This legislation is necessary to facilitate the transfer of HEW programs to EPA, and we recommend its early and favorable consideration by the Congress.

Beyond present arrangements for the transfer of functions and personnel to the new agency, the future relationship between HEW and EPA will be an important one. While EPA is to have primary responsibility for setting standards and conducting applied research on the health as well as other effects of pollution, HEW will continue to be responsible for basic research as well as all other facets of health, including the environment as it relates to health. The impact of the environment is an important and growing concern in human health, and is one in which HEW has special interest and special competence. The Department of Health, Education, and Welfare will place a very high priority on the establishment of a good working relationship with the Environmental Protection Agency in these areas of mutual concern, and will offer EPA every assistance in carrying out its important responsibilities in the abatement of pollution in our environment.

My colleagues and I will be pleased to try to answer questions.

Mr. BLATNIK. Thank you very much, Doctor.

Dr. STEINFELD. Yes, sir.

Mr. BLATNIK. You say a total of 900 Public Health Service commissioned officers will be included in this transfer, is that correct?

Dr. STEINFELD. No. These are the number that are engaged in activities that relate in some way to environmental pollution. Approximately 600 are in those areas which we have identified as being affected by the transfer.

Mr. BLATNIK. Of the 900, 600 will be transferred to the agency?

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Dr. STEINFELD. Approximately. These additional individuals may be sanitary engineers, health educators, people interested in the environment or conducting research, perhaps basic research related to the environment. They would not necessarily be transferred.

Mr. BLATNIK. Do you have any other noncommissioned personnel operating in the transfer function? What would be the total personnel, commissioned and noncommissioned transfers, from the Public Health Service or HEW into the proposed agency?

Dr. STEINFELD. Approximately 2,200.

Mr. BLATNIK. We didn't have that in the testimony at all, did we?

Dr. STEINFELD. I didn't have it in the prepared testimony. We are currently reviewing all of these activities to determine just what their relationship is to the functions of EPA as it has been characterized and to determine what should be done with functions remaining in HEW.

Mr. BLATNIK. These 2,200 personnel were engaged in or taken from the Environmental Health Services, the National Air Pollution Control Administration, Bureau of Solid Waste Management. Is there a solid waste management operation in HUD, too? Do you have the entire program yourself?

Dr. STEINFELD. I cannot speak for HUD. Perhaps Mr. Johnson could answer that.

Mr. JOHNSON. The lead role at the Federal level is in the Environmental Health Service program of HEW. We have the basic responsibility in solid wastes. Other departments have solid waste activities: Department of Agriculture, Department of Interior.

Mr. BLATNIK. Which has the——

Mr. JOHNSON. The dominant role is in the Department of HEW.

Mr. BLATNIK. Which one would be trash and solid waste from municipalities?

Mr. JOHNSON. That is the Bureau of Solid Waste Management within the Environmental Health Service of the Department of Health, Education, and Welfare.

Mr. BLATNIK. It comes under the Interstate and Foreign Commerce Committee; is that right?

Mr. JOHNSON. That is correct.

Mr. BLATNIK. You also have some environmental health activities coming into the Committee of Labor and Education; is that right?

Mr. JOHNSON. Yes; if you are talking about the activities that are in our Health Services and Mental Health Administration under the Indian Health program.

Mr. BLATNIK. What is the total budget? Could you give me an idea of what the budget is in round figures; that is, for air pollution control?

Mr. JOHNSON. In 1970 our budget was approximately 1,055 people, about \$102 million.

Mr. BLATNIK. Can you tell me for what type of activity most of that budget went? Does it involve grants for public facilities, such as municipal incinerators?

Mr. JOHNSON. Well, not quite in that way, Mr. Chairman, but, I would say that half, or a little better than half, of the dollars went to research and demonstration grant activities. The next largest portion, about 30, 35 percent went into abatement and control activities.

Mr. BLATNIK. What kind?

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Mr. JOHNSON. This is the strengthening of the State and local efforts to carry out programs that are administered through the National Air Pollution Control Administration under the Clean Air Act of 1967.

Mr. BLATNIK. Is that a grant to a municipally owned facility such as an incinerator?

Mr. JOHNSON. No, sir. This abatement and control activity would be the establishment of control operations on the part of a State air pollution control agency or a local air pollution control agency. We matched their funds at the rate of about 50 percent local moneys, 50 percent Federal moneys; we set up air quality control regions through which the States implement the various aspects of the Clean Air Act.

Mr. BLATNIK. Can you give us some samples of the nature and types of activities for the money that you put into demonstration projects? What type of activities would they be?

Mr. JOHNSON. We have one now with the TVA in demonstrating advanced design on an incinerator that will help to reduce the amount of sulfur oxides that come out of the incinerator. This will be a pilot plant operation. We have two stages on this. We have others in which we will demonstrate the adequacy of the control of automobile emissions. The Federal Government actually regulates the control of emission of various gases from the exhausts of automobiles and we have to find out how well the controls actually work. We have demonstration grants with the State of California in which we try to evaluate that aspect of the program.

Mr. BLATNIK. Do you have any demonstrations with industry, say, the steelmaking industry, with enormous volumes of obnoxious fumes?

Mr. JOHNSON. We do have cooperative research programs with various industries. We have one with the coal industry, for instance, in trying to find ways of reducing sulfur oxides from burning coal, or cleaning up coal to remove the sulfur from it prior to burning.

Mr. BLATNIK. I was thinking of the steel industry. We have a combination of metallic oxides, and what not, impurities. It is a very complicated process.

Mr. JOHNSON. I would expect we do. I cannot recall one right now but we are working with each of the major industries, whether steel or the foundry industry, or cement industry, to find ways to reduce the amount of pollutants that issue from their manufacturing process.

Mr. BLATNIK. Do you set the standards for the proper levels at which emissions are tolerable or permitted?

Mr. JOHNSON. We do, in a way.

Mr. BLATNIK. Do you set the standards or do the States do it?

Mr. JOHNSON. We establish criteria against which the States establish ambient air quality standards and standards that actually regulate the emissions that come from these various pollutant sources.

Mr. HENDERSON. Do you have to approve the State standards?

Mr. JOHNSON. We do approve the State ambient air quality standards and the implementation plans against which the States will operate to achieve the standard.

Mr. HENDERSON. Are your criteria maximum or minimum, or what?

Mr. JOHNSON. Our criteria are based on a number of effects. Actually, they are not maximum or minimum. They attempt to

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illustrate the various effects that will result from various levels of concentrations of pollutants.

Mr. BLATNIK. The solid waste program is one that seems to be further behind. This has been stated several times in the course of the hearings and the Chair is certainly inclined to agree. It is a very difficult problem and one of enormous magnitude.

Is the major Federal solid waste program or effort in your agency, the one being transferred, the one that we are talking about?

Mr. JOHNSON. That is correct.

Mr. BLATNIK. Again, could you give us a more precise picture of the magnitude of our effort? Could you give us the number of personnel involved and the dollar volume?

Mr. JOHNSON. Yes, sir. For the fiscal year 1970, figures for that are approximately 200 people.

Mr. BLATNIK. You have 2,200 for air?

Mr. JOHNSON. You said solid wastes?

Mr. BLATNIK. Yes, sir.

Mr. JOHNSON. I am giving you the figures for solid wastes in 1970—206 people and \$15.3 million.

You must understand that the legislative authority that we are now operating under is essentially one of promoting solid waste planning through State, local, and regional agencies, and of demonstrations and research on improved methods of solid waste management. This is not a regulatory program.

Mr. BLATNIK. In the Federal program for solid waste management you have roughly 206 personnel with a \$15 million budget for 1970, versus your efforts in the air pollution control program where you have over 1,000 personnel with a \$100 million budget. Is that correct?

Mr. JOHNSON. That is correct.

Mr. BLATNIK. Is there any reason for such a small effort being exerted in the solid waste program?

When was the air pollution program enacted by Congress, 1963?

Mr. JOHNSON. The first basic legislation that gave us the big program, other than research, was in 1963.

Mr. BLATNIK. When did the solid waste management program come in?

Mr. JOHNSON. 1965 was the first Federal legislation.

Mr. BLATNIK. Five years. Do you have any indications, on the basis of your research, what happened to greatly expand this program so badly needed?

Mr. JOHNSON. I believe there are lots of indications but I believe that both the Congress and the executive branch have felt that more demonstrations and research, particularly in terms of reducing the amount of solid wastes at the source before it really becomes a problem, are necessary steps before you have a much larger program at this particular time.

Mr. BLATNIK. I did not realize that we were so far behind. This is no reflection on your operation. It is the responsibility of Congress to do what you have done with water pollution, where you are operating a much larger program. I can see where on air pollution, as explained earlier by Dr. Ash, the dollar volume may not seem too large, but \$100 million is considerable.

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When you set standards and enforce them on auto emission devices, it would be an economic factor of quite some magnitude toward economy even though borne by the users, and perhaps

partly by the industry, we hope. I didn't realize we were very far behind and your effort was that small in solid waste management.

Mr. JOHNSON. There are some other efforts of equally small magnitude, in the Department of the Interior and the Department of Agriculture.

Mr. BLATNIK. Are there any questions?

Mr. Erlenborn?

Mr. ERLNBORN. I have one or two questions, Mr. Chairman.

On page 2 of your statement you mention, "the responsibilities of the Food and Drug Administration for establishing pesticide tolerances in food, as well as for that research which is integral to tolerance-setting, will be transferred to EPA."

How about enforcement? Will that still be in the Food and Drug Administration?

Dr. STEINFELD. The enforcement will remain in the Food and Drug Administration, in connection with their responsibilities for other chemicals in food products. It would not make sense to break up the enforcement apparatus to enforce the pesticide tolerances separately.

Mr. ERLNBORN. Do you envision any problem in separating the establishment of the level of salaries and the enforcement procedures?

Dr. STEINFELD. No; I do not. We plan to work closely with the new Agency as we have worked closely with other agencies in the past.

Mr. ERLNBORN. I notice one of the other witnesses, I think Mr. Ink, and now you, mentioned draft legislation has been transmitted to Congress concerning the commissioned officers in the Public Health Service. What assurance do you have that this legislation will be acted upon?

Dr. STEINFELD. I do not have any assurance that it will be acted upon. We think it is a good piece of legislation. It provides that these individuals who have dedicated their careers to health activities, who are working in the Public Health Service, will be able to retain the kind of careers which they have chosen and continue their work under the new Agency, assuming the new Administrator agrees and would like to continue with the existing personnel. If this is so, it would permit the exchange of commissioned officers from HEW and the Public Health Service to the new Agency so there would be a continuing exchange of expertise and experience. I think this would insure a strong input to the new Agency. With young PHS officers coming in, perhaps this system would provide a form of recruitment for EPA as well.

Mr. ERLNBORN. What authority do you now have for having a commissioned officer assigned?

Dr. STEINFELD. We have authority to assign commissioned officers to various Public Health Service activities, and also to the Coast Guard, the Bureau of Prisons, the Indian Health Service, which is now part of the Public Health Service, and, if Congress approves this legislation, to EPA as well.

Mr. ERLNBORN. So there is some precedent for this type of legislation.

Dr. STEINFELD. Yes; there is.

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Mr. ERLNBORN. In the transfer from HEW to Interior of the water pollution activities, what happened to the commissioned officers?

Dr. STEINFELD. I was not here but, as I understand it, everybody was not too pleased with the transfer. A number of officers were transferred to Civil Service status, although they had chosen a career in a commissioned corps. They lost a large number of their benefits. Other officers who transferred from different units were able to retain their benefits. So, there were people who were working side by side, perhaps doing similar jobs, who were receiving widely varying rates of pay for similar jobs. This was one of the major problems, as I understand it, in the previous transfers.

The proposed legislation would obviate this problem. We hope we have learned from our experience of 4 or 5 years ago.

Mr. ERLNBORN. Drawing on that experience, do you think you would be able to make the transfer in more orderly fashion and with less disruption of the commissioned service?

Dr. STEINFELD. I think we can and, in addition, I think we can assure a strong and continuing relationship, assuming the legislation passes.

Mr. ERLNBORN. Thank you, Mr. Chairman.

Mr. BLATNIK. Mr. Lanigan?

Mr. LANIGAN. I wanted to ask the same question of HEW. The plan is to transfer out of HEW about 2,600 people. To what extent do you plan to reduce the number of positions in your central services, such as personnel offices and administrative services offices, as a result of these transfers?

Dr. STEINFELD. We are currently reviewing the parts of the Environmental Health Service which will remain behind in HEW in order to determine whether we should organize a component around those, moving elements of FDA, Health Service and Men-

tal Health Administration, and other organizations in HEW, into it, or whether we should distribute the remaining portion of the Environmental Health Service into the existing health components of HEW.

We do propose to transfer proportionately the overhead and managerial positions to the new Agency.

Mr. LANIGAN. Do you have any idea how many positions that would be?

Dr. STEINFELD. I do not have the management positions, but I would expect that we would be transferring the great majority of the management positions of the Environmental Health Service and the corresponding management positions at the Department level, to the new Agency.

Mr. LANIGAN. Could you furnish us with more definite information concerning that within the next week?

Dr. STEINFELD. We are undertaking an audit at the current time, and we will be most pleased to provide you with the information. The final determination will be worked out by the Office of Management and Budget. We hope to provide them with the information on which they will make the final decision.

Mr. BLATNIK. Doctor, what role does the Bureau of Water Hygiene play in the current mercury poisoning episode?

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Mr. JOHNSON. We have a responsibility for the Nation's domestic water supply. As a result of that, when mercury became very prominent we did an immediate survey.

Mr. BLATNIK. How did it become prominent? It didn't become a problem just 2 weeks ago on Monday morning.

Mr. JOHNSON. If you would permit me to digress, I would like to talk about that for a second.

Mercury, as well as a number of other highly toxic substances, were never really recognized as being a very prominent problem in the environment. It is only because of this recent interest in ecological results of the things man is doing to himself that you begin to get this kind of concern. People of all kinds, scientists particularly, are beginning to probe now into many areas whose safety, before, was previously more or less taken for granted.

As a result of this interest, we had, first, pesticides in their various ramifications. We have had mercury, cyclamates, and a number of other things. We are going to have more in the future.

Unfortunately, this country does not have at this time any kind of national surveillance network that will give to us beforehand

some reading of various insults that might occur and become significant in the environment. I believe the steps we are taking now in the Environmental Protection Agency will be a step in the right direction to help to establish this kind of surveillance network. Instead of just picking something out of food or picking something out of air or water, we will be able to see what the total body burden might be of certain insults that are just traces, almost inconsequential, when you look at them by themselves. It is in this kind of situation that mercury emerges as a concern in the environment.

As somebody pointed out, it is nothing new to us that mercury is a highly toxic element to people. What is new is that it is accumulating in the environment so as to pose a threat to man. We will have to look at many elements because of this, both in the air we breathe, the water we drink, and the food we eat.

Mr. BLATNIK. Speaking as a layman, apparently you have been aware of the levels of mercury in water, but I understood the Bureau of Water Hygiene has set the levels of permissible exposure for drinking purposes. Is that correct?

Mr. JOHNSON. That is correct. This is about 5 parts per billion. This is a very minute amount. It is also very difficult to measure. Sophistication in instrumentation in the laboratory has only begun to come into being. Many laboratories do not have the capacity to measure down to this level in a very accurate way.

As we now look at it, it is being surveyed as a result——

Mr. BLATNIK. Mercury poisoning results because of the cumulative effect in plant life, fish life, and, then, in human beings. Is that the cycle?

Mr. JOHNSON. At the present time, our real concern has to be with food, and, particularly, fish in this instance, or, as has been pointed out, there were a couple of episodes of poisoning through grain because of certain agricultural pesticide treatment processes. Basically, this current problem is the result of the accumulation of mercury as a result of the eating habits of fish.

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Mr. BLATNIK. Has this happened before and has never been detected?

Mr. JOHNSON. It may or may not have. Certainly, it had never been recognized.

Mr. BLATNIK. The mercury accumulated in the fish started in the accumulation in algae and plant life at very low levels.

Mr. JOHNSON. I think it has happened because of a renewed awakening of man's interest in the environment, and we are checking lots of things. Each thing that comes up may be new only because we are now discovering that it is in the environment in such a way that it can raise questions of whether it is healthy for man or not.

Mr. BLATNIK. What is your background? Are you from the chemical or medical field?

Mr. JOHNSON. I like to think I am an environmentalist. I am an engineer by training. I have worked in the public health field for 25 years now. You pick up quite a bit of knowledge and experience along the road.

Mr. BLATNIK. Would you be involved in this proposed transfer, should it go into effect?

Mr. JOHNSON. I have been involved. I hope to be involved. I support it in its entirety.

Mr. BLATNIK. Thank you very much.

Doctor, we have no further questions. I thank you, and I thank both of the gentlemen with you.

We have our friend and colleague, who is very knowledgeable in the field of conservation, and resource utilization, and preservation, and many aspects of environment. He has been a tireless worker in this effort for many years, recognized so by people in many different walks of life—our colleague and friend, Congressman John D. Dingell, from Detroit, Mich.

Congressman, we appreciate your standing by all day long to make yourself available. We have just concluded the administration's case in behalf of the President's Reorganization Plan No. 3 of 1970 proposing the establishment of an Environmental Protection Agency.

In my conversations with you, I know you are very familiar with the proposal, and we are interested in hearing your opinions and judgment in response to this proposition.

STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MICHIGAN

Mr. DINGELL. Mr. Chairman and members of the committee:

I want to express my particular appreciation to you for hearing me. I know the committee is very busy. I know the labors you face both here and on the floor and in your offices are very heavy, because I happen to have not dissimilar experiences in my own capacity.

I wish to thank you, Mr. Chairman, for a most gracious reception and introduction to the committee. I wish to reciprocate by having you know the high regard in which I hold you as one of the leaders, one of the distinguished and great conservationists of this Nation, and, indeed, I may say, one of my mentors in this field.

For the record, my name is John D. Dingell. I am a Member of Congress from the 16th Congressional District of Michigan.

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Mr. Chairman, waiting around to appear in opposition to Reorganization Plans Nos. 3 and 4 I do not regard as a burden but, rather, as a duty and necessity. I am prepared to testify against both today, but I understand it is your wish that I should testify only on Reorganization Plan No. 3 since that is the matter which is presently before the committee.

Mr. BLATNIK. If the gentleman will confine himself to Reorganization Plan No. 3, which all the witnesses have done, he may be heard again next week, or shortly thereafter, when hearings are held on Reorganization Plan No. 4.

Mr. DINGELL. I do wish to be heard on that one, also, Mr. Chairman.

I would point out in the beginning, certain comments that one makes with regard to plan No. 3 can be reversed in application to plan No. 4.

Plan No. 3 ostensibly seeks to unite everything under an environmental agency that is going to consider all aspects of environmental problems. Plan No. 4, in setting up NOAA, seeks to bring out the aspects of the environment—atmosphere, biosphere, ecosystem—which relate to the sea.

I might say strikingly, Mr. Chairman, it turns it over to the exploiters and polluters as opposed to the agencies that have traditionally been conservation oriented.

So, we have here two very different sets of circumstances.

I might say these plans constitute a very admirable application of one of the portions of the Peter Principle. If you have read the book on the Peter Principle, you will recall a number of interesting things, the most interesting of which is reference to what is known as Peter's placebo. That is, if you have an enormously difficult problem and have neither the means nor the inclination nor the ability to address yourself at a particular time, you do something else which looks like you are doing something and which looks like you are doing something important, even though

you might be doing something which is, in fact, counterproductive, ineffective, or, indeed, totally useless.

I would point out, if the administration really seeks to do something in the field of the environment, there are far better ways in which it may do so. I would say reorganization of the Government is not only useless in this area, but it is generally recognized by those who have studied the matter to be entirely counterproductive.

For the record, Mr. Chairman, I would like just to set out some of my interests in this matter.

As you recall, when I came to the Congress I had the privilege of serving with you on the Public Works Committee, and I am proud to say that I was able to work with and assist you in the drafting of the first meaningful water pollution law enacted by the Congress.

Since that time I have maintained an active interest in this matter of water pollution and have been active in applying continued pressures, first to the Public Health Service, then the Department of Health, Education, and Welfare, and then the Department of the Interior, to move aggressively in the field of water pollution.

Together with you, Mr. Chairman, I have tried to provide leadership for adequate funding which really is the key to the problem.

Mr. Chairman, I have studied the agencies involved in Reorga-
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nization Plans Nos. 3 and 4 in connection with my responsibilities as a member of a number of committees and subcommittees of the House of Representatives. I have been a member of the Interstate and Foreign Commerce Committee for about 15 years and have had an opportunity to study the Food and Drug Administration, the Public Health Service, and most of the constituent agencies of the Environmental Protection Agency which, with the exception of the Federal Water Quality Administration, are responsive to the Committee on Interstate and Foreign Commerce.

We have broad responsibilities over health administration through the Federal Trade Commission, the Food and Drug Administration, the Department of HEW, and the National Institutes of Health. So I have some familiarity in that area.

I am also chairman of the Subcommittee on Fisheries and Wildlife Conservation on the House side which conducted hearings which resulted in passage of the Environmental Policy Act and,

together with you, Mr. Chairman, cosponsored that legislation which ultimately became law.

Also, together with you, I cosponsored the legislation which established the Joint Committee on the Environment.

I have served on subcommittees on health and have been instrumental in the drafting of a number of pieces of legislation relating to the National Institutes of Health, the Public Health Service, constituent organizations of the EPA, and also have been responsible for a number of amendments to the Food and Drug Act, and have served on committees that reported out every major amendment to the Food and Drug Act since 1956.

Reorganization acts probably should be matters that are handled by statute. I really doubt very much whether we are wise in permitting any administration, this administration or any other, to submit to the Congress take-it-or-leave-it proposals which we must swallow whole without chewing, or else reject whatever small good might be present with whatever large evil might be present.

I think these two reorganization plans tend to prove the unwisdom of allowing any executive department or any executive authority completely to reorganize the executive branch of Government with only a veto vote by the Congress of the United States. As these proposals come up to extend the Reorganization Act, I intend to oppose each and every one of them.

I believe my colleagues, as time carries forward, will come to join me in recognizing the unwisdom of allowing the administration power to combine weird mishmashes of good and bad into the kind of monstrosities that we see here before us.

It is my experience with reorganization acts that the practical results of such acts have been to establish a definable and clearly observable period of total inaction within the agencies concerned. If you will recall, when a similar reorganization took place, moving the then Federal Water Pollution Control Administration from HEW to the Interior Department, we witnessed a number of peculiar phenomena take place. First of all was the period of inaction preceding and following. Then a number of things transpired. There were new offices to be selected by the bureaucrats. There were new office secretaries to be hired. There were all of the status symbols that must, necessarily, be acquired by bureaucrats, including rugs, drapes, and the emoluments of office such as vehi-

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cles and things of this sort. Until these important questions and the occupants of the offices had been selected, absolutely nothing transpired.

A passing strange thing transpired in that in an agency which had been able to function quite effectively with limited numbers of persons, all of a sudden became inundated with large numbers of people and became absolutely swamped in time studies, efficiency-type citizenry who contributed very little to programs but a great deal to waste of time and taxpayers' money.

Mr. Chairman, that, you will recall, was the beginning of the institutionalization of a long fight which you and I have made to upgrade the abatement of water pollution within the Federal Government.

It is fair, I believe, to say that where EPA tends to combine, NOAA tends to fragment. I would point out to you the question of the Food and Drug Administration is a very excellent example. The Food and Drug Administration, which is a well established, well functioning, efficient agency, finds itself now not only with authority to fix standards but authority to enforce. It is interesting to note that Food and Drug retains a tremendous amount of research capability in matters entirely related in the food additive field, additives, which migrate in from packaging, additives which come in by way of additions through industrial processing, additives which come in by way of deliberate addition.

It also has thoroughly skilled, highly competent staffs which will have to continue to operate in precisely the same areas of food additives in all of these areas. So, if we cut out a major portion of the Food and Drug Administration's responsibility and capability to do this, we probably will wind up with what will really be two research operations which will more or less duplicate the present capacity and capability of Food and Drug to engage in this particular research work.

Imagine, in connection with this, the confusion that reigns. Everything stops until the new leadership is appointed. Musical chairs begin. Movements to new offices and new buildings occur. New executives without experience are appointed and we lose valuable time. As I have mentioned, Mr. Chairman, the important emoluments of office—seals, appealing receptionists, secretaries, limousines, desks, furniture, carpeting, drapes—all of the things that go with being a properly constituted Federal executive must be secured. Valuable time, obviously, will be lost. Old scores are going to be settled. Rifts will occur. Patronage will be dispensed. Policies that are unpopular with polluters will be modified and

reviewed and dispensed with. Unpopular enforcers of law will be disposed of. Polluters will be consulted in copious fashion and progress will be halted while the reorganization steps are carried out.

How much better would it be, Mr. Chairman, if we were to see to it that the agencies had proper leadership, proper coordination, proper funding, and determination from the top that the agency should function.

Mr. Chairman, to say that the constitution of EPA and NOAA will move all agencies having related matters into one particular area is either to demonstrate remarkable ignorance or to deliberately attempt to mislead, because the fact of the matter is that

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throughout the whole Government structure, such agencies as NIH, Federal Trade Commission, and parts of Food and Drug, are going to remain large parts of the responsibility of EPA.

The Fish and Wildlife Service traditionally has done some of the best work that has been done in the field of protection to the environment from pesticides by trying to protect fish and wildlife from pesticides. It is a very modest program, consisting of 12 people, but it has done the major part of the work inside the Federal Government on protection of fish and wildlife from pesticides. We are going to find that no longer will the conservationists, no longer will people like myself who have authority to consult with that particular agency directly through committee responsibilities, be able to go to them. As a matter of fact, if we are to continue to protect wildlife from pesticides and matters of that kind, we probably will have to reconstitute some kind of research program within the Fish and Wildlife Service or find that that very important aspect, protection of both human and wildlife resources in this country, will be pretty much abandoned.

Another matter that should be forcibly brought to the attention of this committee is that if we really seek to upgrade the agencies, we are taking a passingly strange device to do it. I would point out that no longer is it going to have a Cabinet rank spokesman who will speak.

I have heard it said that this is analogous to NASA, or something of this kind. NASA has been successful, as every Member of the House knows, because the White House said we were going to the moon and we were going to do all things and spend all funds necessary to accomplish that goal and necessary to achieve supremacy in space.

I would commend to this committee's thought—I am satisfied that it is correct—that if we are determined to have environmental protection, we can have it within the structure of the existing governmental agencies, and not by going around and emasculating existing agencies, putting together a group of bits and fragments, totally disorganized, with entirely new leadership and with no increase in budget.

In my opinion, under this set of circumstances, EPA will be at least counterproductive, and I would say in all probability we are in for a period of backward movement.

For example, in the field of water resources, the Bureau of Mines, Bureau of Reclamation, and the Office of Saline Water are not removed and none of their functions are removed. It is fair to say that the Department of Agriculture has large numbers of areas of responsibility dealing with water. The Federal Land Management Agency has responsibilities in this area.

I would point out that none of their capacity to deal with the problems of water pollution, which are closely related, are removed.

Irrigation is one of the major sources of water pollution in the country. None of these are being moved to EPA. Yet we are told this is going to be an agency which will handle the whole problem.

One thing that I find particularly offensive, one thing that I believe you, as one of the sponsors of the Environmental Policy Act, should find particularly offensive, is the fact that this plan

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takes away from the Council on Environmental Quality the power to study, to engage in ecological research, and research in ecological questions.

I would think, having just passed that bill, the Congress would be extremely chary of letting that kind of emasculation take place.

I would point out the President's comments in this area as to how he intended to use the Council on Environmental Quality would tend to indicate that he either is unaware or has been sold a bill of goods with regard to this particular point.

I have served on a number of committees that have been concerned with the problem of how to get the Government moving in major questions of this sort. I would point out that in all instances we found that constituting new departments and making new governmental reorganizations was not the way, and that the way that these matters should be tended to was by requiring and by encouraging and by demanding that there be intelligent coordination of the sundry and different programs which are interrelated.

It is absolutely impossible in a Government this size to put everything that deals with any one thing in one place without literally destroying or decimating or hazarding any number of related other matters that deal closely with the same problem. It is impossible to isolate one particular problem and say, "Put all your attention on this and let all other problems that might exist be totally ignored." That is one of the vices of Reorganization Plan 3 and Plan 4, which sets up NOAA.

If the administration has succeeded in transferring out these ecological studies which I have alluded to and retained in the Council on Environmental Quality the power to continue to do the same thing, then that talent by all means should be devoted to the management of the national debt and to the expenditure of the public purse.

I would point out it is the first instance in my 16 years in the Congress that I have ever seen a governmental agency involved in a system whereby they may have their cake and eat it too. That is essentially what they do. They either transfer that authority out or retain it in the Council on Environmental Quality.

Mr. Chairman, the Council on Environmental Quality was set up for a very simple purpose. It was set up to see to it that for the first time we had one entity in Government which would be able to provide the President with the assistance he needs in coordinating and bringing together all of the policies that exist with regard to the environment, to carry out the reviews that are needed, to see to it that the Government's policies are responsive and that they meet the needs, and to see to it that there is a device within Government for coordinating all of these disparate programs and responsibilities and agencies.

The President recognized this by setting up a Cabinet-level committee. I would say, Mr. Chairman, that having been chairman some years ago of the Subcommittee on Oceanography, I had a similar problem with regard to oceanographic problems. Oceanographic agencies are scattered and strung all over the structure of Government. The Honorable George Miller, my predecessor as chairman of that subcommittee and now the chairman of Science and Astronautics Committee, came to the same conclusion.

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I inherited a bill from him and was able later to get it passed. We set up as a result of this a council which would provide the kind of coordination, integration of programs, clearinghouse and

device for interrelating Government programs and Government responsibilities in the field of oceanography. We came to the first conclusion it would be extremely unwise to take a little bit from the Navy, a little bit from Fish and Wildlife and Bureau of Commercial Fisheries and merge them together. Rather, it would be far better to provide an intelligent, effective functioning, high-level device to give the coordination that is needed to provide the proper interrelation and interaction of governmental programs in all these areas. Each of the programs was going to continue to have areas of responsibility which were peculiar unto a particular department and which would be related to the ongoing programs of that particular department.

Mr. Chairman, there is something else that I think we ought to recognize in our consideration of this matter; that is, you and I throughout the years have given thought to the problems of pollution. We recognize that there are similar problems with regard to pollution, great similarities, and if you are not careful, if you handle one kind of waste wrong, you are going to create another pollution problem. Since the problem of pollution is really the problem of misplaced resources, misuse of resources, it was our conclusion, and it was certainly mine, that it served no useful purpose to put air and water pollution, solid waste and all these things together. It is my firm belief, and I think it is one which is wise and based upon long observation of this matter, that it is not necessary to put them all under one roof. There are still going to be programs in other agencies which are going to deal with the question of solid waste or air pollution or water pollution and what should be done is that we should engage in a very careful program of coordinating these so that they would work out.

I think it is important for this committee to have a clear understanding and for those who are concerning themselves with this matter to have a clear understanding of how the Government does coordinate programs. What happens is that they set up task forces and committees. Every agency will set up and send representation to it. These groups will meet and lay down the policies and decide how the expenditures are going to be carried out and what will be done. The respective agencies under the leadership of one agency, selected as the lead agency, will proceed to carry out the governmental policy and relate the different laws and Government responsibilities together so that there might be a unified or uniform program.

I would point out that it does not change existing law. It simply is a better way of administering legal responsibilities.

I would point out that this reorganization plan, or these two plans, 3 and 4, could not constitute a device for changing existing law, unless I am gravely and grossly in error. As I understand the reorganization act, it does not provide the basis whereunder there can be a change in an existing law.

Mr. Chairman, the day before yesterday we had before our committee a number of people from the administration, including Mr. Siciliano, who will probably be here in connection with plan No. 4, and also Dr. Tribus of the Department of Commerce. They

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had some interesting things to say. They said essentially in that presentation something which I think is the answer to this. This is what Mr. Siciliano said: "We are not talking about who participates. We are talking about who takes the lead. We can decide who is going to take the lead. After all, what is important, who can work together, and this I am sure that we can do. We may decide to have an entire agency work on the atmospheric sciences. We may decide from time to time to rotate the leadership responsibility. What is important is whether we get coordination. Isn't that what you believe?"

What he is essentially saying is what I am telling you today, Mr. Chairman. That going through vast reorganizations, which are going to lead to more hiring and more waste and inefficiency, more disorganization and a substantial period of inaction, is not the way. The way to do it is to have an intelligent coordination program.

Mr. Chairman, I would point out with regard to water pollution something which I think is very important; that is, all of the Government's activities in the field of water pollution are not going to be moved evenly. I would point out there is a major program in the Department of Agriculture which is going to remain there. They are going again to have the coordination problem.

There is a major program of sewers and water collection in HUD. I would point out both the Department of Agriculture and HUD have enormous pollution problems.

Mr. BLATNIK. Which program in Agriculture? Are you referring to Agriculture which will not be included in the transfer?

Mr. DINGELL. You have the program of grants for water and sewers.

Mr. BLATNIK. The Farm Home Administration program?

Mr. DINGELL. Yes, sir; you have a similar thing in HUD. Neither would be moved. I don't know whether the administration considered this and rejected it or whether it never was aware of the fact these programs existed at all.

Mr. Chairman, I have had in for a number of years, and I am certain that the administration must be aware of it, legislation which would move all of these water pollution grant programs to one agency, the Department of the Interior. I have brought constituents down here to get assistance under these programs and they go home firmly convinced this is a town inhabited only by crazy men. They go from agency to agency and the only thing they have to show for their trip is a canceled airplane ticket, considerable exhaustion, great frustration, and considerable bitterness from the Federal Government.

Here we have a very classical example. Mr. Chairman, EPA and NOAA are matters that are of the gravest and most high importance to the American people. They are matters which should be handled after careful consideration by the Congress. I know of no Member of Congress who was consulted in advance to find out what he thought should be in these different agencies. I would point out, Mr. Chairman, I know of no committee that has been working on these things where we have been called in and said, "We are going to do these things." Certainly no such communication was made with me as a member of the Commerce Committee where we deal daily with the major part of EPA. I would point out——

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Mr. BLATNIK. Would the gentleman yield on that point?

There is another very important point you stress again and which was brought out in the course of testimony which caused a great deal of concern. The witnesses were told that the staff covered practically all of the environmental programs in many, many departments of the executive agencies—over 180-plus persons consulted. Except few limited contacts, we found that none of the people on the congressional staffs were involved in these different conservation and environmental programs you speak of. Congressman Saylor and a whole list of other people we can name, know about the problem and the history of these environmental programs we are talking about today. Only a small percentage of these programs are being put under the so-called comprehensive Environmental Protection Agency.

I am glad that you underscored that, too.

Mr. DINGELL. This, I think, is a very important point. There is, Mr. Chairman, something that is going to have to be recognized. This legislation and the testimony of the departmental witnesses that I have heard and read in the press—and a reading of it would indicate this is so—are so totally incomplete and so totally inadequate it becomes very plain that further administrative changes are necessarily going to have to be made before either EPA or NOAA is going to find its proper home or achieve the place in Government or a governmental structure which will be efficient in reaching the problems for which they have addressed themselves.

Actually, EPA and NOAA should be two parts of the same agency. Actually, I would point out that they should be two parts of another agency which would be dealing with the entire question of environment or the entire question of natural resources.

I would point out, Mr. Chairman, that EPA should really, by all rights, be a part of the Department of Natural Resources. I am satisfied that when history is written it will either be a part of a Department of Natural Resources or a part of a Department of Environment. I am well satisfied, Mr. Chairman, that it will be absolutely necessary within the orderly course of history that EPA will be transferred to some kind of agency or so constituted as to be headed by a secretary and have full Cabinet status. It simply cannot function and do what it is supposed to do with present BOB budget restrictions, present support from the White House and the present budgetary structure. There is no amount of saying to the contrary that is going to change that fundamental fact.

What we are doing, Mr. Chairman, we are wrenching, by these two plans, two agencies out of departments. We are creating prodigious, fantastic, and totally intolerable levels of confusion and disorganization in these important areas. We are faced, almost certainly, with the absolute surety, Mr. Chairman, that these are only interim steps. I, personally, believe very strongly, apart from the other vices so clearly apparent in the creation of either EPA or NOAA, that one fact alone should militate against these reorganization plans; that is, the prodigious disorganization which will take place is not going to be the final disorganization and misallocation of time, energy, and resources and personnel, but, rather, it is only going to be one step which will lead to a further traumatic

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experience of exactly the same kind inside the Federal Government when we carry forward the next reorganization which is

clearly demanded by the kind of orphan structure that we are legislating with the establishment of EPA and NOAA.

It is my hope that you and your committee will recommend disapproval of these two reorganization plans and that, at an early time, you move to see that the House summarily rejects them, as you should, since they are not in the public interest and do not solve the problem. Then we can begin to move in concert with the White House, if the White House wants to, toward a legislative reorganization of the Government's affairs by enabling the Congress to participate in that action through the establishment of a Department of Natural Resources and a Department of Environment. In this way, appropriate opportunity will be afforded all persons, and there are large numbers of persons, conservation organizations, Members of Congress, Senate, people who have been studying and working on these matters, people in the universities, to participate in the reorganization plans.

I would point out the only people that I know of involved in one of the plans are the members of the Ash Commission.

Mr. Chairman, I would be happy to read, if you wish, a little *ad hominem*. I would be pleased to read some of the comments appearing in the press and in the financial world about Mr. Ash's administration of Litton Industries which has fallen on rough days of late. I would say if he has the talent he is supposed to have he would direct his talent to the Litton Industries rather than screwing up the affairs of the Federal Government which he has so clearly done here.

With those remarks, Mr. Chairman, I would repeat that this body, the House of Representatives and the Congress, should be consulted in these matters. We should have legislation which would enable everybody to participate, instead of disgruntled industrialists operating behind closed doors, so that we can come up with programs which are really going to reflect national need and which will conclude the reorganization of the Government instead of setting up an interminable period of organization which will accomplish nothing.

Mr. BLATNIK, Congressman, we thank you for a very impressive statement which was very necessary to give us a full, rounded out point of view from different angles on this proposition. You made one of the finest presentations *ad lib* from a few penciled notes. It was a very orderly, logical, and smooth flowing presentation. I congratulate you and express appreciation of the entire subcommittee for the most helpful contribution you made to this record. Thank you very much.

Mr. DINGELL. I thank you, Mr. Chairman.

Mr. BLATNIK. Are there any further witnesses or persons desiring to have statements put in the record?

Mr. John Kinney, sanitary engineering consultant, Ann Arbor, Mich., appeared before us on water pollution matters and public works. He had to catch a previously scheduled plane flight. His statement will appear at this point in the record.

(Mr. Kinney's prepared statement follows:)

PREPARED STATEMENT OF JOHN E. KINNEY, SANITARY ENGINEERING
CONSULTANT, ANN ARBOR, MICH.

Mr. Chairman, members of the committee: Pollution control was my major for undergraduate and graduate academic degrees. Now, with nearly 30 years of experience, I can report to you that those who suggest pollution control

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and environmental control are synonymous are seriously in error. Pollution control, however, can exert control over the environment—so much so, in fact, that unless the consequences of the proposed controls are anticipated, the resulting environment will not be what we want.

Thus, my testimony before this committee is not directed toward the point that there would be, by this reorganization, a combining of the policing agencies dealing with violations of air, land, and water standards. That is desirable, for obviously they are interrelated. My concern is with the potential of this agency under the title of environmental protection to actually cause environmental damage since, as proposed, this agency is not designed to appraise the total environment.

My appearance before this committee results from questions by members of the staff who had been researching past Government Operations Committee records of hearings dealing with water management. The role of pollution control in water management had pointed up how water management, in turn, has a role in environmental management. I was asked whether this proposed agency is properly constituted to provide environmental protection. As a witness in past hearings before this committee and others dealing with water management and pollution control legislation, as well as having had experience in regulatory activity at county, state and interstate levels and as an advisor to government, industry, conservation, and planning entities, I have had opportunity to be intimately acquainted with the problems, the expectations of people and legislators and the failures of accomplishment.

Is this reorganization adequate to do what is proposed? I think not.

Perhaps the easiest way to explain my concerns would be by example. But as a prelude, may I suggest how important I think your committee role is in properly assessing the issues before you on this reorganization.

There are two major domestic concerns—the state of the economy and the quality of the environment. These will be the issues before the voters this fall. The difficulty comes in the public connotation of environment as being synonymous with pollution; it is not. Nor is ecology—the other word we hear so much. But there is a very definite and positive interrelationship.

Ecology and economics both have the same Greek root—eco, or household.

Ecology is involved with the interrelationships of the members of the household.

Economics is involved with the supplying of the needs of the members of the household.

The household can be considered as global, continental, regional, neighborhood, or a small unit such as an aquarium. For whatever unit is selected, the summation of all the factors involved is the environment. We may modify or preserve an environment but we don't save or destroy it. The environment continues to exist in one form or another.

The modification may be an improvement or a worsening and it can be in one or more aspects. Considering the environment of man as paramount requires that all his needs as well as his relationships must be considered, in other words, his health, shelter, education, work, safety, recreation, transportation. When the Congress passes legislation to achieve a most desirable objective, it sometimes finds a quite unexpected situation develops. The same thing occurs with programs proposed to control pollution. The objective can be most noteworthy; the results can be anything but desirable by actually adversely affecting the ecology of an area or the potential to supply the needs of its members.

The Congress has recognized the complexity of economics and the serious impact seemingly slight modifications can have on the economy of the environment by utilizing a Council of Economic Advisers. Let me offer three illustrations of how similar attention to the physical environment—the ecology, if you will, is essential.

LAKE ERIE

No body of water has been maligned more than Lake Erie. Called a dead sea and a cesspool by national speakers this body of water is really a gem, a national resource of the greatest value. William Pecora, Director of the U.S. Geological Survey, the agency set up by Congress to learn the interrelationships of land and water, calls the statement that Lake Erie is a dead lake "pure rubbish."

Lake Erie does have problems. Most water bodies do. But the massive pollution control program now underway for Lake Erie won't solve the most pressing problems of that lake. The algae problem in the western lake

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wouldn't be solved if you shut off all the sewers around the lake. The reason is that the two controlling factors are land drainage and the physical features of the lake which influence the flow.

The existing pollution control agency does not have the environmental assessment capability to undertake the guidance of such a program. Placing it in a new agency will not correct this deficiency.

ASPEN, COLO.

As proof of this assertion consider the Roaring Fork River above Aspen, Colo. There are two ponds on that river which make the point. The first was caused by a rockslide just downstream from Maroon Lake at the head-

waters of the river. It is loaded with algae and is in an advanced state of eutrophication. Lake Erie doesn't compare with it and yet there are no sewers, no industry, no people living there. This is above 10,000 feet in elevation.

Further down the river below the gorge there is a perfect miniature Lake Erie—same silted-in shallow entrance, same types of algal problems in the entrance end, same deep water and good fishery in the exit end.

The people in the Lake Erie basin have been promised that if they pay for installing tertiary treatment of sewage and closed industrial water systems, the algal problems in that lake will be corrected. However, there are no sewers in the Roaring Fork situation, just land and the manner of using the land causing the same effect as in Lake Erie.

The pollution crimes in Colorado—in fact, there are illustrations in all the Western States—are mostly committed as part of programs authorized to promote recreation.

However, there is no independent environmental analysis agency to anticipate the effects of programs in order that detrimental effects can be avoided. And these mistakes, though truly pollution, for they do cause interference with usage by others, cannot be corrected by pollution control agencies. If there is to be environmental protection, such problems must be included.

WHAT THIS MEANS TO PEOPLE

There is underway a multibillion dollar pollution control program in the Lake Erie basin. Part of it is essential to correct some of the environmental blights such as polluted beaches and decaying organic sludge deposits. But part of the expenditure will cause harm rather than good.

Such programs also divert funds from other essential environmental needs such as control of crime in the streets and education. Part of this wastage in the Lake Erie basin will be by the city of Detroit which is having great financial difficulty.

It is a peculiar environment where propagation of fish in the stream rates priority over safety of humans to walk on the streets. But it is an even less desirable environment in which money is expended on the promise of improving a fishery when there is real evidence the fishery problems need different approaches.

Lake Erie now produces (as it has since 1879) about 50 million pounds of fish a year—half the total for all the Great Lakes. If it is a dead lake, it is a unique dead lake.

The fishery has changed in Lake Erie just as it has in all the other Great Lakes. These changes started before many sewers were connected to the lakes—before man-made pollution could possibly have been a cause. The answers are not all in the sewers.

Incidentally, the water in Lake Erie away from the shore can be drunk without treatment. This makes a lie of the assertion the lake is a cesspool.

LAKE MICHIGAN

The adverse effect on the economy in the Lake Erie basin due to the untrue publicity about the condition of the lake has been real but is small, however, compared to what will happen to the economy of the Lake Michigan basin if the latest pollution control regulation is enforced.

The Assistant Secretary of Interior, head of the water pollution control agency, issued a regulation that discharges to Lake Michigan cannot be more than 1° warmer than the lake. No mixing zone is to be allowed.

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Since cities discharge water warmer than that, all cities as well as industries will have to providing cooling towers. The combined municipal-industrial usage for this area is now, according to FWQA, 5.72 billion gallons of water a day.

Cooling towers evaporate water as part of the operation. With an evaporation loss of 5 percent there would be 286 million gallons a day or 104 billion gallons a year removed from the lake and discharged to the atmosphere.

Most of this water will not precipitate in the basin so the lake level could drop. But this amount of water regularly discharged to the atmosphere could cause weather modification. It will definitely cause fogging and icing.

Even more, pumping this amount of water over cooling towers will consume electrical energy in large quantities. This means a faster depletion of coal, gas, and oil, and there are finite limitations on these reserves.

But the added expenditure of energy also means there will be more particulates and carbon, nitrogen, and sulfur compounds discharged to the atmosphere as well as heat.

Also, inland cities which now suffer water shortages and which are prevented from pumping water from Lake Michigan by court decree, will watch this precious asset float uselessly overhead.

What Canada will say about the diversion as a violation of its treaty with the United States can be anticipated.

All this started because some well meaning fishermen apparently convinced a pollution control official that warm water discharges adversely affect the fishery in the lake. So, in this era of emotional involvement over the environment when the magic word is enhancement, any suggestion of eliminating a discharge is immediately considered enhancement and must be adopted at all costs. Unfortunately, not all costs are considered. And neither are all consequences on the environment.

In this instance while the people's environment will be changed and they will be paying dearly for the changes, the fishery won't be improved unless effective fishery management is instituted. This is not provided for in this reorganization. And actually, the warm water discharges have no effect on the temperature of Lake Michigan outside mixing zone areas. Much better for the total environment if there were requirements limiting mixing zones. The thermal pollution hysteria is resulting in many environmental errors.

STANDARDS AND POLICING

What it boils down to is that the EPA will be an agency independent of other departments which will argue for the freedom to set standards as a prerequisite to the policing of what it deems necessary in protecting the environment.

If our environment is to be truly protected, there must first be a definition of the environment we want and that includes the total environment of man. So we need to answer his needs which include, but are not limited to, quality of air, water, and land.

Yet for every benefit a penalty must be exacted and for every regulation or every development some effects will result. So if we are to have environmental protection, both ecology and economics must be considered.

As an illustration, consider the complexity of the problem of providing sufficient electrical energy. To some the issue is simply one of burning gas, low sulfur coal or oil and then provision of cooling towers. But to others the issue is seen in terms of availability of fuel now and, of even more importance, availability 30 years from now. At that time according to the Academy of Science report "Resources and Man" there will be critical shortages of petroleum, gas and low sulfur coal and, unless breeder reactors are in use, critically reduced sources of cheap radioactive uranium.

In fact, the report emphasizes that although pollution is a disgraceful condition, it can be cured once we have defined specifically what should be done and spend the money to do it. The report points up the true environmental problems are population distribution, availability of food from land and sea, availability of minerals from land and sea, and energy. Emphasis on pollution distracts attention from these vital issues.

Also, emphasis on constructing waste treatment facilities leaves the impression the problem is simple and isolated from other aspects of the environment and that a rapid expenditure of funds is all that is needed. Much has been done in the last two decades to abate pollution; much more needs to be done.

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But if the environment is to be considered, the pollution control program must be considered in terms of time and objective to determine cost and in terms of relationship to other environmental needs to establish priorities. But it must also be considered in relation to the manner in which other environmental aspects can be affected.

ISSUES TO BE CONSIDERED

The objective in this reorganization is to get coordination and more effective implementation of programs. But will this do it?

The operating organizations will continue to be individual entities for at least 120 days after date of effective consolidation. What guidelines are established to achieve the integrating effect within that time, or is a longer period to be anticipated?

Will this reorganization tend to halt all policymaking decisions and thus impede pollution control rather than accelerate it? You may recall this was the history of the two previous reorganizations of the water pollution control agency.

At present the pollution control agencies within the various departments have varying degrees of cooperation with the other bureaus in the departments, which can and do supply data for decisionmaking. At present the potential for data exceeds the utilization but at least the potential is there. If this new agency is created apart from the departments, how will the EPA get the data it should be using from such entities as Geological Survey and Soil Conservation Service? Are arrangements made for such activity? Or is it planned to drain personnel via Bureau of Budget adjustments from these agencies for transfer to EPA?

Since an announced intention is to increase EPA power to set standards, who shall review the impact of proposed standards?

If EPA is to absorb some of the ecology research from the Quality of the Environment Council, will not EPA have the authority to limit the studies to those it deems essential to policing the standards it proposes?

Will EPA continue to be a loose conglomerate, despite the title, simply because there will be a number of congressional committees and appropriation subcommittees interested in certain aspects of the program?

A PROPOSAL

Until there is a separate factfinding and environmental analysis agency, the Members of the Congress as well as the people have no place to go for an independent appraisal of proposals or an unbiased evaluation of a situation.

If there were such an agency, the State and interstate regulatory officials could have positive support in setting standards of quality which, if violated and not enforced at that level, could be by the Federal Government.

Also, if there were such an agency, the many bureaus in Government dealing with various aspects of the environment could have a counseling board at which alternatives could be evaluated.

One might argue that if consolidation of the agencies for policing is desirable, why not do that via this reorganization and then proceed to add on to this venture at a later date. One might also argue equally well that grouping of such policing agencies should be under a program that would first organize the separate mechanism for developing objectives and standards which would then be policed by a policing organization.

In essence then the two issues before the voters this fall—the state of the economy and pollution control—are actually both part of the same issue—the state of the environment. In this sense the environment we want improved and protected is cultural, social, economic and physical, and unless placed in that perspective is cause for trouble, not benefit.

With a rapidly increasing population and a finite limitation on resources, there must be an end to optimistic but blind reaction, a determination of what is truly in the best interests of man, a forum for mutual agreement, an encouragement for those who can interpret the facts and guide our getting where we want to go.

Our deficiencies at present are facts and solutions. This reorganization, unfortunately, guarantees neither. Unless the Congress can see the need, we are apparently doomed to further airless wanderings, for as Carl Jung has summarized our public attitude, the situation is not optimistic.

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“We rush impetuously into novelty, driven by a mounting sense of insufficiency, dissatisfaction, and restlessness. We no longer live on what we have, but on promises, no longer in the light of the present day, but in the darkness of the future, which, we expect, will at last bring the proper sunrise.”
—(*Memories, Dreams and Reflections*.)

Mr. BLATNIK. Hearing no further requests for time, the hearings on plan No. 3 are recessed and the subcommittee is adjourned, subject to the call of the Chair.

(Whereupon, at 4:40 p.m., the subcommittee adjourned.)

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REORGANIZATION PLAN NO. 3 OF 1970

(Environmental Protection Agency)

TUESDAY, AUGUST 4, 1970

HOUSE OF REPRESENTATIVES,
EXECUTIVE AND LEGISLATIVE REORGANIZATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 10 a.m., in room 2154, Rayburn House Office Building, Hon. Benjamin S. Rosenthal, presiding.

Present: Representatives John A. Blatnik, Chet Holifield, and Benjamin S. Rosenthal.

Staff members present: Elmer W. Henderson, subcommittee counsel; James A. Lanigan, general counsel, and J. P. Carlson, minority counsel, Committee on Government Operations.

Mr. ROSENTHAL. The Subcommittee on Executive and Legislative Reorganization will come to order.

This morning we continue our hearings on Reorganization Plan No. 3 to create an Environmental Protection Agency. You will recall we considered this plan earlier, on July 22 and 23.

We will have testimony this morning from representatives of the Atomic Energy Commission, the Federal Radiation Council and other interested organizations. The plan transfers certain radiation standard-setting functions from the AEC to the new agency and gives to the new agency all of the functions of the Federal Radiation Council.

This morning we are pleased to have with us Dr. Glenn Seaborg, Chairman of the AEC, accompanied by Commissioner James T. Ramey. Also with them at the witness table is Paul C. Tompkins, Executive Director of the Federal Radiation Council.

We will be very pleased to hear your statement in any order that you gentlemen choose.

STATEMENTS OF DR. GLENN SEABORG, CHAIRMAN, AND JAMES T. RAMEY, COMMISSIONER, ATOMIC ENERGY COMMISSION; ACCOMPANIED BY HAROLD L. PRICE, DIRECTOR OF REGULATION; JOSEPH F. HENNESSEY, GENERAL COUNSEL; PAUL C. TOMPKINS, EXECUTIVE DIRECTOR, FEDERAL RADIATION COUNCIL; AND CLAIRE C. PALMITER

Dr. SEABORG. I am going to make the statement for the Atomic Energy Commission.

Mr. ROSENTHAL. I might suggest that you identify those with you at the table.

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Dr. SEABORG. Mr. Harold Price, Director of Regulation, on my right, and Mr. Joseph Hennessey, the General Counsel of the Atomic Energy Commission, on my left. You identified Mr. Ramey and Mr. Tompkins.

Mr. ROSENTHAL. You may proceed.

Dr. SEABORG. Mr. Chairman and members of the committee, I am pleased to have the opportunity to review with you certain aspects of the administration's Reorganization Plan No. 3 of 1970 as it affects functions of the Atomic Energy Commission.

As you know, this plan fulfills the President's pledge of early this year to recommend improved Federal administrative machinery to control and abate pollution of all forms which pose an increasing threat to the quality of our environment. The Commission supports the plan and the ultimate objective expressed by the President in his message of July 9, 1970, to the Congress:

To insure that the Nation's environmental and resource protection activities are so organized as to maximize both the effective coordination of all and the effective functioning of each.

Reorganization Plan No. 3 would bring together in a new agency—the Environmental Protection Agency (EPA)—pollution control programs now existing in four separate agencies and an inter-agency council. In the field of radiation, the plan would transfer to EPA all functions now vested in the interagency Federal Radiation Council (FRC), which would be abolished, and the functions of the AEC for setting generally applicable environmental radiation standards as administered by its Division of Radiation Protection Standards. My testimony is related directly to the transfer of these functions, the respective roles and relationships of the FRC and AEC in this field, and our understanding of how these activities will be carried out under the new reorganization plan.

Before discussing the transfer of the AEC function, I would like first to discuss the work of the FRC and its transfer to the new Environmental Protection Agency. For perspective, a little background in the field of radiation protection standards may be helpful.

The International Commission on Radiological Protection, created in 1928, and the National Council on Radiation Protection and Measurements, established in 1929, have provided the basic radiation protection recommendations that have been used

throughout the world as the bases for national regulations to control uses of atomic energy and radiation. Since 1959, the Federal Radiation Council has provided official guidance in the United States to Federal agencies for control of exposures to radiation. The basic guidance of the FRC and the basic recommendations of the NCRP and the ICRP have been mutually compatible.

Specifically, the FRC was established by Executive order and amendment to the Atomic Energy Act of 1954, and directed to “. . . advise the President with respect to radiation matters directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards. . . .” The Council, which consists of the Secretaries of Health, Education, and Welfare; Defense; Commerce; Interior; Agriculture; Labor; and the Chairman of the AEC, was directed to consult qualified scientists and experts in radiation matters, including the president of the National Academy of Sciences, the Chairman of the National Council on Radiation Protection and Measurements,

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and qualified experts in the field of biology and medicine and in the field of health physics.

The charter of the FRC provided for access to a wealth of scientific experience and expertise which has been reflected in the eight reports published by the Council to date. Its recommendations are in the form of radiation protection guides for occupational workers, for individual members of the public, and for the population as a whole. These guides apply to all sources of exposure from normal peacetime operations but exclude exposures from natural background radiation and radiation from medical procedures. Federal agencies having jurisdiction in radiation matters, including the AEC, have relied on this broad guidance developed by the FRC and approved by the President.

As noted in the Presidential message, the new agency will work closely with and draw upon the expertise and assistance of other agencies having experience in the environmental area; thus, we would expect that in its radiation protection standards development activities, as has been the case with FRC, it would bring to bear the available scientific competence in such organizations as the National Academy of Sciences and the National Council on Radiation Protection and Measurements. The facilities of the Atomic Energy Commission and results of our ongoing research would, of course, be readily available.

All of the functions of the FRC, as described above, would be transferred to the EPA.

I would now like to discuss the relationship which has existed between AEC and the FRC and the transfer of certain AEC functions to the new agency.

The Atomic Energy Commission, through its Division of Radiation Protection Standards, has been responsible for the development of standards for protection of public health and safety against radiation in the regulation of the atomic energy industry. The activities of this division have included participation in the Commission's work with the FRC in formulating generally applicable radiation protection guides for use by Federal agencies in their development of safety requirements tailored to meet their particular needs. The radiation protection guides developed and recommended by the FRC have been implemented in AEC regulations and in the licensing process as specific regulatory standards and requirements applicable to such atomic-energy activities as nuclear power reactors, chemical reprocessing plants, fuel fabrication plants, and the use of radioisotopes in medicine, industry, and research.

That part of the AEC's authority, as administered by its Division of Radiation Protection Standards, to develop and set generally applicable environmental radiation standards for the protection of the general environment would be transferred under Reorganization Plan No. 3 to the Environmental Protection Agency. The Division of Radiation Protection Standards presently has a staff of 19 persons and less than half of the total manpower available in this division is devoted to this function.

The AEC would continue to have the responsibility for the implementation and enforcement through its licensing and regulatory authority of the environmental radiation standards which would be developed by EPA. In implementing these standards the

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AEC would establish regulatory requirements which would be applied to persons who receive, possess, use or transfer byproduct, source, or special nuclear material, or who conduct or operate nuclear facilities. These requirements would include such items as design criteria, operating procedures, limits on radioactivity in the effluents released outside the boundaries of locations under the control of the user and monitoring to develop data to demonstrate compliance with AEC requirements.

As part of its enforcement function, the AEC would require its licensees to carry out such monitoring programs—both within and outside the boundaries of locations under the control of the licensee—as may be necessary to demonstrate compliance with AEC limits imposed on the licensee. These limits would, of course, be compatible with the standards developed by EPA. The AEC would carry out such independent monitoring programs as deemed necessary to verify that AEC limits are met, and would collect, collate, and publish monitoring data developed by its licensees in its regulatory programs and data developed by its contractors in its operating program.

Our understanding is that the Environmental Protection Agency would be responsible for carrying out such monitoring programs as it deems necessary in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive materials. EPA would also be responsible for collecting, collating, and publishing monitoring data gathered in its programs. If data developed by EPA should indicate that its environmental quality standards are not being met, the matter would be referred to the AEC for appropriate enforcement action.

The Atomic Energy Commission, in the conduct of activities not subject to licensing by the AEC, will use the EPA environmental standards in carrying out agency responsibilities for controlling the release of radioactive effluents to the general environment.

Standard contractual provisions in all AEC contracts relating to operations on AEC sites, require contractor adherence with AEC radiation standards and reserve full control over such matters to AEC. AEC policy requires not only that its operations be conducted in compliance with radiation standards but that radiation levels be held to levels as low as practicable below such standards. AEC operating contractors establish conservative management controls over each operation which are designed to assure that these requirements are met. Contractor performance is regularly appraised by AEC staff located in field offices throughout the country. Field office and contractor performance is reviewed by AEC headquarters.

In summary, the Commission feels that the establishment of the EPA is a desirable and workable aspect of the administration's goal to coordinate and focus the Nation's efforts to protect our environment.

Mr. ROSENTHAL. Thank you.

Mr. Ramey, I believe, has a statement at this point.

Mr. RAMEY. Mr. Chairman, I don't have a formal statement, but I am prepared to help answer questions that arise.

Mr. ROSENTHAL. Mr. Tompkins, do you have some remarks you want to give us the benefit of?

Mr. TOMPKINS. Would you like me to read my prepared statement now, sir?

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Mr. ROSENTHAL. Yes; I think so.

Mr. TOMPKINS. Very well.

Mr. Chairman and members of the committee, first I would like to mention that I have with me Mr. Palmiter, my colleague on the Federal Radiation Council staff. I have been asked to appear before you to testify regarding the effect of Reorganization Plan No. 3 on the work of the Federal Radiation Council (FRC) which will be abolished as an administrative entity by that plan.

In addition to the transfer of the function of the FRC, the functions of the Division of Radiation Protection Standards (AEC) that have to do with establishing generally applicable environmental standards and the Bureau of Radiological Health (HEW)—except for those functions related to consumer product regulation and medical and dental uses of radiation—will also be transferred.

I expect the primary effect of the transfer of these functions to be in the area of administrative procedures involved in the development of radiation protection standards, since this responsibility will be vested in the Administrator of the Environmental Protection Agency (EPA), rather than in a Council involving seven Federal agencies.

Second, the inclusion of certain functions from the AEC and HEW into EPA should reduce the existing gap between the formulation of basic standards as a matter of policy and the implementation of those standards by various Federal agencies.

A few specific examples should suffice to illustrate the procedural differences. The statutory responsibility of the Council is to "advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States."

The FRC has no regulatory authority, it establishes no legal limits, it has promulgated no emission standards of any kind, and its recommendations to the President are not processed through

the Administrative Procedures Act. The recommendations proposed by the FRC are broad in nature and cover the general philosophy of radiation protection, which it hopes will be carried over and into the standards and regulations of Federal agencies.

FRC recommendations are encompassed in what is called dose to tissue. These doses are expressed numerically in terms of exposure to people, not in terms of conditions leading to exposure. FRC guidance on contamination to the environment is in similar terms and is directed at the point of intake, again, personal exposure.

Upon approval of FRC recommendations by the President and publication in the Federal Register, the recommendations become official guidance for Federal agencies in establishing their radiation protection activities.

A Federal regulatory agency starts with the prescribed dose to tissue, as recommended by the Council and the annual average intake of certain nuclides that would be expected to result in this dose and work backward to the point of emission as the basis for promulgating limitations on allowed emissions. Such regulations are the agency's responsibility. They are subject to the Administrative Procedures Act and have the force of law. Whereas such

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regulations must be compatible with the basic guidance of the FRC, the resulting regulations are not FRC standards as such.

The Administrator of EPA, as I understand, will conduct activities similar to the FRC and provide for the establishment of broad radiation protection guides. He will also develop secondary standards to be processed through the Administrative Procedures Act; that is, among other things, formal public hearings.

I would expect that the appropriateness of criteria promulgated by the EPA would be determined and continually reexamined as is done now by the FRC by use of panels of scientists from inside and outside the Federal Government to review and study data produced by investigators in the scientific community and to recommend specific areas where existing guidance may not be appropriate.

The EPA will use these primary radiation protection guides in setting general environmental standards. By standards we mean limits on radiation exposures, or levels, or concentrations, or quantities of radioactive material in the general environment outside the boundaries of locations under the control of persons possessing and/or using radioactive material.

To go from radiation protection guides to MPC's or other forms

of permitted emissions the EPA will make use of its own competence, as well as that of the staffs of the AEC, HEW and other Government agencies and outside experts. It is expected that other Government agencies, including the AEC, will use these standards in both its own and regulated activities.

Like the FRC has in the past, EPA will continue to seek the advice of the National Academy of Sciences (NAS), National Council on Radiation Protection and Measurements (NCRP) and will make full use of reports and opinions published by such international groups as the International Commission on Radiological Protection (ICRP) and the United Nations Scientific Committee on the Effects of Atomic Radiation.

In closing, I see no basic reason to suppose that the transfer of functions required by the reorganization plan will impede the development of responsible programs of radiation protection by various agencies of the Federal Government and, in many respects, may expedite the continuing improvement in development of such programs.

Mr. ROSENTHAL. Mr. Holifield?

Mr. HOLIFIELD. Dr. Seaborg and Dr. Tompkins, I am pleased to have you before this committee. You are often before the Joint Committee on Atomic Energy, and we are pleased to have people with your background of scientific knowledge and your long experience in the field.

I have a few questions that I would like to ask which cause me some concern about this transfer, notwithstanding the fact that both of you have said that it could work out all right and maybe it can.

On page 4 of your statement, Dr. Seaborg, you mentioned the fact that we have 19 people doing this work in the Division of Radiation Protection Standards in the AEC.

Your statement is that, "The Division of Radiation Protection Standards presently has a staff of 19 persons and less than half of the total manpower available in the division is devoted to this

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function." So if we cut that in two, we have eight or nine persons who are directly functioning in the standard formulation.

This chart which you gave us on the Environmental Protection Agency, shows the transfer of three positions. It does not show any continuation in the budget. The budget is still recommended to be between \$75 and \$67 million.

The thing that concerns me, if it is necessary to have 19 or nine

in the AEC with their long experience in this field, how can this work be done efficiently by three people who would be transferred over into an environmental agency, which has some 6,500 employees?

My real concern, No. 1, is that we are not transferring an adequate number of people over into the agency. And, No. 2, perhaps they will be lost in this tremendous agency whose basic interest and scope and application is as wide as pure water and pure air.

So it is all-embracing of those two factors in our economy and goes into other things too, of course, like pesticides. But how can three men do what you are now requiring nine to 19 men to do? Do you have some comment on that? Does this concern you?

Dr. SEABORG. I might say first no final decision has been made as to the exact number of people that will be transferred to the new Environmental Protection Agency from the AEC's Division of Radiation Protection Standards.

Mr. HOLIFIELD. We have your chart before us, which you have probably seen, which shows there will be four from the Federal Radiation Council and three from the AEC. Have you seen that chart?

Dr. SEABORG. I have seen charts equivalent to it if I haven't seen exactly that chart.

Mr. HOLIFIELD. I will be glad to send one down to you.

Dr. SEABORG. It is contemplated that it will be of that order, but whether it is three or four or five or six hasn't been definitely decided.

Mr. HOLIFIELD. This is what concerns me; and the point of this plan is that we have adequate people down there to do this job, if it is transferred over. I must insist that there be enough people moved over. And I would like to have your frank opinion.

Do you have too many on this in the AEC now to do the job?

Dr. SEABORG. The second point that I was going to make is that those 19 people have additional responsibilities beyond the setting of the environmental protection standards guided by the guidelines that have been given us by the Federal Radiation Council.

Mr. HOLIFIELD. But you said at least half of those are directly employed in the setting of standards?

Dr. SEABORG. Or a little less.

Mr. HOLIFIELD. Well, half is eight and a half, so we will say eight men instead of eight and a half.

Dr. SEABORG. Maybe five or six. The others are involved in the implementation of the environmental standards.

Mr. HOLIFIELD. Well, that will still remain with the AEC.

Dr. SEABORG. Yes, that is why they are not being transferred.

Mr. HOLIFIELD. I understand that. But I want to be specific now that the number of people that are now required are about half of 19, and the chart only shows transfer of three.

Dr. SEABORG. I think I should ask Mr. Price to give you precise numbers on that.

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Mr. HOLIFIELD. Yes, Mr. Price.

Mr. PRICE. Mr. Holifield, the chart that you have is a breakdown, our best effort, of what those 19 people are now doing in the Division of Radiation Protection Standards. It turns out that about 3 or 4 man-years are devoted in that Division to development of environmental standards.

That function is being transferred to the EPA.

Mr. HOLIFIELD. The function of those people is to study the data which is developed in the research program, biomedical and all other types of research that you are doing in the AEC, which runs up to around \$97 million.

Mr. PRICE. That is right.

Mr. HOLIFIELD. And they study the end result of that research and utilize that material in the establishment of standards which are in conformity with the Federal Radiation Council's recommendations?

Mr. PRICE. That is right, and that \$97 million worth of effort, that information is also available to the NCPR, ICRP, and the Federal Radiation Council and they fix the basic numbers that people talk about when they talk about environmental standards.

Mr. HOLIFIELD. Who fixes it?

Mr. PRICE. ICRP and NCRP recommend them, FRC adopts them for guidance, and these people in AEC take those numbers and put them into standards promulgated by the AEC.

Mr. HOLIFIELD. By the FRC?

Mr. PRICE. Well, the FRC gives the guidelines, the basic numbers like permissible doses to the general public and individuals in the public; numbers like the 500 MR and the 170 MR come through that scientific chain to the FRC. They promulgate them as guidance, and we in AEC, through these three or four people, 3 or 4 man-years of effort, put them into AEC standards that are enforced against licensees of nuclear plants and other licensees.

To tell you about the rest of these 19 people, Mr. Holifield, they are involved in the following additional functions which are not

being transferred to the new agency. First, implementation of the environmental standards. For example, release limits from plants, what ought to be the limit at the plant in order to be sure that you meet these environmental standards.

In addition, some of these people are involved in working on occupational standards promulgated by the AEC. That standard setting function of the AEC was not transferred to this new agency.

In addition, there is work on product standards. For example, standards with respect to luminous dials on watches. So there is this additional work in this division that is not being transferred.

Mr. HOLIFIELD. I understand. I think we have made it clear that the standards which have been set by the AEC are not a matter of bureaucratic judgment alone; they are derived from recommendations made by the most knowledgeable bodies in the world, to wit, the National Council on Radiation Protection Measurements and the International Council on Radiation Protection, and the National Academy of Sciences; is that right?

Mr. PRICE. That is right.

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Mr. HOLIFIELD. So the propaganda that is in the papers that accuses the AEC of being beta promotional and an originator of these scientific levels is fallacious; is it not?

Mr. PRICE. Yes, sir, and if these half a dozen people we are talking about had to do all the experimental and research work and the work of these national and international bodies, it wouldn't be near enough, of course.

Mr. HOLIFIELD. There are 65 scientists on the National Council on Radiation Protection.

Mr. PRICE. Yes; and these four or five people have been enough to take the end product and put it into environmental standards. And that is the function that is being transferred.

Mr. HOLIFIELD. Now I want to know if you can find three—and I have a grave reservation about this three, and I recognize it for that. I think when we get into the problem, we cannot have all of the scientific disciplines that are necessary to do this job that these eight and one-half men are doing wrapped up in three men.

Mr. PRICE. This may be so, Mr. Holifield because these four or five or six or whatever it is are backed up by the total resources of the Commission, and it just may be that this new agency will need more in-house capability. Of course, they are getting a large number from the Bureau of Radiological Health and it is possible in

the course of the transfer that some additional people that are not now in it——

Dr. SEABORG. That is the point I wanted to make. We are concerned as you are, Mr. Holifield, that this new agency have competence in this very important field.

And if in the course of the buildup of the agency there are indications that additional people that the AEC has should be transferred in order to give EPA this competency, we would certainly be inclined to look favorably on that transfer.

Mr. HOLIFIELD. In the last analysis, these people are lost in the shuffle. If they are inadequate to do the job, or if they do not have access and a flow of information between those people left in the AEC, and particularly the laboratories and universities doing the research work, you are going to have a dangerous gap between research and discovery of facts which are necessary in the setting of standards and implementation of standards, monitoring of standards—you are going to have a tremendous gap there.

This is the thing that concerns me, because I am just afraid, having seen a lot of these reorganizations take place, that three men will be lost in the sea of 6,500 men. I recognize that also the four transferees from the Federal Radiation Council are there.

Now, are we in effect talking about seven people that will be charged with the same duties when we talk about three from AEC and four from the Federal Radiation Council?

Mr. PRICE. Mr. Holifield, I think it is possible that the new administration may decide they need more than that, and as Chairman Seaborg said, the Commission would look with favor on finding competent people in other parts of the Commission's program.

Furthermore, there will be a large number of people that are working in this area right now in the Bureau of Radiological Health and I think——

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Mr. HOLIFIELD. Well, there are over 500 working there.

Mr. PRICE. So I think the Administrator might decide some of those people would devote some effort to this work.

Mr. HOLIFIELD. There are 551 positions in Radiological Health which are being transferred from HEW over there. Now will they be in the area of amplification to the Federal Radiation Council and AEC, working on radiation protection standards and functions, or will they be auxiliary to it? How will this work out?

Mr. PRICE. Most of those people are now engaged in various monitoring programs and those programs will have to continue.

Mr. HOLIFIELD. They will continue, but they will be lost in the sea of 6,500 men and will not be closely coordinated with the three men that are transferred from AEC and the Federal Radiation Council, as I understand it.

Dr. SEABORG. They might be lost. But the 551 positions would be an additional source of competence, certainly.

Mr. PRICE. These half dozen people are not now lost in the AEC where there are 6,000 employees.

Mr. HOLIFIELD. I understand that, but they have a lot more employees in the research and development field right in the same agency. What we are doing is taking three people out of the agencies that have all the backup work and all the years of experience and collection of data, based on laboratory experience running into hundreds of millions of dollars, and moving them over here into a different agency. What I am concerned about is the connection between the two.

Mr. PRICE. It is on account of that I think, as Chairman Seaborg says, maybe some additional competent people in this area from other parts of the AEC or someplace else may need to be found to augment this staff.

Mr. HOLIFIELD. You realize also, in the event this function isn't carried out properly in this EPA, that news of anything they do which is either too restrictive or not restrictive enough will come right back on the AEC, which has the program of developing peacetime uses of atomic energy. They can be absolutely choked to death by unsympathetic action on the part of the Administrator of EPA, by restricting these men or ignoring them or even giving them administrative orders to do certain things.

Dr. SEABORG. We understand that and that is why we want to do everything we can to cooperate in finding competent people for the EPA to carry on this important function.

Mr. RAMEY. I think that in considering the small number of standard-setting people going over to this agency that has 6,000 people, you would probably want to compare them with the standard-setting people in these other areas on water and air. The point that Chairman Seaborg made, I believe, is that perhaps in the water quality area and the air pollution area, they do not have outside groups such as those that have essentially been laying the basis for radiation standards, the National Council on Radiation Protection and the International Commission on Radiological Protection. So they would have to have more in-house competence

on their standards setting so the proportion may not be quite so different as one might think.

The other point is——

Mr. HOLIFIELD. On the other hand, the interest in clean air and clean water is so pervasive throughout the Nation that there will

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be a great deal more attention given to those factors. The problem is much bigger because the carrot has not been given to the creation of clean air and clean water in our economy that has been given in the radiation field. The money hasn't been spent in experimental research in the fields of water and air. The money has not been spent in the protective procedures and codes and monitoring and implementation and so forth that has been given in the radiation department. Because these problems are big, for instance, the pesticide problem affects maybe a million farmers, so you have much bigger fields.

This is where I am concerned about the loss of attention that may occur to this small group that is going over there.

Mr. RAMEY. I think it is a valid concern. I think the other point that is being considered is how the Atomic Energy Commission and its laboratories can assist in this.

Mr. HOLIFIELD. You can only assist if they ask you for your information. You may send it over there and it gathers dust on the shelves.

Mr. RAMEY. We have had a rather good relationship with the Federal Radiation Council and its staff on providing a continuing flow and stream of information. They are not, of course, a part of the Commission.

We also have arrangements between the Department of Health, Education, and Welfare and our laboratories whereby the department actually provides funds for certain research and development in which they are interested. We have memorandums of agreement and a real mutual interchange between these agencies.

Mr. HOLIFIELD. If this plan goes through, I would hope there would be a very close area of coordination and transfer of the wealth of knowledge which has been obtained in some 24 years in the AEC, and that it would be brought forcibly to the attention of the Administrator of the EPA by the Chairman and the Commissioners of the AEC. I am deeply concerned about this disruption of what has been a successful system.

Now, I want to ask Mr. Tompkins, what do you conceive, regarding this transfer of four to the EPA, that there will be close

liaison between those four and the three from AEC or whatever number there would be? Will there be a different function or will there be a coordinated function at that time?

Mr. TOMPKINS. As I indicated, Mr. Holifield, there will have to be a change of position. First for clarity of the record, I would like to point out that of the four members of the FRC staff being transferred, two of them are professional and two of them are clerical. We are talking about the professional competence, we should talk about two of them and not four.

Now, as to the resources of the Federal Government available to the FRC, it is not at all disrupted by the staff of the two professional people from the FRC office. Each agency has appointed a senior member of the technical staff and those that have multiple interests. The Atomic Energy Commission has good liaison people with us and the Department of Health, Education, and Welfare and the Food and Drug Administration and others. So the working part of the Federal Radiation Council involves two people from the staff and nine scientific people from the Federal agencies. It is through those nine people that the FRC has been able to tap——

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Mr. HOLIFIELD. Is it your understanding that the nine people from the other agencies will also be transferred over there?

Mr. TOMPKINS. No, they definitely will not. What I am saying is that EPA has to set up some kind of procedure like that now being carried on.

Mr. HOLIFIELD. We are going to watch this very closely from this committee and from the Joint Committee on Atomic Energy; so you will, in effect, have a double-barreled shotgun looking at you. I am not speaking about you, personally; I am talking about whoever is the head of EPA. He is going to be called upon to prove to the Joint Committee on Atomic Energy that these functions are being transferred over there and are exercised with the same care, attention, and coordination between research in our laboratories and universities that have occurred in the past; because that is the one thing, as you know, that the Joint Committee on Atomic Energy has looked at for years and we have always stressed the safety of people, populations, and workers as the prime reference, notwithstanding some of the unwarranted criticism we have had.

Mr. TOMPKINS. As indicated in my statement, I definitely expect the EPA to follow the same general procedure and that does

require and imply close coordination and cooperation with the technical staff, not only with the Atomic Energy Commission but we have our problems that deal with atmospheric dispersion, we have close contact with the ESSA group in the Department of Commerce and this must continue. Whether or not the formal arrangement in terms of letters of agreement have to be modified in order to maintain it, I don't think makes any difference. But the functional aspect simply is that EPA cannot set the standards in a vacuum. It cannot do it as a simple in-house operation and if it does it should fail.

Mr. HOLIFIELD. In connection with that statement, the possible transfer over to EPA, and also the abolishment of the FRC, the Federal Radiation Council, by the reorganization plan, the Joint Committee reported out on July 28, section 11, subsection 274 h. of the Atomic Energy Act as amended, which reads as follows:

"Any Government agency designated by the President is hereby authorized and directed to enter into and administer an arrangement with the National Council on Radiation Protection and Measurements for a comprehensive and continuing review of basic radiation protection standards, and the scientific bases therefor, pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use or control of atomic energy, and an arrangement with the National Academy of Sciences for a comprehensive and continuing review of the biological effects of radiation on man and the ecology in order to provide information pertinent to basic radiation protection standards. The respective scopes of the arrangements may, in the discretion of the President or the designated Government agency, also encompass exposure to the effects of radiation from sources other than the development, use or control of atomic energy. The respective arrangements shall require—

"(1) the conduct by the National Council on Radiation Protection and Measurements of a full-scale review of the radiation protection guides presently in effect by virtue of the recommendations of the Federal Radiation Council, and of all available scientific information;

"(2) the conduct by the National Academy of Sciences of a full-scale review of the biological effects of radiation, including all available scientific information;

"(3) consultations between the National Council on Radiation Protection and Measurements and the National Academy of Sciences to assure effec-

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tive coordination between these bodies to serve the objective of the arrangements;

"(4) consultations by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, respectively, with scientists outside and within the Government;

"(5) the preparation and submittal by the National Council on Radiation Protection and Measurements to the President, or to the Government agency administering the arrangements, and to the Congress, by Decem-

ber 31, 1970, of its first complete report of its review activities, which shall also set forth its recommendations respecting basic radiation protection standards and the reasons therefor;

“(6) the maintenance by the National Council on Radiation Protection and Measurements of reasonably thorough knowledge of scientific matters pertinent to basic radiation protection standards within the scope of the arrangement, including studies and research previously performed, currently in progress or being planned;

“(7) such recommendations by the National Council on Radiation Protection and Measurements and the National Academy of Sciences respecting the conduct of any studies or research directly or indirectly pertinent to the basic radiation protection standards, or the biological effects of radiation on man and the ecology, under the respective scope of each arrangement, as either body deems advisable from time to time;

“(8) the furnishing of scientific information and advice by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, within the respective scopes of the arrangements, to the President, Government agencies, the States, and others, at the request of the President or the Government agency administering the arrangements;

“(9) the furnishing of scientific information and advice by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, within the respective scopes of the arrangements, to the Congress pursuant to the request of any committee of the Congress;

“(10) the preparation and transmittal to the President or to the Government agency administering the arrangements, and to the Congress, by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, at the end of each calendar year subsequent to 1970, of a report covering their respective review activities during the year; the report by the National Council on Radiation Protection and Measurements shall also set forth any significant scientific developments relative to basic radiation protection standards, including any recommendations; and the report by the National Academy of Sciences shall set forth any significant scientific developments bearing on the biological effects of radiation on man and the ecology, including recommendations;

“(11) the preparation and transmittal to the President, or to the Government agency administering the arrangements, and to the Congress, by the National Council on Radiation Protection and Measurements, of a prompt report of any significant changes which it deems advisable to recommend in regard to its previous recommendations respecting basic radiation protection standards or the scientific bases therefor and not theretofore identified in its reports; and

“(12) the conduct of the activities of the National Council on Radiation Protection and Measurements and of the National Academy of Sciences, under the respective arrangements, in accordance with high substantive and procedural standards of sound scientific investigation and findings.

“Reports received from the National Council on Radiation Protection and Measurements and the National Academy of Sciences under the arrangements shall be promptly published by the Government agency administering the arrangements. All recommendations, in such reports by the National Council on Radiation Protection and Measurements, respecting basic radia-

tion protection standards pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use or control of atomic energy, shall be carefully considered by any Government agency having authority to establish such standards and, within a reasonable period of time, such Government agency shall submit to the Joint Committee a report setting forth in detail its determinations respecting the recommendations and the measures, revisions, or other actions it proposes to take, adopt, or effect in relation to the recommendations."

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Then it goes on and ties in the statutes, the procedures which we have had in the past, and goes a little beyond that. We provide that the EPA, if this plan is successfully consummated in the legislative body, will be authorized to make contact with the most knowledgeable bodies that there are in the world for guidance, because we don't want to see administrative and bureaucratic judgment used in lieu of scientifically proven facts which have been developed by disinterested objective scientists of many, many disciplines.

So we are making it possible that this procedure be followed, not in an informal way as it has been in the past, but under specific contracts with the National Radiation Council and the National Academy of Sciences. Then the people of the United States can be sure of receiving rules, regulations, and standards based on scientific knowledge and not upon emotions or propaganda or hearsay.

Do you see anything wrong in continuing this arrangement in a formal statutory way which has been more or less followed by the AEC now for 24 years?

Mr. TOMPKINS. Certainly not. I would like to point out that the obligation—it is felt that the National Academy of Sciences and the NCRP is a formal charge——

Mr. HOLIFIELD. To the AEC?

Mr. TOMPKINS. No, sir; to the FRC in section 274 h. of the Atomic Energy Act. We do have contracts with the Academy and have had for several years. We also have a contract with the NCRP——

Mr. HOLIFIELD. But that is being abolished now. That goes to the authority of the FRC and the FRC is being abolished. While its functions are being carried over, I am not sure statutes pertaining to it are being carried over.

Mr. TOMPKINS. My indication is that the transfer of functions would include the transfer of obligations as stipulated in existing section 274 h.

Mr. HOLIFIELD. Is that your interpretation?

Mr. HENNESSEY. Yes, sir, Mr. Holifield; I think the transfer of functions carries with it the duties imposed under the statute.

Mr. TOMPKINS. EPA is required to continue this.

Mr. HOLIFIELD. You don't see any reason why this new bill cannot be passed, do you?

Mr. TOMPKINS. I really haven't had an opportunity to develop what I would consider a considered opinion, Mr. Holifield.

Mr. HOLIFIELD. All right, Mr. Hennessey, I ask you to make a study of this from a legal standpoint and furnish an opinion to this committee and also to the Joint Committee on Atomic Energy on the effects of this amendment as contained in this bill, and as to whether it is already covered or whether this goes beyond the present statutes and imposes upon the EPA Administrator these additional obligations.

Mr. HENNESSEY. Of course, this will be affected by the timing, Mr. Holifield. If this bill were to be enacted before the coming into force of the reorganization plan, there would be no Federal Radiation Council left after enactment of the Joint Committee bill.

Mr. HOLIFIELD. I understand that. Will there be a FRC left after the introduction of the plan? Both the plan and the bill would

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abolish the FRC. There is no controversy on that point. It hasn't, in my opinion, fulfilled its purpose; and I say this with due respect to Dr. Tompkins, whom I consider one of the most knowledgeable scientists in the world in this field and for the benefit of the members of this committee, Dr. Tompkins was in technical charge of the Hunters Point Naval Laboratory established immediately after World War II when he first came to the attention of the Joint Committee on Atomic Energy, and he had 600 scientists working under him analyzing and evaluating the effect of radiation on people and materials.

That was his background when he first testified before the Joint Committee on Atomic Energy. It is a great comfort to me to understand that you are also going over into EPA. I understand that you are; is that right?

Mr. TOMPKINS. It is my understanding, yes.

Mr. HOLIFIELD. Well, nothing is certain. But I did want to say a word of encouragement to those who may not know you as some of us know you, that there will be confidence in the operation on the part of the Joint Committee on Atomic Energy, if you are transferred over there, because we always found you to be responsive

and objective in your appearances before the committee. It will help us to swallow this questionable dose that we are faced with here if we know you are going to be transferred over there.

Mr. TOMPKINS. Thank you, Mr. Holifield.

Mr. RAMEY. Mr. Chairman, in that language that you read, the legislation certainly does go beyond the present statute in the sense of the recommendations of the NCRP and the Academy. The implication is that they are made public. So it is not just a consultation, it is making these recommendations public, it makes any changes from previous recommendations public and the reasons for such changes have to be laid out.

Mr. HOLIFIELD. And if there are any deviations from the recommendations, and support of these recommendations, they must appear before the committee of Congress and justify those deviations from the recommendations of the scientific bodies.

Mr. RAMEY. That is right. I think that is a desirable improvement, personally.

Mr. HOLIFIELD. It is my opinion that Mr. Hennessey will come up with that kind of evaluation.

Mr. RAMEY. He might be looking at it primarily from a legal standpoint; I wanted to throw in the policy and programmatic aspects of it.

Mr. HOLIFIELD. Yes; we will clear that up.

Now, Dr. Tompkins, you said the inclusion of certain functions from the agency and HEW and EPA should reduce the existing gap in the formulation of basic standards as a matter of policy and implementation of those standards by various Federal agencies. Would you describe what you mean by the phrase, "existing gap." Why is it present in the system under which you now function, and is this a procedural deficiency, or might it result in some technical disadvantage?

Mr. TOMPKINS. What I have reference to there, Mr. Holifield, just to give a specific example to illustrate the point, the basic standards of FRC, as I indicated, are exposures to people. The existing environmental standards such as regulating substances

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are predicated on the total intake from all sources—the nuclides which include total exposure as well as various modes of transmission.

This has always caused something of an implementing problem when one considers standards specifically for water or standards specifically for air. I think by bringing them into the same agency,

one must now deal with vector standards as well as the total exposure standards. In many cases this can be very much closer than I have succeeded in arranging so far on this particular matter.

That is what I made reference to.

Mr. HOLIFIELD. Do you visualize working as a unit, combining the functions of the Federal Radiation Council with the people from AEC? In other words, the three that are shown on this chart here, would they work as a unit or would they be two separate groups?

Mr. TOMPKINS. I haven't the slightest idea how it is going to be organized at the present time.

Mr. HOLIFIELD. It seems like you are going to have joint responsibilities, and rather than pairing off into separate compartments, you should be working very closely together.

Mr. TOMPKINS. It is perfectly obvious that there should be a maximum amount of working together. The people who have experience primarily, like in reactor effluent, they are now going to examine it in terms of local concentration such as water or air simultaneously. To answer your question, if the existing organization, the 4 people from FRC and the three people from AEC, and so on, are not consolidated, I think communication would be very difficult.

Mr. HOLIFIELD. Well, we are going to watch this very closely from this committee and the Joint Committee on Atomic Energy, because there is too much at stake here, and jeopardizing the health of the people of the United States is something we cannot pass over lightly.

This doesn't relieve the Congress of the responsibility to see that it works with no less efficiency and if possible greater efficiency.

Mr. TOMPKINS. You hope it is greater.

Mr. HOLIFIELD. Any further comments from the witness?

Dr. SEABORG. No, other than I think this plan is a desirable step because it does place all of the aspects of environmental pollution in one agency and I think it can be made to work.

Mr. HOLIFIELD. This is all, Mr. Chairman.

Mr. ROSENTHAL. I have one or two questions.

Dr. Thompkins, on page 1 of your statement you said:

In addition to the transfer of the function of the FRC, the functions of the Division of Radiation Protection Standards (AEC) that have to do with establishing generally applicable environmental standards, and the Bureau of Radiological Health (HEW)—except for those functions related to con-

sumer product regulation and medical and dental uses of radiation—will also be transferred.

Can you tell us why those functions will not be transferred?

Mr. TOMPKINS. Yes; in the Bureau of Radiological Health, for example, there is at least one specific program, which is not a standard program. That is devoted to improving the effectiveness of the use of isotopes in medical practice.

Mr. ROSENTHAL. That is one that will not be transferred?

Mr. TOMPKINS. That is one that will not be transferred.

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Mr. ROSENTHAL. What about consumer product regulations?

Mr. TOMPKINS. The Department of Health, Education, and Welfare now has by law the responsibility for establishing regulations for the emission of radiation from consumer products.

Mr. ROSENTHAL. Do you mean products such as TV sets?

Mr. TOMPKINS. Yes, that was one of the first standards that was put out. That particularly encompasses microwaves.

Mr. ROSENTHAL. You mean such as microwave ovens?

Mr. TOMPKINS. Yes, that is specifically regulatory and they are emission standards and to that extent that regulatory function of the HEW is exactly comparable to that part of the regulatory function of the Atomic Energy Commission that applies to reactors.

Mr. ROSENTHAL. Let me see if I understand this.

The standard-setting function regarding consumer products, that is, television sets and microwave ovens, will stay with HEW?

Mr. TOMPKINS. Insofar as emission is concerned.

Mr. ROSENTHAL. What is the logic to that? Why isn't that transferred? Isn't it part of the total environment?

Mr. TOMPKINS. The general pattern, if I understand it correctly, standard setting will all be concentrated in EPA. But many of the regulatory functions now existing, for example, food and drug, will stay with the Food and Drug Administration.

Mr. ROSENTHAL. I still don't understand the logic of why standard setting for radiation emission for television sets shouldn't also go to EPA. I don't understand why not.

Mr. TOMPKINS. Well, I cannot really give you an example of that, Mr. Rosenthal.

Mr. HOLIFIELD. Also, where does the determination of radiation foods, which is now in the Department of Agriculture, go? Is that transferred over? Pesticides were transferred over.

Mr. TOMPKINS. I think those are not part of the material being transferred to EPA.

Dr. SEABORG. The acceptability of irradiated foods. The standards there are under the aegis of the FDA. I believe it remains there, as far as I know.

Mr. HOLIFIELD. Well, we are finding a lot of things have been left out.

Mr. TOMPKINS. In that particular case, Mr. Holifield, this is the application of radiation to food for purposes of sterilization and so forth. There is not an issue of radiation being emitted from the food itself.

Mr. HOLIFIELD. But the radiation is emitted from the devices that are used to sterilize the foods and that is the point, you see. That goes into the environment.

Mr. ROSENTHAL. I think the point I tried to make is the point Mr. Holifield is making. That is, those who work in the processing plant are subject to radiation emission but in the television set the general public is subject to radiation if it goes beyond excessive limits and I do not understand why that was not included in EPA.

I am not satisfied with your explanation. I have a suspicion. I am trying to see whether it is based on emotion or logic.

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Mr. TOMPKINS. I do not think I can tell you why the line of demarcation was made as it was.

Mr. PRICE. I think we have the wrong witnesses from the wrong agencies to answer that question.

Mr. ROSENTHAL. Maybe we have the right witnesses. It depends on whose ox is being radiated.

Mr. PRICE. I meant this involves functions that are now going on in HEW and we are not as qualified to address ourselves to it.

Mr. ROSENTHAL. From the scientific point of view, am I correct in the thesis that X-ray emission from television sets is as much a part of the environment as some of the other functions that EPA will consider?

Mr. TOMPKINS. I would certainly say so from that viewpoint. I would simply comment that in the background of all of these reorganization plans there is the process of consolidating standards specifically with relation to consumer products. Maybe it would apply there and establish environmental protection.

Mr. ROSENTHAL. The point Mr. Holifield made that you seemed to concur with was that the standards that you set within the AEC and those standards that you will take with you to EPA were

based on high level scientific experimentation and diagnosis and were based on the profound opinion of well respected scientists; isn't that correct?

Mr. TOMPKINS. Yes.

Mr. ROSENTHAL. In the field of X-ray emission from television sets, the benefit of industry should be taken into account in addition to scientific knowledge.

Mr. TOMPKINS. Well, let us back up a minute. In answer to your first question, one implies that consideration of what you might call feasibility was not also a part of the recommendation. There was high level scientific consideration given to the basic standards.

Mr. ROSENTHAL. In television radiation?

Mr. TOMPKINS. Yes. The first standard that came out for X-ray emissions from the television sets was recommended by the National Council on Radiation Protection.

Mr. ROSENTHAL. I think you are going beyond my question. We both agreed that there was certainly a scientific ingredient that went into those standards. But, in addition, wasn't there also financial quotients of industry that fed into that decision?

Mr. TOMPKINS. I do not think so.

Mr. ROSENTHAL. In other words, the interest of the industry and its ability to maintain that limitation was not any part of that decision?

Mr. TOMPKINS. Yes, eventually, but the main recommendation for emissions from TV sets, which is 0.5 M rads per hour at 5 centimeters from the set, were conditioned very largely by the characteristics of the emission, their energies, the fact that in many cases there was a small beam, a very small beam instead of a broad beam——

Mr. ROSENTHAL. I do not doubt or a moment that there was considerable scientific thought that went into this decision. My question was a very narrow one, that the interest of the industry was also fed into that decision. You say it is possible.

Mr. TOMPKINS. There is always a little risk-benefit.

Mr. ROSENTHAL. Then, specifically, from what I gather from your testimony, the regulation of consumer products will not go to EPA.

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Mr. TOMPKINS. I could be misinformed on this, Mr. Rosenthal, but it is my understanding that that is true. Now, do not take that as an expert's reply.

Mr. HOLIFIELD. I think the gentleman is right. One of the things

that the public does not realize is that where scientific advice is given to the AEC in relation to radiation emissions from nuclear reactors, the AEC has an organization to impose those recommendations and monitor them continuously. Where industry frequently has asked for scientific advice, there has been no agency, no consumer agency looking out for the people's interest to follow through and measure the emissions of radiation from televisions and other devices and to impose upon them the safety rules and regulations.

This is the thing that you are talking about, and you are testifying that advice was given to the television set manufacturers, but there was nobody following up to measure those sets until there were several very bad cases brought to light, and then there began to be some scrutiny on the emissions and the correction of some of the television sets that were emitting more than they should have and more than the scientific advisers said they should have.

Mr. TOMPKINS. The follow-up mechanism that you indicated, Mr. Holifield, is in fact now available in the Department of Health, Education, and Welfare.

Mr. HOLIFIELD. That is right, but it was not before we passed that act in the Congress. All along, you see, the AEC has had this responsibility of continuous monitoring to see that compliance with the recommendations of the scientists was followed; where, in the consumer field, Mr. Rosenthal, there was not this close continued scrutiny on whether these devices such as television sets followed the safety recommendations of the scientists.

Mr. ROSENTHAL. Dr. Tompkins, you are correct in your statement. You did make a broad statement that the functions relating to the consumer product regulations were not transferred; and I read from the President's message on page 3, it says, "The following functions of the Bureau of Radiation Health . . ." these functions are not transferred:

Radiation from consumer products, including electronic product radiation; radiation as used in the healing arts; occupation exposure to radiation and research technical assistants and training relating to those three.

The point I was trying to make—and I may be shooting in the dark—is that the three areas in which there are deep economic interests involved are not being transferred to this high-level Environmental Protection Agency, and I wonder if you have any thoughts on it.

Mr. TOMPKINS. I do not think I can expand on anything more than I have said.

Dr. SEABORG. Well, I am certainly not an expert on this, but I doubt that the criterion was economic interest. I believe there is enough flexibility in the organization, the EPA, so if it were deemed advisable some time in the future to make such a transfer, it could be made.

Mr. ROSENTHAL. I am sure that is true.

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Mr. RAMEY. Certainly on radiation standards there are some very large economic interests involved that were and are affected by the transfer. Your whole nuclear power industry, for example. It is the largest capital industry in this country.

Mr. ROSENTHAL. They may not be as well organized in Washington as some of these others are. Maybe I am just being overly suspicious.

Well, thank you very much, gentlemen. We are very grateful for your testimony this morning.

Our next witness is Mrs. Donald Clusen of the League of Women Voters. Mrs. Clusen, are you here?

We are very pleased to have you with us this morning. Because of the time problem involved and the number of other witnesses, with your permission, we could include your statement in the record. If there is anything specifically you want to bring to our attention you might do that now or rely completely on the statement.

STATEMENT OF MRS. DONALD E. CLUSEN, DIRECTOR, ENVIRONMENTAL PROGRAM AND PROJECTS, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mrs. CLUSEN. Yes, Mr. Chairman, thank you. That is exactly what I intended to ask: that you would insert the full text of the statement into the hearing record. I should like to make a few comments about the attitude of the league toward Reorganization Plan No. 3.

We are glad of this opportunity to support the establishment of this new and independent agency for a number of reasons. We think having a single agency will reinforce the work of the committees of Congress who have been involved in pollution abatement over the years.

We think that the experience of the past has shown that there is a necessary degree of coordination required which Reorganization Plan No. 3 makes possible.

We think establishing an institutional basis for pollution control

is very important. The proposed Environmental Protection Agency is a necessary first step toward the goal of a healthful environment. Most of all, we are supporting this because we think it is a good idea to separate the responsibilities for promoting or developing a recourse from the responsibility for regulating the effects.

We think that it is very wise to have an agency which can carry on independent research in addition to that which will be continued in each of the transferred agencies. We agree with the view that the new Agency and the Council on Environmental Quality complement each other and that, taken together, they can provide a more effective means than exists at the present time for a coordinated pollution abatement campaign.

We were glad to see there are plans to protect the personnel status in transferring of people to the new Agency. The experience and motivation of personnel in present agencies should be given new impetus in the transfer.

I should like to say we hope that action already underway can continue to move forward without delays due to reorganization.

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We hope that there will be no uncertainty about the authority of the new administrator. We want him to have the authority to act promptly, decisively, and effectively.

We should like to remind the committee that there is no question but what the public is focused in on the dangers of pollution. They see it. They feel it. They taste it and get sick from it.

In brief, we think the Environmental Protection Agency is an important step in the right direction and we are confident that bringing together present fragmented pollution control programs will have a good effect on environmental programs, as a whole.

Most of all, we appreciate the hard work which has been done by a good many members of this committee and other congressional committees over the years to develop environmental programs. Thank you.

(Mrs. Clusen's prepared statement follows:)

PREPARED STATEMENT OF MRS. DONALD E. CLUSEN, DIRECTOR, ENVIRONMENTAL PROGRAM AND PROJECTS, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

I am very pleased to have this opportunity to appear before your subcommittee to express the League of Women Voters' support for the President's proposal to create an Environmental Protection Agency. I should also like to express appreciation to the subcommittee for permitting public witnesses to testify on a Presidential Reorganization Plan, a privilege sometimes limited to Members of Congress and Government officials.

The League of Women Voters supports establishment of a new and independent agency, an agency empowered to monitor pollution, set standards, administer regulatory functions, coordinate and engage in research, and consolidate administration of the many grants, technical assistance, and manpower training programs related to pollution control. We urge the subcommittee to report the measure favorably.

We think it is consistent with the extent and immediacy of the threat from pollutants of many kinds that a single agency for pollution control activities be established under Presidential reorganization powers. It seems a proper use of authority so wisely granted by the Congress to the President.

Having a single agency for major pollution control activities should make it easier for the committees of Congress to exercise their legislative responsibilities to evaluate present agency programs and to determine the nature and scope of future programs. No matter where the programs lie administratively, Congress will still be the key force in directing the Nation's commitment to the development of a healthful environment.

We in the league are very aware and appreciative of the contributions you, Mr. Chairman, have made to the development of present water quality control programs. We are confident you will continue to exercise this same kind of leadership with regard to a new agency such as the one proposed.

Many of you gentlemen are already familiar with the long years of league action in support of policies and legislation to promote long-range planning for conservation and development of water resources and for improvement in the quality of water. From the beginning of our studies in 1956, it was quite clear that controls to prevent and clean up pollution of the Nation's irreplaceable water resources are inseparable from planning and action to achieve sound water resource programs.

League members have found the same thing to be true as they considered problems of air and solid waste. The longer members worked in their communities, regions, and States to achieve sound water resource programs, the more they saw that what happens with waste affects the air, affects the water and so on in an endless, interwoven cycle. And while we have learned that it is unrealistic to try to deal with one pollution problem at a time, our work on water has shown us that efforts to attain sound administration through coordinating committees in the executive branch are not successful. All of this experience, Mr. Chairman, lies behind league support for the proposed Environmental Protection Agency. And permit me to say too that we feel it is your work as much as anything else which has led to the realization

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that uniform standards for pollution control must be developed; that the major pollution abatement programs must be monitored jointly and administered in a coordinated system; and that the regulatory functions must be administered separately from the developmental and promotional programs.

Perhaps, then, you will let us join you in a feeling that this proposal to establish an Environmental Protection Agency is a victory for you, as it is for the principle of improved coordination on the Federal level which the League of Women Voters has long supported.

We shall not burden you with any summary or analysis of the presidential proposal. Several witnesses have already done that. We wish instead simply

to share with the subcommittees a few more reasons we think Reorganization Plan No. 3 is an important first step to take now—as quickly as possible.

The League of Women Voters is convinced that we shall be able to achieve a high quality environment for human life only if the Nation provides the institutional basis through which unified, realistic programs can be administered. Preventing as much pollution as possible is one aspect of creating a better environment. The proposed agency, to which key pollution control administrations would be transferred with all their present power and authorities, seems a necessary and important step toward the goal.

The league is particularly pleased that the new agency would separate the responsibilities for promoting or developing a resource from responsibilities for regulating the environmental effects of a particular program or activity. For example, many leagues have been studying the effects of nuclear powered utility plants proposed or being built in their areas. They are convinced that the agency charged with promoting the use of atomic power should not be the one to set permissible radiation standards. This same kind of problem applies to other resources, and the league is pleased that, although this separation of developmental and regulatory powers is not completely achieved for the Atomic Energy Commission or any other department in this reorganization plan, major improvements will be made. Later, the Congress can take legislative action to refine the distinctions between developmental and regulatory powers in all areas of potential environmental damage.

The league believes it very wise to grant the Environmental Protection Agency authority to carry on research independently from and in addition to that which will be continued in each transferred agency. As we understand it, such Environmental Protection Agency research will be directed specifically toward determining the cumulative, total impact on people and environment of pollution from many sources.

At present, no single department or agency has the mission of research, or of monitoring and surveillance, to determine the total impact of pollutants. Without the kind of information that should result from such study, neither the Congress nor the executive branch can act with maximum effectiveness to assure sound environmental programs.

The league supports the President's view that the new agency and the Council on Environmental Quality are complementary, and that, taken together, they should provide the means to mount an effectively coordinated campaign against environmental degradation in all of its many forms. The Council on Environmental Quality is concerned with all aspects of the environment, not just pollution abatement, and most assuredly should be retained to perform top-level advisory and coordinating functions relative to all Federal environmental programs.

We are pleased to note plans to protect personnel status in the transfer of people from existing authorities to the proposed agency. There is valuable experience, knowledge, and high motivation which should be utilized and given new impetus in the transfer.

Now, we should like to make a few comments of a more general nature. First, we hope that administrative technicalities of transfer and reorganization will not cause delay in pollution control programs already underway. While the new weaving-together is underway, action must continue to move forward.

We note in the provisions of the Reorganization Plan No. 3 that, when the agencies involved are transferred to the Environmental Protection Agency, the functions of each respective administrator are transferred to the administrator of the new agency.

The league thinks there should be no uncertainty about the authority of the new administrator of the Environmental Protection Agency to take strong action to enforce pollution control standards. We want the new agency to have authority to act promptly, decisively, and effectively. We want its director to have powers commensurate with his responsibilities.

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In the press briefings and statements released upon announcement of Reorganization Plan No. 3, emphasis was placed upon the value of a central pollution agency as having "the great attraction of focusing public attention on the highly important environmental programs."

I am sure you are aware from your mail, as we are from league mail from all areas of the country, that large numbers of the people are already focused-in, so to speak, on the dangers of pollution. They see it. They feel it. They hear it. They get sick from it. They do not have to be told about it. What they want is action to improve conditions before it is too late.

Thus, you have some idea of why the league supports the proposal for the new Environmental Protection Agency. We think it is an important first step in the right direction. We are confident that bringing together fragmented programs will increase understanding of the cumulative effects of a variety of pollutants and will hasten just, prompt, and pin-pointed remedial action.

One last plea. Let us not reduce this agency to a part of the alphabet soup. Very few will remember what EPA means. Let us keep the pollution control goal plainly before the people by calling the agency by its full name—the Environmental Protection Agency.

Mr. ROSENTHAL. Thank you very much, Mrs. Clusen. We are very grateful to you and the League of Women Voters.

Our next witness is Mr. T. E. Larson, president of the American Water Works Association. Mr. Larson, considering the time and the problems we have, I wonder if we could ask, with your permission, to insert your complete statement with the supporting material into the record and perhaps you would choose to touch on some of the highlights of your statement.

STATEMENT OF T. E. LARSON, PRESIDENT, AMERICAN WATER
WORKS ASSOCIATION, ACCOMPANIED BY ERIC JOHNSON, EXECU-
TIVE DIRECTOR

Mr. LARSON. Yes, sir; I would like to read one or two paragraphs which are the main thrust of what we are asked about.

I have with me Mr. Eric Johnson, who is the executive director of the American Water Works Association. We represent the water industry across the country.

Our concern over the change has to do with the danger of having water supply matters completely submerged in the overriding concern with pollution control, for certainly a more efficient pollution control effort rather than better water for people is the major thrust of the reorganization. Recognizing this, the association's board of directors has filed with the President and the Council on Environmental Quality this resolution:

The American Water Works Association urges that the new Environmental Protection Agency include a separate, identifiable, public water supply function with a budget adequate to provide leadership and assistance in research and training to meet the new and complex problems facing the water utility industry.

The association appreciates the fact that these details of structure within the Environmental Protection Agency are not the direct concern of your committee. Nevertheless, it feels that the record should show that the water supply industry views this change with both hope and trepidation that what little Federal water supply program is left will be channeled into and lost in the pollution control effort. This is our concern.

Mr. ROSENTHAL. As you well know, the chairman of this subcommittee, Mr. Blatnik, is also concerned about the same subject. And I know he will read your statement and your proposal with [p. 151]

great care, as will the rest of the committee.

We are very grateful for the opportunity of having you appear before us and we thank you very much.

(The prepared statement of Mr. Larson follows:)

PREPARED STATEMENT OF THURSTON E. LARSON, PRESIDENT, THE AMERICAN
WATER WORKS ASSOCIATION

My name is Thurston E. Larson. I am president of the American Water Works Association, a scientific and educational organization with a membership of more than 21,000. Since 1932 I have worked with the Illinois State Water Survey which I now serve as head of the chemistry section. Since 1962 I have held a post as professor of sanitary engineering at the University of Illinois. And for many years I have served as a consultant to the U.S. Public Health Service and the U.S. Army Environmental Health Agency. On behalf of the association, I am pleased to accept your invitation to present its views on the President's Reorganization Plan No. 3 of 1970.

The American Water Works Association represents an industry that provides public water service to 170 million Americans through 23,000 water systems with facilities valued at more than \$50 billion. Its purpose, since it was founded in 1881, has been to improve the service that the water supply industry provides to the public, by advancing knowledge of the design, con-

struction, operation, and management of the water systems providing that service.

At the present time, the only Federal agency directly concerned with the quality of public water supplies is the Bureau of Water Hygiene in the Environmental Control Administration of the Department of Health, Education, and Welfare. The Bureau was left behind in the 1966 reorganization that transferred the water pollution control program from HEW to the Department of the Interior. And its history since the change has been one of constantly diminishing capability, until now with a proposed budget of only \$2.3 million for fiscal year 1971 and no funds to enlist the assistance of universities or private agencies in its research and training effort, it is clearly inadequate to its task.

At the same time as the Bureau has been wasting away, burgeoning population, urbanization, and pollution have been multiplying the problems that it should be helping the public water supply industry to face. Although today's water supply technology is adequate to handle the known contaminants of today, it is important that research into the nature of new contaminants be done now if we are to have time to develop the technology and train the technologists to handle them when they begin to become significant to the production of high quality drinking water.

For this reason, the association looks with hope at the proposal to move the Bureau of Water Hygiene into the new Environmental Protection Agency. Although a \$2 million bureau may not loom very large in a \$1.4 billion agency, it should be an improvement over a \$2 million bureau in a \$50 billion department. And it is our hope that an agency concerned solely with the environment will better recognize the high priority that water for people deserves.

Our concern over the change has to do with the danger of having water supply matters completely submerged in the overriding concern with pollution control, for certainly a more efficient pollution control effort rather than better water for people is the major thrust of the reorganization. Recognizing this, the association's board of directors has filed with the President and the Council on Environmental Quality this resolution:

"The American Water Works Association urges that the new Environmental Protection Agency include a separate, identifiable, public water supply function with a budget adequate to provide leadership and assistance in research and training to meet the new and complex problems facing the water utility industry."

The association appreciates the fact that these details of structure within the Environmental Protection Agency are not the direct concern of your committee. Nevertheless, it feels that the record should show that the water supply industry views this change with both hope and trepidation—hope that the importance of its problems will be recognized, trepidation that what little Federal water supply program is left will be channeled into and lost in the pollution control effort.

In making its plea for a greatly augmented water supply program, the association does want to point out that it urges this augmentation only in the fields of research and training. The industry has a history of self-sufficiency in the matter of building and operation of its facilities. But because the industry is essentially a small-unit operation, with 85 percent of its

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23,000 utilities serving fewer than 5,000 population, it is not able to perform for itself the basic research and training that are required now to meet the problems that will be facing it in the future.

The public water supply industry expects to deliver 50 billion gallons of water per day by the year 2000, twice the volume provided today. It further expects that this water will be of even better quality than today's. Although it expects that great progress will be made in stream pollution control over this period, the industry expects, too, that new contaminants will, nevertheless, reach our sources of drinking water and that research and training efforts must grow now if we are to deal effectively with them. The association reiterates, therefore, the urgency of maintaining the separate identity of the public water supply program in the establishment of the Environmental Protection Agency, and of providing that program with greatly increased resources for research, training, and technical assistance.

The association will be anxious to cooperate with the Environmental Protection Agency in developing a water supply organization capable of giving the industry the assistance it needs in protecting the quality of the Nation's drinking water.

AMERICAN WATER WORKS ASSOCIATION,
New York, N.Y., July 23, 1970.

The PRESIDENT
*The White House,
Washington, D.C.*

MR. PRESIDENT: The American Water Works Association, a scientific and educational society representing the 23,000 water utilities that serve 170 million Americans with safe drinking water, is deeply interested in your proposed reorganization plan to establish an Environmental Protection Agency. The association is particularly concerned with the fate of the public water supply program that EPA will acquire through the transfer of the Bureau of Water Hygiene from the Department of Health, Education, and Welfare. In expressing this concern, the association's board of directors has already filed the following resolution with your Council on Environmental Protection:

"The American Water Works Association urges that the new Environmental Protection Agency include a separate, identifiable public water supply function with budget adequate to provide leadership and assistance in research and training to meet the new and complex problems facing the water utility industry."

The association believes that it is highly important that the new Administrator of EPA understand the difference between the problems of public water supply and those of stream pollution and recognize the need to attack these problems separately. It believes, too, that only an administrator who is uncommitted and objective as far as the conservationist—water user confrontation is concerned, one who is experienced in local, State, and Federal Government operations, and one who is capable of understanding and dealing with the many technical disciplines involved will be able to handle this assignment to the maximum benefit of the Nation.

These qualifications, the association feels, will help to assure that the Federal public water supply program will no longer be confused with nor overwhelmed by the pollution control effort, that balanced rather than restricted development of water resources will be fostered, and that the views of local,

regional, and State agencies responsible for operating public water supply facilities will be given their proper priority.

In recent years, budgetary support of the Federal Government's public water supply program has declined steadily at a time when burgeoning population, urbanization, and pollution have been tremendously increasing the problems to be faced. So today, the Public Health Service, which once was looked to for leadership in research, technology, and training in the field, is almost extinct as far as its service to the public, through water utilities, is concerned.

It is on this basis that the association urges your appointment of an EPA Administrator who not only recognizes the need for a separate water supply function, but recognizes the importance of a greatly expanded water supply training, research, and technical assistance effort within that function.

The association is anxious to cooperate in any way that it can toward the cause of providing better water for Americans.

Sincerely yours,

ERIC F. JOHNSON,
Executive Director.

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Mr. ROSENTHAL. Our next witness is Mr. Charles H. Callison, executive vice president of the National Audubon Society.

STATEMENT OF CHARLES H. CALLISON, EXECUTIVE VICE PRESIDENT, NATIONAL AUDUBON SOCIETY, NEW YORK, N.Y.

Mr. CALLISON. Mr. Chairman, my name is Charles Callison. The National Audubon Society enthusiastically supports Reorganization Plan No. 3 submitted to the Congress by the President on July 9 and proposing the consolidation of a number of pollution control bureaus and functions into a new independent agency, the Environmental Protection Agency.

In our view, the EPA plan offers two compelling advantages. First, it will coordinate defense of the environment, recognizing the ecological principle that the land, the water, and the atmosphere are not separable but parts of the whole, and that all things in nature, including man, are inescapably related. It recognizes that air pollution control, water pollution control, and solid waste management must be coordinated because any industrial processes produce all three kinds of environmental degradation.

Secondly, pollution control and regulatory agencies within EPA will be freed of certain restraints that inhibit them now from the kind of vigorous and free-swinging action that is urgently needed to avert and reverse the environmental crisis that threatens to engulf us. Secretary of the Interior Walter J. Hickel is a forceful leader for water quality, as was Secretary Stewart L. Udall before him. Nevertheless, the Federal Water Quality Administration now

has to compete with all the other bureaus in the Department of the Interior for the Secretary's decisionmaking time; and in Interior, *pollution-control policies* that start out sharp sometimes become blunted from collisions with such development-minded giants as the Bureau of Reclamation and Bureau of Mines.

Similarly, pesticides registration and regulations can never really protect the health and welfare of the whole public while subservient to the more-bushels-per-acre mission of the Department of Agriculture.

Political scientist and author Theodore H. White has recently likened the proposal to the bold reforms which, in the early days of the Franklin Roosevelt administration, established a whole new panoply of crusading emergency agencies to reorganize a moribund national economy.

This appeared in *Life* magazine on June 26, and I am sure members of the subcommittee saw it. American Government has a genius for creating such agencies when faced with a national crisis. White noted, but he cautioned that their vitality depends upon "their connection with the politics and forward thinking of their times."

In other words, EPA will succeed only if the public supports it; if the President gives it a strong chief and a free hand; and if Congress provides the necessary laws and appropriations. The National Audubon Society urges this committee to give the plan its approval. We pledge our best in helping provide the public support.

I thank you, Mr. Chairman, and the chances are that someone
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else has submitted this *Life* article by Theodore H. White for the record. But if not, I would like to present it to the committee for this purpose, and also an editorial that appeared in the *New York Times* entitled "Plan for the Environment" from the July 12 issue of the *Times*.

Mr. ROSENTHAL. Is that the same editorial that raised some question about plan No. 4?

Mr. CALLISON. Yes; it did raise some questions about plan No. 4.

Mr. ROSENTHAL. How do you feel about plan No. 4?

Mr. CALLISON. I think there are some questions that need to be raised about plan No. 4. We are not prepared today to testify on that.

Mr. ROSENTHAL. Thank you very much. We are very grateful for your testimony.

Mr. CALLISON. Thank you.

(The magazine and newspaper articles referred to follow:)

[From the New York Times, July 12, 1970]

PLAN FOR THE ENVIRONMENT

President Nixon's proposed reorganization of environmental agencies is a statesmanlike move which could prove to be almost as historic in its own way as the great alphabetical upheavals of the early Roosevelt administration.

Basically the President's plan rests on two concepts. One, long nurtured by conservationists of all shades, is that no agency entrusted with promoting the development of an area's natural resources—minerals, seafood, water power—should be entrusted at the same time with protecting the environment against the consequences of that development. The two objectives often conflict, and it is almost invariably the organized exploiters who win, the unorganized public that loses.

The second concept of the plan is that problems posing current environmental dangers, calling for quick solution or mitigation—air pollution from automobiles, the pumping of raw waste into streams—are the province of one type of agency; while those long-range problems, calling for study and research—the impact of modern society on the plankton of the seas, the cumulative effect of chemical discharges on the earth's climate—require different treatment.

The President's approach would take into account the first of these broad principles by assigning to a new Environmental Protection Agency those functions that old-line Cabinet departments and independent commissions have largely failed to perform because of their concentration on stimulating production or aiding particular groups in the population.

Agriculture and the Food and Drug Administration would yield to the new agency their often reluctant and ineffective control over pesticides. The Atomic Energy Commission, bent on producing energy, would lose its authority to set radiation standards. Aspects of water-pollution control would be brought together from Interior and the Department of Health, Education, and Welfare, which would likewise lose its function in the field of air pollution.

The second of the two principles would be satisfied by creation of a National Oceanic and Atmospheric Administration. This agency, with an eye on the distant future, would draw its components from old-line agencies where they now exist, for the most part as disconnected bits and pieces of government. But it will be incorporated, unfortunately, in the unimaginative Department of Commerce.

Inevitably the plan will draw criticism—subdued and unofficial in the departments whose empires will be reduced; loud and on the record in Congress where so great a reorganization is bound to affect those committee chairmen whose power derives from the hold they have on particular departments and agencies. Conservationists in good standing will have questions of their own: why should the Army Corps of Engineers retain any say in the matter of industrial discharges into navigable waters, for example? And why should

aircraft noise levels be left to the Department of Transportation, which is sold on the SST?

Everyone can play the game—but it can hardly be helpful. The President's plan offers a major advance in drawing together a great many of the scat-
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tered concerns of some 84 Government departments, bureaus, administrations, councils and the like. If nothing else, it would break up the bureaucratic pattern of all too many entrenched, encrusted agencies—some clashing, some overlapping, some moribund.

Congress has 60 days in which to veto the reorganization or let it take place. Along with millions of others, we will watch hopefully for the triumph of imagination over the politics of special interest.

[From Life magazine, June 26, 1970]

THE NIXON ADMINISTRATION HAS DRAWN UP ITS PLAN TO UNTANGLE THE ENVIRONMENTAL JUNGLE—BUT THERE ARE PROBLEMS—HOW DO WE GET FROM HERE TO THERE?

(By Theodore H. White)

(Out of today's mess, on the wings of new Federal agencies, the Government hopes to bring us a future where environmental problems can be not only anticipated but controlled)

In the dream, it works something like this: The huge hall of environment control is lit from above. Operators below press controls and the translucent dome glows with jet streams slashing the upper atmosphere, shaping the world's weather. Other controls are pressed and the glow changes color. Now it illuminates the middle atmosphere over America, showing regional smog-bearing inversions that may lock over cities within hours. In and out of walls glide panels on which river basins shine with flood-crest warnings or change hue to show rise-and-fall of pollution. Central energy control occupies an adjoining hall where lights wink on a giant map as gas, coal, water power and nuclear fission pour their energy into the national electricity grid, swinging from midnight lull to morning peak. At planning sessions energy control's panels slide back to show the same grid 5, 10 or 20 years hence, marking future power plants designed for maximum efficiency and safety. Nearby, in the Surveillance Center of Environmental Health Services, pesticides, oxides, nitrates, adulterants, all 30,000 chemicals used by industry or everyday life are indexed, cross-referenced, computerized for interactions and contaminations. Over in the Office of Land Use maps show America today and America in 1980, 1990, 2000—open spaces preserved in a system of planned new cities, new industries, new transport nets and free shorelines that must hold 100 million Americans to be added in the next generation. * * *

In Washington today men who nurse such dreams believe that some day this ultimate National Center for Environment Control will be larger than the Pentagon. The Pentagon protects America from foreign enemies; Environment Control must protect America from Americans, which is more difficult.

But between dream and reality falls politics. No one in Washington opposes the dream—it is only that no one agrees on how to get there from here. For over a year congressmen and senators, clubwomen and fishermen, flower-children and commuters, students and professors, editorialists and TV commentators have joined to make environment the No. 1 issue on the political fashion parade. The last defenders of smog, sewage, smoke, pollution and noise have hushed. All that remains is for someone to give government to the movement—which is most difficult of all.

"Gouverner," say the French, "*c'est choisir*"—to govern is to choose. And what Richard Nixon has chosen in the past 2 months out of the cascade of papers, reports and options before him are the emergency first steps in a master plan for the American environment. What he is about to offer the Nation for debate is a program which will raise hard questions: Which committees of Congress must be outraged, which departments of government ripped apart, how much of the political debris of the past is to be discarded immediately? What traditional liberties of initiative and enterprise must be given up to preserve the larger liberty of life for the Americans of tomorrow?

There come rare moments in a President's term when politics and history coincide. For Nixon, in midpassage of his troubled presidency, such a moment is now. Politically, the last issue of fashion on which he still holds people, [p. 156]

Congress and media with him lies in the great environment crusade. Historically, he must seize this moment before it goes the way of the cause of the cities, the crusade for civil rights, the war on poverty. For if he does not make the most of this crest of concern for America's ravaged environment, then time and space may have closed over the Nation for good before the next wave comes.

Time and space had been shrinking for almost 3 centuries before the first ripple of concern began to make a wave in American politics. "Conservation" was the phrase that Theodore Roosevelt used to call American attention to the new condition. In 1890, the census had declared America was entirely settled, it no longer had a frontier. Thus, on coming to the Presidency in 1901, Roosevelt brought politics to bear to preserve for tomorrow the wilderness wonders he had known in his youth. He would preserve, "conserve" it all—unspoiled skies, clear streams, the wildlife resources that were vanishing, from pigeon to buffalo. To this day the Department of the Interior, Roosevelt's chosen agency for the job, bears as its emblem the buffalo.

It was more than saving buffaloes that stirred the next wave of concern a generation later—it was man's own plight. When Franklin Roosevelt became President, the winds of the mid-1930s were scouring the dust bowl, while the Mississippi valley, stripped of trees and sod, was flooding uncontrollably. Treebelt windbreaks, Soil Conservation Service, TVA and CCC all followed in response—to be interrupted by war.

Then, with the war over, the cause of environment was stilled for another generation, and, in a spasm of unplanned growth, Americans added half as much again to their population, and as much new production to what they already had as total Russian and German production combined. As automobiles tripled in number, a cocoon of poison fumes began to shimmer over new highways. Cities draped their towers in acrid shawls of smog, lakes

bobbed with organic sewage and plastic refuse, blue-claw crabs were vanishing from the coves of the Chesapeake to the Great South Bay, scientists packaged chemicals in foods and poisons in spray cans. And the two natural containers of the environment, the air and the water, finally vomited back on Americans the filths they could no longer absorb. Man, said some concerned observers, was beginning to emulate the gorilla, an animal which defecates in its own sleeping place; but such people were dismissed as kooks.

"When we came in, in 1960" says Stewart Udall, former Secretary of the Interior and the leading environmentalist of the Kennedy-Johnson Cabinet, "not a single new national park had been set aside since 1947, and all but 5 percent of the country's free coastline was shut off. The Eisenhower administration," continues Udall, "had thought pollution was a local matter. So we'd all sat there like spectators and watched Los Angeles wrestling with smog—it was their problem. I came in as a classic conservationist—you know, preservation of nature and seashores, of birdlife and wildlife, of endangered species. Then gradually it came over me that man himself was an endangered species, that we were part of the same chain of life as the birds. Only in the last 3 years I was in office did I see it as a whole piece. We'd *erred* in thinking environment was simply a matter of managing natural resources. What had to be managed was man himself. We had to have a concept that considers man as the significant focus. We brought the country to an awareness of the problem: Nixon's job is to give it management."

A JUMBLE OF LOBBIES AND FEUDS

In his first week in office Richard Nixon talked of a new environmental agency he planned to set up to "think about the lakes, the mountains, the seas." A small-town boy, he had seen Southern California overrun and fouled by people, industry, cities. Now, he insisted, he would come to grips with the problem.

But whenever any President tries to grip a problem, he must come to grips first with the stubborn instruments of the Government he inherits. Trying to find an overview of this problem, Nixon first deputized White House Aide John Whitaker, a geologist, to come up with an environmental program by early fall. But Whitaker could find general answers nowhere. "I finally had to call up every Cabinet officer," says Whitaker, "and ask them to detach one young man from their office to work with me as a task force to get any kind of picture of what was going on." By fall Nixon had instructed the Ash Council on Government Reorganization to unravel the tangle of overlapping, contradictory agencies and bureaus dealing with environmental action—and the Ash Council came up with a list of 44 major agencies in five major

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departments inextricably deadlocked in something called the environmental game. In a few more months the Library of Congress, consulting its indexes, expanded that list to 84 bureaus. And by fall, as politicians rushed to join the environment crusade of 1969, as students clamored for answers, it was quite obvious that there were no simple answers for their two great questions: Why don't they do something about the environment? How did we get in such a mess?

To answer such questions, investigators would have required a three-

dimensional chart, with at least seven different kinds of colored ribbons and a stereoscopic viewer to make clear even the simpler relationships of the players in the environmental game. Beyond this, there was the tangle of lobbies, committees, pressure groups, ambitions and bureaucratic feuds which had to be sorted before one could begin to see the mess clearly.

Almost each of the 80-odd agencies which shared management of the American environment had a history of its own, crusted over with an entrenched lobby, an entrenched congressional committee, an entrenched bureaucracy, each ferociously defending its own prerogatives. Such bureaus had been born variously of a national crisis, a public outrage, a scientist's insight or a President's dream—but all reflected that hoary first principle of American government: when something itches, scratch it.

Some of the scratch marks were over a century old: the Coast and Geodetic Survey dated back to Thomas Jefferson, the Coast Guard to Alexander Hamilton. Each successive wave of concern had left behind, like flotsam on a beach, a tidemark of new bureaus or expanded older bureaus. The Department of Interior, Theodore Roosevelt's favorite tool, clustered the Geological Survey, the Bureau of Land Management, the Bureaus of Mines, Fisheries, Reclamation and still others. To the Department of Agriculture, with all its traditional bureaus, Franklin D. Roosevelt had added Soil Conservation, Rural Electrification Administration and others. Eisenhower had set up the Department of Health, Education, and Welfare. It now held the Public Health Service, the National Institutes of Health, Bureau of Radiological Health, Occupational Safety, others. The Department of Army controlled the Corps of Engineers. Beyond, freewheeling on their own, were, among others, TVA, the Atomic Energy Commission, the Interstate Commerce Commission, the Federal Power Commission, the Federal Communications Commission.

On top of all these were even newer bureaus. It had been Congress, rather than the press or the Executive, that had first rung the alarm in the 1960's. A trio of outstanding senators—Muskie, Jackson, Nelson—had lobbied the environment ball at the White House and the White House had reacted. Chief among the newer agencies were the Air Pollution Control Administration (located in HEW), and the Water Quality Administration (located in Interior). A perhaps apocryphal story illustrates how the pattern was shaped. Lyndon Johnson, so the story runs, had tried to reach Stewart Udall on the telephone to talk about a water-pollution problem. Udall doesn't control water, he was told. "Well, he should," said Johnson after a moment's reflection. "Get water transferred to Stu."

Even while Richard Nixon, all through 1969 and early 1970, tried to make sense of the apparatus he was trying to grip, it grew more complicated. As the environment crusade accelerated, politicians wildly tried to stay abreast. Congress, for example, told the Department of Health, Education, and Welfare to protect everyday life from the radiation of TV sets, microwave ovens, or X-rays—but then it neglected to appropriate money for the task. Environment was a Klondike of gilt-edged, risk-free political issues, and any legislator could score by tacking his name on a bill. At one point, at the end of 1969, an official of the Office of Economic Opportunity telephoned a White House staffer to ask, "Can we get more money for our budget if we prove poverty causes pollution?"

Without clear direction from the top the bureaucracies clashed as they had for years, only more so. The National Park Service (Interior) feuded with

the Forest Service (Agriculture). The latter's job was to serve timber and grazing interests while the former sought to keep forests inviolate as nature created them. Health experts at HEW were convinced that hard pesticides like DDT were dangerous not only to birds and fish but also to man. Experts of the Department of Agriculture, however, spoke for the interests of farmers to whom pesticides promised high crop yields. A dam the Federal Power [p. 158]

Commission might approve was, in the eyes of the Fish and Wildlife Service, an atrocity. Federal agencies clashed not only in Washington with each other, but with mayors, governors, city planners.

"THERE'S PLAIN GOLD IN GARBAGE"

Where agencies did not clash they overlapped or worse, underlapped. "You can't say all problems fell between two stools," said an investigator of the Ash Council. "Some fell between six stools." Rats, for example, are a menace to slum dwellers in congested cities. Everyone hates rats, including the United States Government. But trying to locate command of the Federal rodent control program is as difficult as locating COSVN in Cambodia. The war on rats involves Interior (Fish and Wildlife Service), Agriculture (Agricultural Research), Health, Education, and Welfare (NIMH and FDA), the White House (Office of Economic Opportunity) and, at last count, no less than six other agencies.

Other larger problems fell nowhere. As early as 1950, Government scientists knew Lake Erie was dying. Yet no one was responsible—not the fringe of cities from Toledo through Cleveland to Buffalo which dumped sewage in the water, not the steel industries which poured in acid pollution, not the farmers whose manures and high-nitrate fertilizers drained off into streams that, ultimately, eutrophied the lake. So Lake Erie died because, for 20 years, while all watched and mourned, no controlling branch of government was responsible for averting tragedy.

A traditional Government bureau, charged with a specific problem, might attack it with good will and then find itself trapped in the revolving doors of administration. The Bureau of Mines is usually cartooned as the tool of the "interests." In actual fact it swings from decade to decade in response to pressure, with no philosophical guidance whatsoever. BuMines was born in 1910 in response to public horror: almost 3,000 miners a year were being killed by a brutal industry, and the bureau was created, initially, to protect them. In World War II, however, as mineral after mineral after mineral became critically short, BuMines became a prospecting agency to find uranium, molybdenum, copper, nickel. After the war, with a glut of minerals, the bureau became an outright marketing agent for the mining interests seeking new outlets and uses for surplus metal. In the past 3 years Congress has plunged it into the environment game to become involved in smoke control, pollution of mountain streams by strip mines in Appalachia, junk automobile disposal and garbage recycling. But each of these adventures tangles the bureau with many other players. In Madison, Wis., for example, the bureau jointly operates with the Forest Service and HEW an experimental garbage disposal plant. The three agencies are trying to separate refuse: paper (a forest product), from organic garbage (a health and rodent threat), from

scrap metals (which the bureau sees as treasure trove). Bureau specialists feel cities can make an actual profit out of refuse disposal. "There's just plain gold in this garbage business," said one specialist. "Gold from lost jewelry, silver by the ton from photographic products, metallic iron and aluminum. Even tin cans are useful; we need them for copper processing." But, he continued, even three agencies cooperating are not enough. The real problem of garbage recycling begins with picking it up in city streets, and that is the responsibility of HUD and HEW—who do not want it. "We'd take it gladly, if someone told us to," he continued.

Until this summer, therefore, despite all public, philosophical and political outcry, there has been no one overall managerial plan in America's much-touted effort to pass on a livable environment to her children.

What is about to happen now is a first step in that direction.

"You have to take it step by step," says a White House aide, "and you have to balance the dangers. If we don't do something *now*, the country is going to hell. And if you try to do too much all at once, the whole apparatus could break down. We could make a super-super Department of Environment and Natural Resources, but that would have to absorb Agriculture *and* Interior, as well as HEW, HUD and DOT. It would wind up as the 'department-of-practically-everything.' Then there's politics—not only what Congress and the committies will stand for, but the reaction of business and farming and scientific interest groups. Everyone thinks he can get hurt, or at least squeezed, in a reorganization. So we're doing the maximum we think we can manage, or get away with without throwing Congress into convulsion."

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Thus, the first step on the White House drawing boards, after 9 months of study, is a new master body tentatively called the Environmental Protection Authority, or EPA. Here will be gathered water control and air control, solid wastes, pesticides, radiation hazards, all torn from present departments or congressional committees and united as a national environmental police force. "You can't separate these agencies," said Amory Bradford, former general manager of the *New York Times*, who formulated the first recommendations for the Ash Council. "They have to function together. We found that if Air Pollution Control tells a powerplant to get fly-ash out of the air, the plant dumps fly-ash in the water; and if Water Quality Control tells it to get the fly-ash out of the water, the plant collects it and makes it a solid waste problem." How effective the new agency will be depends on its chief, for whom a quiet search has begun. The new chief, who will report to the President directly, would have almost dictatorial powers to set continental standards and regulations, vertically and horizontally, conduct common research, bring industries and cities to trial. A weakling could make the new agency another reshuffle of paper boxes; an overbearing chief could aggravate to shock the normal trauma of political surgery.

Bolder in imagination is NOAA, National Oceanic and Atmospheric Agency, which will be set up simultaneously with EPA. Under NOAA's roof, in the Department of Commerce, will be gathered the master sciences to explore the entire fluid envelope of the globe, the throbbing, interacting drive wheels of energy in ocean and atmosphere, which charge and recharge the fundamental batteries of life for all organisms, from plankton and pupae to man and mountain goat. Ripped away from the Navy would be its Oceanographic Data

and Instrument Centers; from Interior its marine mining, commercial fisheries and anadromous fish; from the Army's Corps of Engineers its Great Lakes survey; from the National Science Foundation its sea-grant program of research. These would be joined to Commerce's ESSA (Environmental Science Services Administration) which already clusters the U.S. Weather Bureau, the Coast and Geodetic Survey, and radio propagation labs. The surveillance of NOAA's scientists would run from the interior Great Lakes, through the vast Continental Shelves with their minerals and oil, probably as far as Antarctica.

The first of the new master bodies, the Environmental Protection Authority, would monitor and regulate man's everyday life within the thin membrane of activity scratched by our smokestacks and smirched by our leavings. The second, NOAA, would monitor the global container, the entire hollow of sky and inelastic surface of earth which holds us all from outer space to ocean depths. It would try to learn how man's pollution has already harmed the oceans and affected its life down to bottom ooze, or affected its atmosphere up to the emptiness where NASA and the astronauts take over. EPA would tell men how they must live within the weather and climate: NOAA's function would be to explore, to predict long range and short range, what is happening to that environment—and then go on to actually try to change that climate and its weather.

Already in place on the administration's master plan is, of course, a third body, the Council on Environmental Quality. Up to now the understaffed, six-month-old Council has been a fire brigade, rushed in to pass judgment on a project like the cross-Florida canal, or invited to give quick opinion on the noise effects of the supersonic plane. In the new thinking the Council would be the President's eyes and ears for his entire government. Every department and bureau of Government—Defense and Transportation, Agriculture, Interior, Housing and Urban Development, and all the others—would have to send their plans to the Council to be cleared for environmental impact as they now send such plans to the Budget for clearance on costs.

Beyond these three organs are yet other fancies, not yet programed on paper: a suggestion that America have a National Energy Council which would absorb the Atomic Energy Commission, the Federal Power Commission, and other agencies dealing with total energy needs; a suggestion that America have a National Land Use Board which would absorb the Army's Corps of Engineers, the Forest Service, the National Parks and all others who plan or regulate the use of land for parks, industries, towns, or expansion. There is, finally, a suggestion from the Ash Council—rejected for the moment by the White House—that all such resource-oriented agencies be combined for long-range planning in a new Department of Natural Resources. Thus, on the far horizon, would be a system where four major voices replace the present cacophony of 84 bureaus.

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For the moment, however, it appears that the administration will be content if it can master the managerial and political questions its immediate proposals raise. How, for example, can one be sure that one is breaking off "the bureaucratic joints" along the proper cleavage line: Will the farm lobby let all pesticide control be transferred from the friendly Department of Agriculture to the austere new EPA? Can one satisfy the sports fisherman by leaving trout under Fish and Wildlife in Interior and giving all other fish to NOAA?

Or another set of questions: How can one find or train the proper people to staff even present schemes? By 1974, we will need 28,000 air-quality analysts to man planned controls, and today we count only 2,700. Money can be found for training, but training cannot be speeded. "We can get money," says John Ehrlichman, Nixon's chief domestic counselor, "but making the money useful is like squeezing bread through a keyhole."

NIXON WANTS TO BITE THE NAIL NOW

Beyond, rise questions of law and philosophy: Should the Department of Justice create a new division, like its present Anti-Trust Division, to prosecute environmental offenders brought to court by the EPA? Or do we need an entirely new system of courts, like the tax court of the Internal Revenue Service, specializing in the jurisprudence of environment? Or in the name of the safety of a larger mass of citizens, an entirely new philosophy of law, curtailing men's right to move, build, discard as they will.

No one, not even the architects of the present planning, are satisfied with what they must present and debate in the next few months. "In the business of government," says Murray Comarow of the Ash Council, "any movement from hideous to bad is progress, from hideous to fair is spectacular. Some of the ideas we've served up could move things from hideous to somewhere between bad to fair." John Whitaker, the President's man on environment, puts it more bluntly: "We could sit here for 3 more years and still not come up with a perfect plan. But the job of government is to act. This is our chance to line up the silent majority and the underprivileged on the same side. Nixon wants to bite on the nail now. Politically, this is the time to go."

This administration is faced with the most difficult problem of domestic government since the New Deal reorganized the economy 40 years ago. No one then could tell what might happen as the bureaucratic gamesmen of that time doodled boxes on paper, drew lines between them, talked trade-offs, lopped off agencies and added bureaus in a contraption no one was ever quite sure would work. What was at stake was too important for simple administrative patterns to solve: It depended on the politics and spirit with which Franklin Roosevelt could infuse a revolution.

Since then, Americans have seen some great patterns of government thrive and others wither, their vitality dependent always on their connection with the politics and forward thinking of the times. Many once powerful regulatory agencies of government have been strangled by the simple technical narrowness of their thinking. Divorced from the wellsprings of science or public philosophy, they have become anachronisms or become prisoners of interests they were supposed to control.

Emergency agencies, however, masterpieces of American administrative genius, have flourished. Over and over again, when faced with a national crisis, American government has been able to spawn single-purpose agencies which override all bureaucratic entrapments. The Marshall Plan, which revived Europe, was one such agency; NASA, which reached the moon in its allotted decade, was another; the Atomic Energy Commission was a third spectacular of this genre. But such crisis agencies operate best over a limited time span, reaching a peak of brilliance when the best civilian talent of the nation is recruited by the urgency. Then they fade as the best men depart, and urgency degenerates into housekeeping.

Now, American politics must entertain Richard Nixon's first major original approach to government in an adventure that must combine both emergency action and long-range housekeeping. Promising to decentralize Washington and return power to local government, he will now propose a system that will enlarge the authority of the Federal Government even more than did Roosevelt's New Deal. Over the long run, if this new system is to be effective, it must control not only General Motors, but the local garagemen who spill crankcase oil in sewers. It must control not only oceangoing tankers and offshore drilling, but beach buggies that ravage sand dunes and pleasure boats that flush toilets in lakes.

The echoes in the White House give one the sense of a political buffeted President, gingerly but stubbornly balancing inevitable political controversy

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against options that define real needs. One senses a firming of presidential thinking—his recognition of the inescapable need to impose absolute national standards of control so that no industry can escape its costs by shifting plants and jobs from stern States to lenient States. One senses a groping as he attempts to strike a balance between the zero-limit fanatics on the one hand, those who advocate zero radiation, zero smog, zero pollution, zero population increase in a static future America and, on the other hand, what remains valid in the robust older tradition of growth. There is also the increasing echo of his favorite, personal idea, the new cities program. "You have to see Nixon," said one of his closest aides, "as a man who knows that villages like Whittier, where he grew up, are dead. And as a man who lived in New York for 5 years, traveling between Wall Street and Fifth Avenue in his limousine, and not liking what he saw. Somewhere in between he has this dream of spreading America out and planting it with entirely new medium-sized cities, not suburbs but planned cities. But that gets you to a national land-use policy, which is a whole other can of worms."

No cool rearrangement of bureaucratic boxes on paper will solve the problem by itself; only a presidential presence and sense of direction can translate today's concern into tomorrow's reality. The game being played is being played on a world scene; in Europe, in Asia, in Russia, men wrestle with the same problem of man's growth in limited space. What must emerge in the next few weeks is not only the first large glimpse of the President's feeling for the Nation's future, but also his resiliency in offering the world a style of American leadership it has forgotten.

Mr. ROSENTHAL. Our next witness is Mr. Parke C. Brinkley, president of the National Agricultural Chemicals Association.

Mr. Brinkley, you have a well thought-out statement. I wonder if we, with your permission, could insert the complete statement in the record and perhaps you could pick up a few points that you think are highly significant and new, and also at the same time introduce your colleagues.

STATEMENT OF PARKE C. BRINKLEY, PRESIDENT, NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION; ACCOMPANIED BY ROBERT L.

ACKERLY OF SELLERS, CONNER & CUNEO, WASHINGTON, D.C.; DR. C. BOYD SHAFFER, AMERICAN CYANAMID Co.; DR. E. M. SWISHER; AND DR. DONALD A. SPENCER

Mr. BRINKLEY. Yes, Mr. Chairman, that would be entirely satisfactory with us. We do appreciate the opportunity of being here.

I have with me on my right Mr. Robert L. Ackerly of the law firm of Sellers, Conner & Cuneo of this city; on his right, Dr. C. Boyd Shaffer of the American Cyanamid Co.; on my immediate right, Dr. E. M. Swisher of Rhom & Haas Co.; and on my far left, Dr. Donald A. Spencer, Consulting Ecologist to our association.

We are pleased to be here this morning. We have presented in our statement our position at the moment and we endeavored to get this into your hands prior to today that you might have an opportunity to see it, if you so desire.

Maybe the best thing to do is to see if you have any questions on it.

Mr. ROSENTHAL. Well, I am just trying to read the statement pretty quickly. I think it would be good to have it in the record if and when the plan comes up on the floor.

Mr. BRINKLEY. We have no position on Plan No. 4, Mr. Chairman; our interest lies in Plan 3. We do not think that—well, our thinking has changed, as we have indicated here. At first we did

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oppose the plan and after thinking about it a great deal, discussing it a great deal, we have accepted the plan because we think that it does have advantages to offer to the public in general and we think it has advantages to offer to the industry that we represent.

Mr. ROSENTHAL. Originally, you had opposition to the plan and then at some point you asked that all pesticide functions be put into one division, and I am told under the proposed table of organization that is going to happen that way.

Mr. BRINKLEY. That is fine.

Mr. ROSENTHAL. So now you are not opposed to the plan?

Mr. BRINKLEY. That is right.

Mr. ROSENTHAL. In other words, you had some success with the efforts you made in structuring a new environmental protection agency.

Mr. BRINKLEY. We had some success, I guess, in our own minds in thinking it out and talking it out. I know of no effect we had on the structuring of the agency.

Mr. ROSENTHAL. Originally did they have all the pesticides within one division in EPA?

Mr. BRINKLEY. To the best of my knowledge and belief, yes, sir.

Mr. ROSENTHAL. What changed your initial opposition to the plan?

Mr. BRINKLEY. We originally objected to the thought of taking a single commodity such as pesticides and putting it into this new agency which was designed entirely to—or designed primarily, I should say—for the control of pollution. Our reaction was that pesticides were being considered strictly as pollutants of the environment rather than as an antipollutant force as well.

We think pesticides contribute a great deal more to cleaning the environment than they do to polluting the environment.

Mr. ROSENTHAL. There are some people who have a different view, I suspect.

Mr. BRINKLEY. I suspect so.

Mr. ROSENTHAL. I knew you were familiar—because I remember we met 6 or 8 years ago on the Agricultural Committee, and the enthusiasm at that time was about the same degree of support that we have now.

Mr. BRINKLEY. I am sorry. I did not understand that.

Mr. ROSENTHAL. It is not worth repeating.

Mr. BRINKLEY. I thought we had very good discussions at that time and, as you will remember, we supported the bill.

Mr. ROSENTHAL. Yes, I remember that well.

Let me be candid with you. You know, you read the papers and that is why you are here in platoon formation. You know the charge is made that pesticides are not all they are cracked up to be. The witness who represented the Audubon Society had a very good quote in his statement. He said that similarly, pesticide regulations can never really protect the health and welfare of the whole public while subservient to the more agricultural concept of bushels per acre.

In other words, maybe the negative value outweighed the positive value. Is there some truth to that contention?

Mr. BRINKLEY. There is truth to a contention that pesticides have both benefits and risk. This is the thing that I guess gave us some concern, that they were being put in an environmental pollution control group and we had the feeling that being put there,

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emphasis was being put on the risk rather than the benefits. We wanted to be real sure that it would be put on both the benefits and the risks and that they be weighed together.

Mr. ROSENTHAL. Did you get that assurance?

Mr. BRINKLEY. In our own mind, yes.

Mr. ROSENTHAL. Did anybody in the administration give you that assurance?

Mr. BRINKLEY. No.

Mr. ROSENTHAL. The point I was trying to make is: What is the industry doing? If there is some question of risk-benefit, what is the industry doing voluntarily to correct the risks or to eliminate them?

Mr. BRINKLEY. We are doing a great deal. As you know so well, we have to do a great deal of research and testing on a product before it is ever put on the market. It takes a longer period of time, you know, an average, according to a survey that was made last year, of 60 months. In many instances it runs considerably longer than that. An expenditure averaging about \$4 million to bring out a new product, and again the many—there are many instances in which the costs exceed this by a great deal.

Mr. ROSENTHAL. What is the annual gross volume of the industry?

Mr. BRINKLEY. I would guess \$8 or \$900 million at the manufacturing level. We put about 10 percent of that back into research which is one of the highest research-gross sale ratios of any industry.

Mr. ROSENTHAL. Are there three or four large companies that make up the industry like Gulf or Shell?

Mr. BRINKLEY. No, sir; it is not dominated by any one company. They are part of the industry. Our association has a membership of approximately 140 at the present time, all of which are not manufacturers of basic materials. There are probably 40 or so manufacturers of basic materials.

Mr. ROSENTHAL. Is it true that about four or five companies produce 40 or 50 percent of the gross volume?

Mr. BRINKLEY. No, sir; I do not believe that is right. I am really not that sure. There is no feeling in the industry that any one or three or four companies dominate the industry.

Mr. ROSENTHAL. I see in the pesticide division of EPA a transfer of people from USDA and HEW. Do you have any notion about how many people will be transferred from HEW or USDA?

Mr. BRINKLEY. I do not have the number; no, sir. They are planning to transfer in total the pesticide regulation division from the Department of Agriculture and transferring in total the pesticide tolerance setting provisions of the Food and Drug Administration.

Mr. ROSENTHAL. According to the proposal submitted by the administration, 272 people are being transferred from FDA and 435 from the Agricultural Research Service.

Mr. BRINKLEY. Yes, sir.

Mr. ROSENTHAL. I notice in the Interior Department they are transferring nine people from Label Review and 20 from the Gulf Breeze Laboratory. Do you think you will be able to live with this new agency?

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Mr. BRINKLEY. We certainly hope so. If we don't, the food supply and the public health of this country is going to be in trouble.

Mr. ROSENTHAL. I would imagine my own guess is that your organization will be kept a little busier.

Mr. BRINKLEY. It will have to get larger, then, sir. We are fully utilized at the moment.

Mr. ROSENTHAL. You know seriously the climate has changed in this country; 20 years ago we were willing to accept pesticides because we felt there was a need to increase the food and fiber production. But the climate of the country is changed; people are as much interested in preserving the environment of this country. If we let you fellows run wild altogether there might not be a country in 20 years, so the extra food will not do any good.

Is there any truth to that serious accusation?

Mr. BRINKLEY. Let me call your attention to a statement in here on the bottom of page 2, that while many of these insect vectors and diseases are not a problem in this country because these insect vectors have been well controlled, it is still a tremendous problem in a lot of places and it could blow up in this country. I tell you that malaria is one of the great environmental contaminants, and I will tell you that in many of these cities, one of the greatest groups of environmental pollutants are rats and roaches and bedbugs and body lice and flies and mosquitoes and things of this sort.

Mr. ROSENTHAL. Are you talking about the United States?

Mr. BRINKLEY. Yes, sir, I am talking about the city of Washington or your city of New York and many of the others. Without the benefits of these pesticides to control these environmental contaminants, you would find the people of this country really breathing down your neck about the condition of the environment.

Yes, sir, for every unit that pesticides contribute to pollution, they contribute about a thousand units to cleaning up the environment. This is the thing that we are anxious that these new agen-

cies understand and realize and really realize that they are taking upon themselves so much of the responsibility to the American public to help in the control of pests.

Mr. ROSENTHAL. Do you not doubt there has been a flow over from the agricultural use of pesticides to the rivers and streams in this country that create a problem?

Mr. BRINKLEY. There is no question in my mind that there has been some runoff of pesticide materials from time to time into the rivers and streams. Now, in most cases I think that these are insignificant and when weighed in the benefit-risk ratio, the benefits of the pesticides in their use far exceed the risks involved by the contamination of the waters.

Mr. ROSENTHAL. Who should have the decisionmaking power in finally deciding the benefit determinant, the industry that produces or the general public?

Mr. BRINKLEY. The general public.

Mr. ROSENTHAL. And presumably that will be the role of this new agency?

Mr. BRINKLEY. Yes, sir.

(The prepared statement of Mr. Brinkley follows:)

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PREPARED STATEMENT OF PARKE C. BRINKLEY, PRESIDENT, NATIONAL
AGRICULTURAL CHEMICALS ASSOCIATION

My name is Parke C. Brinkley. I am president of the National Agricultural Chemicals Association, a nonprofit trade association which represents the agricultural pesticide industry in the United States.

We appreciate the opportunity to appear before this committee this morning to discuss the implications of Reorganization Plan No. 3. This plan, which establishes the Environmental Protection Agency, has as its principal goal the control of pollution in our environment. A number of existing programs related to environmental protection will be transferred to the new agency. The only complete regulatory and enforcement program for a particular class of commodity transferred to the new agency is the registration of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act and the establishment of permissible residues of pesticides on raw agricultural commodities under the Food, Drug, and Cosmetic Act. Enforcement of these residue limits remains with the Food and Drug Administration. Enforcement of pesticide registration moves to the new agency.

When this plan was first brought to our attention, our reaction was negative. After careful reflection, however, we accept the plan because we think it can bring benefits to the American public. We hope it will create a less emotionally charged atmosphere within which Government scientists can more objectively appraise the benefits and attendant risks in the use of pesticides.

I suppose we all mean by the word pollution, the despoiling and befouling of our environment—air, water, and soil—with resulting harm to human health and our wildlife resources. With this definition in mind, we say that though

there have been instances where pesticides have contributed to environmental problems, pesticides have done far more to clean the environment than to despoil it.

To recite the accomplishment of pesticide use is no longer exciting and commands no space in the press because we accept these benefits as if they were a part of our life charter. The emotion stems from the discovery of pesticide residues in nontarget species but without regard to the benefits achieved when these calculated risks are taken. We are no longer concerned with malaria, yellow fever, and a host of insect-borne diseases because they are not a health factor in this country. They do remain a major health factor in other areas of the world, however. Mr. M. A. Farid, director of Program Planning for the Malaria Eradication Section of the World Health Organization, advises that in 1936 there were 200,000,000 cases of malaria in India alone resulting in 2,000,000 deaths. In 1968, only 156,000 cases were reported in India with approximately 750 cases resulting in death.

Last month in New Mexico several cases of bubonic plague were reported. This is worthy of little attention as the disease is now readily controllable with penicillin. Yet these disease vectors are controlled only by pesticides. Flies, mosquitoes, rats, roaches, body lice—perhaps we can live with these environmental contaminants but we must not forget that they continue to spread a host of diseases including encephalitis, of which there have been three or four outbreaks in the last 15 years.

We will not make an effort this morning to review the pesticide record. We are aware of the criticism that has been leveled at the Federal agencies and their enforcement of pesticide programs. We feel that a careful objective review of the record will bear out the fact that these agencies have done an outstanding job with the few failures or inadequacies that have been reported testifying more to the dimension of the problem than to the failures of the dedicated personnel in these agencies. Transferring these programs may appear to reflect a lack of confidence in the ability of these agencies to do their job. We trust this is not so and that the record will be clear that transferring these functions to EPA is to bring together the variety of disciplines necessary to regulate the sale and use of pesticides and to render more efficient this continuing effort.

We view optimistically the bringing together of all relevant scientific disciplines into one agency to improve interdisciplinary communication, evaluation of data and measurement of the significance of the information that is collected by Government and industry. Prior to sale a pesticide must be registered by the Department of Agriculture. The burden is upon the applicant to establish safety and efficacy. No agricultural use is permitted until a tolerance for any residue of the pesticide on raw foods is established. Preregistra-

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tion review includes the Departments of the Interior and Health, Education, and Welfare. After registration each pesticide is subjected to a comprehensive monitoring program designed to point out unanticipated effects. As you know, the fish and wildlife resources of this country, including shellfish and our water and air resources are subject to careful monitoring, the results of which are reported regularly in the Federal Pesticide Monitoring Journal. USDI laboratories at Patuxent, Md., Gulf Breeze, Fla., Denver, Colo., and Columbia, Mo., report on studies of invertebrates, fish, and wildlife. Other

agencies make important contributions—the community health profiles of the Public Health Service, the market basket surveys of the Food and Drug Administration—every phase of our environment is studied under the coordination of the Working Party, Subcommittee on Pesticides of the President's Cabinet Committee on the Environment. These programs provide a continuous source of data to measure the input of pesticides into our environment.

As more agencies became more involved in recent years with the regulation of pesticides, we faced a proliferation of regulators which ultimately required the development of the Interagency Review Agreement of January 29, 1970. This is perhaps the most elaborate interagency review program in the executive branch of the Government. One result, at least, was to add an indefinite amount of time to the evaluation of new products and new uses for old products. We found ourselves dealing with second- and third-hand information and experienced great frustration in attempting to locate the source of the information as problems arose. Thus we were extremely hampered in bringing to bear the implication of the scientific data relevant to the problem area.

We then look forward to the opportunity to deal principally with one agency where there will be an opportunity for prompt communication between the regulators and the regulated. We anticipate that this increased efficiency will result in more prompt and relevant responses, and a more effective and efficient handling and resolution of problem areas.

From the testimony already presented to this committee, we anticipate that there will be a unified division of pesticides in EPA, hopefully headed by a deputy director of the Agency. In this manner, the Agency can function most efficiently and, we believe, the benefits of this reorganization can be more fully realized.

The Agency must accept a premise that is not particularly popular at the moment and that is, that there is a desperate need to continue pesticide use for the protection of food, the protection of the public health, and for improvement in the quality of the environment.

Pesticides, like drugs, present a host of benefits but there are risks which can be calculated and measured, and accepted to achieve the benefits. The validity of the benefit-risk equation was soundly endorsed by Senator Ribicoff in Senate Report No. 1379, 89th Congress, 2d session, following a 3-year review of pesticides by the Subcommittee on Reorganization of the Committee on Government Operations.

Senator Ribicoff underscored the need to mitigate confusion and anxiety in the public mind and the need to evaluate pesticides in an objective atmosphere. The report points out:

The reservoir of apprehension in the public mind evolves from three signs of our time: (1) The lack of understanding of science leading to distrust and actual dislike; (2) nostalgia for a simpler life, the good old days, and the "peaceable kingdom;" and (3) a feeling of individual incompetence to avoid the threats of technological side effects (e.g., helplessness against community aerial spraying, unknown source of food stuffs, and total reliance on governmental control and regulation). This anxiety (amounting to fear) is a barrier to facts and presents a bad climate for decisionmaking (*ibid.*, p. 50).

The results of the emotional approach to pesticides have been significant. The pesticide industry historically committed a relatively high percentage of gross sales to research. Recently, several chemical companies have completely abandoned their research and development programs on pesticides. Others

have sharply reduced their efforts in insecticides while continuing to go forward with other types such as herbicides. The mounting cost of research and development, the unreceptive mood of State and Federal regulators, and the extremely poor image of the industry in the public mind, were major contributing factors. Corporate executives find little comfort in outstanding achievements [p. 167]

ments in the pesticide field when they are constantly harangued and barraged by stockholders and others as despoilers of our environment through the development of effective insect control techniques.

We look forward then to the formation of the Environmental Protection Agency. We look forward to cooperating and working with this Agency to bring to the public the maximum benefits pesticides offer with the minimum risks attendant upon pest control programs. We look forward to a continuation of the elaborate Federal monitoring systems of pesticide residues in our environment, to the opportunity to work cooperatively to improve pesticide effectiveness and minimize the exposure of nontarget organisms to these materials.

We are not completely persuaded that establishing a new agency will result in better regulatory programs, except to the extent that they will be more efficient and thus more effective. This alone may be of sufficient value to justify the creation of the new Agency.

Reorganization Plan No. 3 does not deal with the structure of the Agency though the indications are that a Pesticide Division will be designed to put all pesticide activities in the New Agency under one top level executive who will have the ultimate authority and the concurrent responsibility for these programs.

An integrated pesticide program in one division of the Agency could be the key to an effective regulatory program.

Mr. ROSENTHAL. Thank you very much; your testimony has been very helpful and significant. Our next witness will be Dr. Spencer Smith, executive secretary, Citizens Committee for Natural Resources.

Mr. BLATNIK. Mr. Chairman, I would like to welcome an old friend of many years back. Dr. Spencer Smith, known throughout the country, is one of the great leaders of the conservation movement and one of the original early people who advocated an environmental program, called at that time the Water Pollution Control Act.

Dr. SMITH. Mr. Chairman, thank you very much.

Mr. BLATNIK (presiding). Doctor, proceed at will.

STATEMENT OF DR. SPENCER SMITH, JR., SECRETARY, CITIZENS
COMMITTEE ON NATURAL RESOURCES

Dr. SMITH. I will simply submit my statement for the record and speak briefly from it, because I know the committee is pressed for time.

I have received one rather interesting shock this morning; that is the information that the chemical industry had changed its position and now support EPA. If I had some reservations about EPA before, I must confess they are deepened a bit.

At the present time the basic problem facing the establishment of the Environmental Protection Agency is what functions do you include and what functions do you exclude and what is your criteria for doing either. The earlier discussion with the AEC was indicative of this. It occurs to me that there are many more problems that should concern us.

The legislative justification has indicated that certain agencies of Government have the responsibility of promoting a certain resource use and being responsible for regulating the environmental effects of such use. If these functions are incompatible and hence the reason for EPA, then it seems we have to go further than we have gone in carrying such reasoning to what appears to be a logical conclusion.

There is no greater impact upon environment than the construction of highways—their placement, the problem of beautification, safety, rivers, streams, air, noise, and a number of further effects.

I think one who crosses a bridge or who happens to be in Washington any length of time and peers up in the sky has to be

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aware of both the noise and pollution caused by aircraft. Presumably, the function of air pollution control would be transferred to the new agency of EPA, but the noise pollution is not so transferred and I have heard previous witnesses indicate that the reason is that we do not know enough about it.

It is my understanding that EPA is to have a research capacity and in-house capability. If this is true, we ought to find out about it and find out what effect noise has on the society and the environment in general.

Another major consideration, and I say this, because of the knowledgeability of the chairman as to the Corps of Engineers, is the relation of the corps to EPA. Justification for corps projects, to my knowledge, put forth in great detail functions with an impact on the environment. Sometimes they are set down as costs, sometimes as benefits, but in any event it is usually evident in the benefit-cost ratio. It would be impossible to analyze completely the many agencies and bureaus that could be brought under EPA by using the same criteria that the administration suggested.

I think even the most eclectic recommendations have found that many scenic values have been excluded and probably because the bureaucracies have had too much muscle to negotiate the change.

It is also obvious to me that the establishment of EPA will cause considerable interruption of ongoing programs.

I recall many meetings with the chairman of this committee and his supporters in the early days of water pollution control and we could have held that meeting in a phone booth, to upgrade the administration of water pollution abatement. During that particular time many of us were in the vanguard in urging transfer of the Water Pollution Abatement Control Agency from HEW to the Department of Interior.

The chairman will well remember the arguments we made in behalf of this transfer and I was one of them that made them.

We had hoped to bring and elevate the whole status of water pollution control. It was finally transferred to the Interior Department under the most friendly terms. There was a Democratic Congress, a Democratic Executive and the Secretaries of HEW and Interior were quite good friends. It couldn't have been accomplished under better auspices.

I would say and this is a guess, I would put it at no more than that, that it took 18 months for this program to begin to really function again. At that time it was a far smaller organization than it is at the present time.

It disturbs me that if we are going to have the kind of administrative interruption in the ongoing programs that are transferred to EPA, then we had better do an awfully good job and make it count for something. We should not have this new organization as a delaying action where money isn't available, where the manpower isn't available, and where we haven't sorted out the internal operation and internal administrative workings of this organization.

These things concern me. If I hadn't been a former bureaucrat maybe they would concern me less.

Another major concern, Mr. Chairman, is that I hope we do not fall into the delusion that the Director of EPA would be similar to

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that of NASA or the AEC. I have no doubt that we can write into the statute or into the Executive order that they would each receive the same money or each have the same rating in the executive hierarchy. But I think one would have to conclude that NASA was in a different climate and established for a different purpose.

It was highly promotional, it had the unification of the country behind it, and it suffered an almost embarrassment of riches.

AEC was similar in character.

We are establishing EPA, however, in part, to confront and watchdog other agencies. I feel, therefore, the fact that this is going to be less than Cabinet rank is going to present a significant problem.

As much as I appreciate the fact that we are trying to gather together a number of these environmental agencies under one roof, the logical step would be to see them combined at the Cabinet level. At the present time it has been suggested that we have in the Department of the Interior good people but because of the many and detailed duties of the Secretary of Interior it is quite difficult for the Water Quality Agency to receive its just due. This may well be true but it is also going to be difficult in the new agency because they have a number of environmental problems.

There is one thing lacking, the lack of a Cabinet officer to come before the Congress, to present themselves to the President, and to be before the American people. I think the loss of Cabinet rank is significant. I am not suggesting that the program will be immutable, but I am suggesting that it could be more immutable than it is at the present time. It would be my hope that some of these other areas which could well be included in the area of EPA would also be included.

Mr. BLATNIK. Do you have any programs that you could suggest this morning?

Dr. SMITH. Yes. For example, the highway beautification program which is a restraining activity and following the criteria the administration set down, certainly qualifies to be in EPA.

It would seem that certain functions of the river basin planning would also qualify. The Corps could build the dam but also there would be other activities involved.

What about the ecology? The other program I suggested was noise abatement. Scientists have argued at great length to the effect that noise probably reduces our life anywhere from 5 to 10 years. In a town where much construction is going on, such as Washington, I am sure that will be accelerated by at least 25 percent. The noise aspect has not been transferred from the Department of Transportation, yet this fits the classic role that the administration has set down for either inclusion or exclusion into EPA. I think that the serious problem about EPA is not that its idea is incorrect or that trying to marshal the restraints and concern for environment is incorrect, I think that is highly admi-

rable. The administration indicates this is a start. I would hope that the start would be a little more expanded. I would hope that it would be a Cabinet ranking department and I would hope that some of the details of internal administration would be spelled out more clearly than they are.

I will be very candid before this committee. I happen to be a witness who is extremely concerned about pesticides. I don't know that we will ever overcome the effects of DDT to the extent that

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we think we might. If, under EPA, the internal management of the pesticides program is going to be again highly influenced by the industry that makes chemicals and pesticides, then I am going to be just as concerned as if they were in Agriculture. I have no objection to taking pesticide controls from Agriculture but in this transfer we want to make sure that the flies do not capture the flypaper again.

Despite our problems in establishing EPA, they are far less awesome than we feel will occur in NOAA. Mr. Chairman, I have detailed this in my statement, I don't want to go into it at length today, since this committee is primarily concentrating on EPA. We would hope that this committee would prevail upon the administration to withdraw NOAA or Reorganization Plan No. 4. If they don't withdraw it, we would hope the House will disapprove it.

It took us something like 28 years to get a good bit of the marine research out of the Department of Commerce. The reason we wanted to get it out of there is that it was in the hands of the promoters. The very thing people were being concerned about in the establishment of EPA was the reason why many of these functions were transferred from Commerce to Interior originally.

To turn around and put them back in Commerce makes no sense. If the criteria for the establishment of EPA is sound we shouldn't be plagued with NOAA and if it isn't we shouldn't have EPA. You can't have it both ways. You can't say you shouldn't have an agency with a regulatory and promotional aspect engendered within it and establish an organization such as EPA on that basis and do exactly the opposite in the establishment of another organization such as NOAA.

Mr. Chairman, if we could have our wishes fulfilled we would like to see a Department of Environment with full Cabinet rank, despite some skepticism at another major department. But, if en-

vironment is as important as we say it is, it is deserving of Cabinet rank.

In proposing such a Department, the Congress should have the opportunity to consider it and go through the usual legislative processes. I know compromises will be made and I know a lot of people say we can't take time for that. I think the mood of the public at the present time and the mood of the Congress is such that they would expeditiously render a judgment on a Cabinet level department for the environment.

Mr. Rosenthal, who preceded you this morning as acting chairman, indicated this to be the mood of the country and I think he properly stated it. I don't think we are going to achieve what we want to achieve by these reorganization plans. We might be able to live with EPA maybe better than a poke in the eye with a sharp stick, but I don't know how we are going to live with NOAA if we are going to say this is the realm of environmental preservation or environmental concern.

Mr. Chairman, I don't often have the opportunity to do this but I simply want to say in closing a lot of people think that pollution control, water pollution control, especially, started sometime in the mid-sixties and a lot of people forget the first Blatnik Act. I know you didn't think much of it in 1948, and this was a precursor to cleaning up the Nation's water. As I indicated that a number of us were concerned in the early fifties and one of the people who testified this morning, Mr. Callison, was one of those; he can testify further that there were very few of us. But those who

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discovered the environmental crisis in the last few years are welcome, for it is superior to no discovery at all. We do wish to commend you for, however, your foresight in seeing this well over a decade ago.

I have kept one thing that I hope someday to put in the record and I didn't this morning; a bill that the chairman of this subcommittee wrote in the fifties which I think is a stronger and tougher bill than we have at this time. So I can testify further that you were interested in the environment and have been for a long period of time and we certainly want to commend you for it.

Mr. BLATNIK. As usual, Doctor, you put your finger on some of the main things that worry us.

We didn't quite understand why we should have a separate agency in the case of EPA. We are actually taking one major

program out of Interior and adding parts of small programs around it.

In the other case, you take several programs and put them into a Cabinet department.

Perhaps we should have a separate oceanographic and atmospheric agency. That would be closer to the concept of NASA. We raised the question earlier that you now raise about why there are so many directly related environmental programs, intertwined and interwoven in this hodge-podge, and why they weren't extracted and placed into EPA.

We are having a list made up by the Bureau of Budget to see how many relevant programs were omitted and if they were omitted why they were omitted, and why they are not being included in EPA.

Dr. SMITH. I know, Mr. Chairman, some of these programs in EPA have been starved financially, but if you take the total number of programs that are there and figure up what the appropriations have been historically, the water pollution program amounts to 75 or 85 percent of the total amount. Therefore it would appear this is going to be either highly dominant or some enormous expenditure of money about which I don't feel too sanguine for some of the other programs.

Mr. BLATNIK. Your other recommendation or suggestion that we consider the possibility of a new Cabinet level department and call it the Environmental Resources Department or the National Resources and Environment Department is a very interesting one. We know a lot more than we have known before and we are going to give that very serious consideration. We are beginning to find out, as you point out, not only the importance of the program but more about mercury poisoning, which appears in large areas—regional, northeast and southwest—and it has also appeared in other countries.

Suddenly, we are acting like it happened 3 weeks ago, 8:30 on Monday morning. It has been in process for a long, long time. Mercury is one of the most easily identifiable and manageable of compounds. The same thing with the recent smog appearance that we just had. That didn't just happen and it is going to happen again on the entire east coast; and the industrial sprawl along the whole east coast, which was one great big mountainous ridge of stagnant air where the chemicals are trapped and contained and held there and the chemical processes continue to feed upon themselves.

We know a lot more now about where we come from and if we ever get back to the mid-fifties we would have all the data that is
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available and much more. As we said last week, we can project what is going to be the environmental situation and the population situation of the United States 10 years from now, in 1980. It is quite clear. Concerning the water pollution program which is 15 years old, what is going to be the situation in the year 2000? I think these are quite measurable and much more predictable. So you do raise, as usual, some very valid points with great substance and merit.

We want to take a good hard look and come up with a proposition that is a good one. This business of saying the Environmental Protection Agency would be only a minimum protection, excludes practically all of solid waste. When we speak of the hydrogen bomb that would destroy a city like New York, we realize that all that is needed in New York to tie that city up is a big garbage strike for about 10 days; and that will bring the rats out, too.

I am shocked, as I said before, at the little attention we have paid to solid waste and how far behind we are in the poisoning of the atmosphere. I didn't mean to give any lecture and try to add anything to your testimony, Doctor.

We appreciate having you here and, as usual, we hope we can get our groups to exchange thinking, just as we did before, with industry groups, conservation groups, with responsible, knowledgeable leaders of local governmental subdivisions, particularly the cities and counties, and the State associations, to see if we can get all the thinking we can to combine the best judgment.

I am particularly going to ask for serious and independent consideration in order to come up with a new department, and make it visible, instead of submerging it for 2 years. We had no idea what was going on and suddenly this little program emerges. Let's come up with a good program and move it forward and make it subject to form, modification, alterations or additions. Having one head is a lot better than two.

Thank you again, Dr. Smith.

Dr. SMITH. Thank you.

(The prepared statement of Dr. Smith follows:)

PREPARED STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY, CITIZENS
COMMITTEE ON NATURAL RESOURCES

Mr. Chairman and members of the committee, I am Dr. Spencer M. Smith,

Jr., secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C.

In considering these two programs for executive reorganization to enhance the environment, we should like to first invite the committee's attention to Presidential Order No. 3, establishing an Environmental Protection Agency. Briefly stated the functions of the proposed Environmental Protection Agency would be comprised by the transfer of the Federal Water Quality Administration from the Department of Interior; pesticides studies and related activities within the Department of Interior, HEW, and the Department of Agriculture; the National Air Pollution Control Administration in HEW; solid waste management, Bureau of Water Hygiene, certain functions of the Bureau of Radiological Health, from the Department of Health, Education, and Welfare; and the Resource Authority relative to ecological systems now contained in the Council on Environmental Quality.

The effort to improve our ability to deal with problems of the environment is evident to all. There are few who have any specific recommendations that would not encounter opposition. The basic problem facing the establishment of the Environmental Protection Agency is what functions do you include and what functions do you exclude and what is your criteria for doing either. The

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legislation and its justification for the program have indicated that certain agencies of Government have the responsibility for promoting a particular resource use and concomitantly being held responsible for regulating the environmental effects of such activity. The proposal reasons therefore that the investing of promotional and regulatory functions regarding a particular resource use in the same agency is inappropriate, if the quality of the environment is to be enhanced.

Carrying such reasoning to what appears logical conclusions, a number of inquiries appears obvious. There is no greater confrontation over resource use and the quality of the environment that has manifested itself in recent years regarding the highways—their placement, the problem of beautification, safety, and the impact in general upon the environment. By the same token the Department of Transportation is directly involved in promoting highway construction and utilization yet at the same time it's charged with the responsibility of highway safety, scenic beauty, plus the coordination with other forms of transportation.

Another major consideration is that of the Corps of Engineers. Seldom is there put forth any justification for a Corps project that does not detail the consideration to be given to fish and wildlife, in fact the benefits account in some detail the enhancement to fish and wildlife, recreation, and other values as a result of the project.

It would not be possible to analyze completely the many agencies or bureaus that could be brought into an Environmental Protection Agency by using precisely the same criteria the administration has suggested for those that they now recommend to comprise this new Agency. Even the most eclectic recommendation finds scenic values excluded for apparently no other reason than that particular bureaucracies have more political muscle in negotiating changes.

It also should be obvious that the establishment of the Environmental Protection Agency will cause considerable interruption in terms of ongoing programs. Mr. Chairman, we were in the vanguard of those who recommended a transfer of the Federal Water Quality Administration from the Department of HEW to the Department of Interior. I would like to offer the suggestion that the committee review the experiences of this transfer. The climate was one of cooperation. There was a Democratic Congress and a Democratic Executive. The agency was smaller than it is at the present time. The fact of the matter, however, is that the actual physical transfer, the realignment of responsibilities, the integration of administrative activity took, at a bare minimum, 18 months for the program to be fully effective. We are saying, therefore, that we understand that EPA is neither perfect nor immutable, but we are saying that we wish the program were more perfect and less immutable than the proposal the committee is now considering.

Another major concern, and it would occur to me a delusion, is that the director of EPA would be similar to NASA or the AEC. One would hope that this parallel would not be pursued to any degree, as a justification for the Agency. The NASA program had almost undivided support and as a consequence significant funds. In fact, there was almost an embarrassment of riches. This was not a regulatory organization but a promotional one. It was not one that spurred or encouraged conflict and confrontation but one that achieved cooperation readily because of general agreement upon goals and purposes. It is incorrect in our opinion to assume therefore that the director of EPA will have essentially the same prestige as the Director of NASA or the AEC has had in the past.

What is more likely to happen is that as these organizations withdraw from the various departments, they will have less muscle not more. For example, now that water pollution control is passed from the Department of Interior is it therefore the presumption that the Department of Interior will be less fettered or concerned in promoting the program of the Bureau of Reclamation? In short, the water pollution control program will have lost a sponsor of Cabinet rank and it has been our experience that irrespective of rhetoric involved in establishing new agencies with less than Cabinet rank, their prestige and political support is not the equivalent.

It is important, however, to commend the Executive for tackling this extremely difficult problem of environmental organization. It is suggested, however, that if the program is as viable as presented, then it would be even more so if a separate Department on the Environment with Cabinet rank would be established. If this were done additional responsibilities and functions could be assigned to it. It would have Cabinet status. It would achieve the kind of prestige necessary and be on a comparable level with other depart-

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ments of the Government in order to effect the necessary cooperation that control of certain activities will undoubtedly require. We would hope that the committee could discuss further with the administration the possibility of such an approach. It has been suggested that this is a start. If we are going to disrupt the continuity of our present programs in order to achieve a lasting and significant improvement, it would appear prudent to us to make the change more sweeping and to give the matter further consideration.

Mr. Chairman, while we have been concerned with some pitfalls regarding Reorganization Plan No. 3, we nevertheless have been sympathetic as to the aims and purposes involved. We cannot offer the same opinion of Reorganization Plan No. 4, however, which would create a National Oceanic and Atmospheric Administration.

Under the terms of Reorganization Plan No. 4, transfers of Environmental Science Services Administration from the Department of Commerce; important elements of the Bureau of Commercial Fisheries from the Department of Interior; the marine sport fish program of the Bureau of Sports Fisheries and Wildlife from the Department of Interior; the Marine Mineral Technology Center of Bureau of Mines from the Department of Interior; the Office of Sea Grant programs from the National Science Foundation; a portion of the U.S. Lake Survey with the Department of Army; and certain programs from the Navy, involving the National Oceanographic Data Center and the National Oceanographic Instrumentation Center and from the Department of Transportation the National Data Buoy project to the newly conceived NOAA would be effected.

The recommendation to place NOAA in the Department of Commerce would appear to us completely irrational and without justification by the administration's own criteria.

If the establishment of the *Environmental Protection Agency* is to be accomplished because of the lack of prudence in investing both the promotional and regulatory powers in the same agency, then such a criteria is completely vitiated in the establishment of NOAA. It is very difficult for conservationists to rationalize why the transfer of the Bureau of Commercial Fisheries and the marine sport fish program of the Bureau of Sport Fisheries and Wildlife from the Department of Interior to the tender mercies of the Department of Commerce. How is conservation to be enhanced by placing these restraints and research capabilities in the hands of the developers and promoters—and in the past, the exploiters? If this is to be the case, then the rationale for the organization of EPA is improper and should be withdrawn.

There has been a concerted effort in the protection of estuaries and coastal zones. The study and analyses, and hopefully the implementation of programs for effective coastal zone management as a means of improving the environment and saving these most fragile and precious areas, has been a serious undertaking. It would appear that ultimately this function would be transferred to NOAA. This observation we make is founded on both the functions described in the reorganization plan and the interpretation given it by Senator Hollings on July 9, 1970, page S 10963 of the Congressional Record for that date, in which he states:

"No mention is made in the Presidential message of coastal zone management. for that is new legislation and not subject to the reorganization. The administration has previously assigned that responsibility to the Department of Interior, and requested introduction of a bill amending the Federal Water Pollution Control Act to assist the States in developing coastal zone management plans and programs. Coastal zone management would more appropriately fit in the new NOAA, and I solicit support of the administration in placing that responsibility in the new NOAA."

Mr. Chairman, we sincerely hope that the administration will withdraw NOAA as a reorganization recommendation and give further considerations

to it or failing this, that this committee will recommend against the adoption of this program.

Mr. Chairman, in further reflection, we want to compliment you and a number of your colleagues for the longtime interest that you have had in the environment. Few people remember the Thye-Blatnik Act of 1948, which was the precursor to cleaning up the Nation's water. A few of us remember the early days of the fifties in which you and a number of your colleagues labored mightily to awaken the country to the necessity of a Federal pro-

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gram dealing with water pollution control and abatement. I simply suggest to you there are those who have discovered the environmental crisis within the last few years, which is superior to no discovery at all, but we wish to commend you, Mr. Chairman, for your foresight and your understanding of it well over a decade ago.

We thank you for the opportunity of appearing before you today.

Mr. BLATNIK. We have with us Mr. John Kinney who also has testified as a private consultant. I am glad to see him this morning. I want the record to show that he was available here 2 weeks ago and we got caught in a bind between legislative action on the House floor which delayed our hearing testimony from all the scheduled witnesses. We appreciate the gentleman's patience and understanding as well as his coming back to be available at the convenience of the subcommittee.

Mr. Kinney, we have your statement. Do you want to proceed to read it or call attention to those aspects which have not been covered and which you want to direct your attention to?

STATEMENT OF JOHN E. KINNEY, SANITARY ENGINEERING CONSULTANT

Mr. KINNEY. I submitted it for the record 2 weeks ago when I had to leave. But I think a couple of points in there might summarize the concerns that I have listened to you and Mr. Holifield express.

Very frankly, I must publicly admit my admiration for your guts in being able to say that something offered in the name of environment might have a deficiency in it, because these days when the scare is on and any promise to help protect the environment has great public appeal, it takes nerve to suggest that it is not all it might be cracked up to be.

This is particularly so in an election year. But the points that you make in terms of the deficiencies in this proposal, I think, would be well summarized in the point you were just making; that is, by using the term "environment" it would seem to be all encom-

passing, when actually the proposal suggests that environment and pollution are interchangeable. They are not.

The adverse effects and various aspects of the physical environment is covered by pollution, but environment as a whole covers the whole gamut of full impact on man.

The other day when Mr. Ash and representatives of the Office of Management and Budget were talking, they were proposing that there should be an increased authority to this agency to establish standards; that the agency should have the responsibility for monitoring and then for policing.

The questions from the subcommittee in terms of what would be covered in these various areas were answered with a good many words such as "expect that," "would be surprised if," "would hope that."

It would seem as though there are many deficiencies in the proposal, many areas that have yet to be tied down, and once the agency is established the recommending crew would no longer be around. So I do not know how the tie-in would take place.

But I notice, in terms of the increased authority to set standards, it was mentioned as the highest significance and it really is, because while pollution is only part of the environmental picture the control over standards can really control the environment.

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In reference to these 80 or so agency programs that you were referring to that have to do with environmental activity, you could find out that eight or nine that are in this group could be making decisions that would control them. The control may be right and it might be wrong. But in terms of the setup, there seems to be no basis by which we can in advance anticipate effects.

If monitoring is to be a total part of it, eventually the NOAA operation must be transferred over to the new agency, because this will be monitoring the atmosphere. So also must the U.S. Geological Survey be transferred over. Otherwise, the monitoring will not be total or noncompetitive with other agencies. By having this as a separate agency it could be in competition with each of them.

These concerns I raise because I think they should be anticipated before rather than to listen to a hassle afterward, because, to me, placing the environment in perspective soon is our most important project. If it is to be total, then it must not only be population distribution, availability of food from land and sea,

availability of minerals from land and sea, but energy. All of those must be placed in perspective.

Now, in all of the discussion by the Government in proposing this, I heard no references to the existing faults that are occasioning the new proposal. Obviously, there must be some faults or there would not be a need for reorganization. But taking the existing agencies and putting them together under a new title seems to be a bit shortsighted. I doubt whether it will answer those deficiencies as they now exist.

Mr. BLATNIK. I think the witnesses for the Government were stating that efficiency for the program is to eliminate fragmentation. I think they felt that putting those programs into one agency would make it more effective. That was the contention. They did not answer why they left so many other environmental programs out of the agency.

Mr. KINNEY. The integration of land, air, and water I totally concur with. Separating them into different facets, answering the one problem causes a new one. I think they should be together. But in terms of solving the individual problems, there must be some kind of a deficiency in there or we would not be making a proposal for some of the changes that are now being set up.

One of the concerns Mr. Holifield raised I would like to use as an illustration. We can set a limit, as was proposed, for a 1° limit on the discharges and temperature in Lake Michigan. No discharge can be more than 1° above the existing water level.

It was proposed as a means for protecting the fishery. It sounded like a reasonable proposal. But we have no agency in Government that would suggest that maybe there might be some other consequences on the environment. The cities could not meet the 1° as well as the industries. That means all cities and industries must provide cooling towers and recycling.

In Lake Michigan we are pumping 5.7 billion gallons of water a day. To recycle that means 286 million gallons of water per day put into the atmosphere. Put that much up there continuously and we are not only going to have fogging and icing, but we could have weather modification. We could have more than that, though. That means 100 billion gallons of water a year taken out of Lake Michigan.

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This could mean a drop in water level. This could have international effects. We have a Supreme Court decree that prohibits this. We have cities inland short of water. Under a Supreme Court

decree they could get the water. They could watch the water floating uselessly overhead. That water will not come down in the same area, the precipitation will not be there.

The reason I raise this is the necessity to have a separation of the fact-finding from the policing. If all of the monitoring and the standards and policing are placed in a single agency—if, as Mr. Train suggested, this new UEC and EPA are to be mutually supportive, I wonder how many proposals will be before the Congress for their review.

It would sound like we are going to have one proposal coming before you at a time and it is accepted or rejected just as this proposed reorganization is. We are not going to have two chances with some of these consequences with our growing population.

There is also the suggestion that under this program it is to provide for the conservation of natural resources. We do not have a basis for a definition, particularly in terms of pollution control.

Now, what would be missing, in addition to a lack of facts, is that it does not cover the whole environmental picture. You mentioned land. We have had great concern through the press over Lake Erie. Our big problem in western Lake Erie is algae. If we were to close off all the sewers we would still have the algae problem.

It reflects the land drainage, it reflects the fact that they used to drain this out and made this a swamp.

In my statement I have added support for this small lake up in the Rockies above Aspen, Colo., which is identically the same picture as Lake Erie. There are no sewers above it. It is simply the matter of the land. There it is the matter in which the land has been opened up for recreation.

One other concern that I have in the proposal as offered, and one of the questions that the subcommittee should ask for answers is the role of the Office of Management and Budget in the transfer of personnel.

While I do not argue about the necessity for maintaining a strong policing action in pollution control, I would object to having the FBI, with the authority to set all the rules and regulations all the way from traffic standards up to wiretapping or seize, search and what have you, doing the policing.

I think it is going to be pretty much the same thing here. I think it is going to depend an awful lot upon the individuals, the leadership, and it is going to depend even more than that. There will be no court of partial review—no place where the Congress

can go and ask if there is an alternative. As time goes on I think we are going to need more and more of these alternatives.

We also need to answer such questions as you have raised as to the significance of the program in HUD and Agriculture that are not going to be transferred over. If the title of this agency were pollution policing I would have a lot less reluctance to accept it. But with the idea that it is environmental protection, I think perhaps it is suggesting things that just will not come to be.

If we are going to live in this hoped-for world, coming up with the facts to prove the point, I think we are going to be coming

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back to Congress 2 years from now and saying that we need another reorganization. Rather than to suggest that the failure is on the part of Congress for having to provide appropriate legislation, could we have a third person group that could offer to the Congress the alternatives so we could determine the true role of the administration in the program? These are my concerns, Mr. Chairman, the environment, protecting it, designing the treatment facilities, and making them work.

It has been my business for 30 years, and I know from your history of activity in this field, the concerns that you raise really attest to your background and knowledge, and I am hoping mine are offered in the same spirit.

Mr. BLATNIK. You raise some good points and I will assure you that they will be given full consideration as we keep them in mind and review the additional testimony that we expect will be coming from the Ash Council and from the Office of Management and Budget.

There were some programs that were not included, and we have some questions regarding so many blank spots. This is just the beginning. We can do much better than start out with a poor beginning with the body of knowledge and experience that we have before us now, what has happened in the past, and what faces us in the immediate future.

The monumental proportions and complexities of this total thing—it is just an enormous problem and that is the nibbling process as I see it.

Mr. KINNEY. I agree with you and I think with the emotional and political climate, undoubtedly this reorganization will go through as something which is a step in the right direction.

I am reminded of the old remark that if you do not know where you are going it does not make any difference which road you take.

Sooner or later, I think, the definition of the route must be made, but we must know first where we are headed.

So it would seem to me with a number of congressional committees involved in substantive legislation, a number of appropriation subcommittees that will be involved and the resolution of those issues, unless they are resolved will mean instead of having one agency we will still have a number of other agencies all under one title.

It would appear then that the one group in the Congress to ride herd on this will be the Government Operations Committee, simply because this will continue to go across many lines and the one agency or congressional committee that would have that kind of responsibility would be yours.

Part of it is the concern over the lack of fully developing the program; the other part of it is the expressed hope that your committee will stay with it so we can try to coordinate these multiple choices.

Mr. BLATNIK. Thank you very much, Mr. Kinney.

The subcommittee has received for insertion in the record a statement by Congressman G. William Whitehurst, who was scheduled to testify in person but could not be with us today; and a statement by Congressman Rogers C. B. Morton. Without objection, these two statements will appear at this point in the record.

(The statements referred to follow:)

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PREPARED STATEMENT OF HON. G. WILLIAM WHITEHURST, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. Chairman and members of the committee, I appreciate the opportunity you have given me to appear before you on a subject of such national importance as the fight against the pollution of our environment. I wish to indicate my support for the President's Environmental Protection Agency.

You would think from all the attention it is now receiving that the fight to preserve our ecology is new, and that we had just discovered the problems of pollution. The news media have devoted a great deal of time and space to the subject, time and space that I feel are long overdue. They have been joined by many groups across the Nation, and together they have called for some rather drastic and immediate action by the private sector of the economy. They have also called for action by the Federal Government and asked that we get into the thick of this fight to eliminate, or at least abate, the ever-increasing danger of pollution.

It occurs to me that the very fact that such a great deal is being asked of the Government is a sad commentary on the efforts that have been put forth for almost 15 years.

The Federal Government's efforts began in earnest during the 84th Congress, with the passage of air and water pollution control legislation. It is

evident today that this effort has not been as successful as we had hoped, nor apparently as it was needed to be, for today the human race is faced with the dubious distinction of achieving what no other animal has been able to accomplish: destroying itself in its own waste.

At present, it is estimated that more than 80 Government agencies are involved in fighting pollution, and herein lies the problem. There is no doubt that pollution control is needed, and we all know the end results we want: clean air, clean water, clean landscape, control of our wastes, and a substantial reduction of all pollutants. The main item lacking in the pollution abatement effort is the machinery to direct the attack. It is not enough to pass new laws and appropriate more money in the scramble to find the right combination to end pollution.

Of course, in this time of inflation, high taxes, and tight spending, every dollar must accomplish the absolute maximum. All of this calls for leadership, planning, and coordination.

Under the present condition of pollution control agencies scattered across the Government, it is too easy for the left hand to not know what the right hand is doing, and inefficiencies in administration develop. This may be one reason why the pollution control effort has not been effective so far.

If we are to meet the President's concern as expressed in his special message to Congress on pollution, and if we are to develop an orderly system of doing business, a centralized agency must be established to lead the fight against pollution.

It is easy for me to support such an agency. I proposed in my bill, H.R. 15969, the Pollution Abatement Act of 1970, a centralized independent agency to head the pollution abatement program, fund research, and establish standards. This Agency and its operations are very similar to the administration's program, except that my bill would not have located the Agency in the Executive Office of the White House.

Mr. Chairman, concentrating the pollution control effort in one agency, whether independent or not, will enable more efficient use of tax dollars being spent to restore, renew, and reform the abatement program. Central management in one agency to solve problems and work with the States and public will speed the effort to eliminate this blight over our Nation. In our desire for quick action we must not waste the funds expended. A single agency would oversee the operations to eliminate the duplicated efforts now underway, and it would insure the largest return for the dollars spent.

President Nixon stated in his Midwest meeting with several Governors investigating the pollution problem that a "total mobilization" of the Nation's resources is needed to fight pollution, and he called for reform of governmental institutions, bringing them up to date and into the 20th century. I believe a central agency such as the Environmental Protection Agency could most effectively and efficiently utilize the resources made available in the pollution fight. I support it.

Mr. Chairman, members of the committee, thank you for giving me this opportunity to appear before you.

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PREPARED STATEMENT OF HON. ROGERS C. B. MORTON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MARYLAND

Mr. Chairman, it is certainly a pleasure for me to have an opportunity to

address my comments to this distinguished subcommittee of the Committee on Government Operations.

The subject under discussion here today—Reorganization Plan No. 3—is of great interest to me primarily because it marks a great step forward toward logical governmental organization and assignment of tasks. All of us here have long witnessed the organized confusion present in much of the executive branch structure. Now President Nixon has taken the initiative and has proposed the first necessary step if the Federal Government is effectively going to carry out its responsibility in the protection of our environment.

Reorganization Plan No. 3 will establish the Environmental Protection Agency (EPA) which will include the environmental authority and responsibilities now exercised by the Department of Health, Education, and Welfare, the Department of the Interior, the Department of Agriculture, the Federal Water Quality Administration, the Atomic Energy Commission, and the Food and Drug Administration. These many agencies are presently working separately for the achievement of one goal—environmental protection.

I know you are all aware that this Nation has finally become alerted to the scars of devastation which we have inflicted upon our environment and ourselves. With this expanded public attention, and with the spoiling of our environment which continues to increase, we, as responsible public servants, can no longer ignore this foreboding issue.

Evidence of our spoilage abounds. Streams and waterways are now thick with sewage and industrial wastes; roads are strewn with carelessly discarded beer cans and other trash, and are dotted with a disgusting panorama of billboards; our skies are darkened and made noxious from the exhaust of automobile engines and the billowing smokestacks of our factories. The consequences of this tragedy which we have inflicted upon ourselves are paid not only by our fellow human being, but also by the fish and wildlife who are better conservationists than we.

At long last, the citizens of our Nation have realized the acts which have been perpetrated upon our environment for too long. They have begun to seek ways to improve the situation. There are community action roadside litter cleanups, river cleanouts, and the circulation of petitions to urge companies to apply pollution-preventive measures.

At present, our governmental agencies are diverse and often appear to overlap one another in their goals. It must be remembered that pollution generally is not the result of only one factor—but of many. Under the existing structure, a myriad of agencies have jurisdiction over their own individual areas but are unable to address themselves to the problem of pollution as a whole. That these varying spheres of authority and regulation overlap is not an incomprehensible result of the hodgepodge manner in which programs were developed to cope, and only cope, with the problems as they became apparent.

Contrary to the popular axiom that the whole is equal to the sum of all its parts, in this case, the whole will be greater than the sum of all its parts. The EPA, as outlined by President Nixon in his July 9 statement to the Congress of the United States, would effectively consolidate the agencies which are concerned with our environment and would provide the basis upon which a comprehensive environmental policy could be formulated to begin the arduous task of rectifying that which we have devastated.

The establishment of the EPA would also provide our Nation with a forum for the innovative concepts which are developing to assuage the problems of pollution. The Standards which the EPA would establish and enforce with respect to environmental protection are essential if the world in which we live is to survive with any habitants. The world may exist long after the last human or wildlife creature has vanished if action is not taken now to end further spoilage.

EPA, as outlined and proposed, would transcend the bounds with which any one agency now in existence would be encumbered. By incorporating the many diverse agencies listed above and by retaining a contact with those agencies still related to the field, EPA will serve in a capacity long envisioned by conservationists. I can only urge that you give a favorable decision to this proposal and support its implementation in the immediate future.

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Mr. BLATNIK. Are there any other witnesses or persons who wish to have statements placed in the record? The record will be open for at least 5 days.

Hearing no further questions or witnesses, the hearings are adjourned and the subcommittee is adjourned subject to the call of the Chair.

(Whereupon, at 12:35 p.m., the hearing was adjourned, subject to the call of the Chair.)

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APPENDIX

LETTERS, TELEGRAMS AND STATEMENTS RECEIVED BY THE SUBCOMMITTEE

COLORADO HEALTH AND ENVIRONMENTAL COUNCIL,
Boulder, Colo., April 3, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: The Colorado Health and Environmental Council of Local Health Departments and Boards of Health strongly recommends the establishment of a separate Federal Department of Health and Environment with Presidential Cabinet rank to properly coordinate all man's health and environmental activities.

Man's physical, mental and social health is directly related to his environment in the following aspects: air that he breathes; water that he drinks; food that he eats; alcohol and drugs that he uses or abuses; medical, hospital and home health care he receives; recreation facilities that he uses; housing conditions that he lives in; working conditions he is exposed to; and to social, psychological and economic influences of neighborhood, community and school activities.

Sincerely,

CHARLES H. DOWDING, Jr., M.D.,
Chairman of the Colorado Health and Environmental Council.

cc: Senator Gordon Allot; Senator Peter H. Dominick; Representative Byron G. Rogers; Representative Donald G. Brotzman; Representative Frank E. Evans, Representative Wayne N. Aspinall; Paul Cornely, M.D., president, American Public Health Association, Howard University Medical School, Washington, D.C.; Berwyn F. Mattison, M.D., executive director, American Public Health Association, New York, N.Y.

[Telegram]

BOULDER, COLO., *May 15, 1970.*

Representative DONALD G. BROTZMAN,
*Cannon House Office Building,
Washington, D.C.:*

On May 6, OUP, the Colorado Public Health Association and the Colorado Environmental Health Association took the following action:

"Therefore, favors the placing of all health and environmental programs under one agency at each appropriate governmental level, that is, Federal State, local; to be a focal point of action resulting in a total and maximum interdisciplinary coordinating effort to provide the optimum health and environment for all citizens."

The Colorado Health and Environmental Council took similar action this month.

The May 12, 1970, Denver Post "Health Care" issue presented the following headlines: "All encompassing health department foreseen." Mr. Glen E. Keller, Jr., president, State board of health states: envisions a "gigantic" health department in the not-so-distant future which would consolidate a number of "duplicitous services" now scattered among departments of health, institutions, social services, agriculture and natural resources.

A separate Federal department of health and environment committed to medical care, preventive community health, and cleaning our environment, would provide the most efficient method to lower the personal, medical and hospital cost while at the same time would provide a total community health service on the local level through a partnership between private medical practice and public health.

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Also a separate Federal department of health and environment would provide the most effective method of preventing and controlling air pollution, water pollution, solid waste disposal, recreational sanitation, and all other environmental health problems. It would utilize all expertise of professional health and environmental fields, scientists and conservationists.

SUMMARY

1. Community, personal, and environmental health concerns presently are not receiving the attention they deserve at the Federal level because of the fragmentation of authority among many agencies.

2. Environmental health services are a vital component of a total health program.

3. Local health departments provide community, personal, and environmental health services and enforce State and local health laws, ordinances, standards, rules, and regulations pertaining to these services on the local level where people live.

4. As long as man's health and survival are dependent on improving personal health service as well as improving the conditions of the environment, we need a separate Federal agency primarily concerned with personal health environment to protect us from hazards that surround us in every setting today.

Sincerely,

CHARLES H. DOWDING, Jr., M.D.,
Chairman of the Colorado Health and Environmental Council.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 17, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Executive and Legislative Reorganization Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that your subcommittee plans to conduct hearings next week on Reorganization Plan No. 3 to create an Environmental Protective Agency.

For your consideration in connection with these hearings, I am enclosing a letter I have received from Mr. Robert B. Delano, president of the Virginia Farm Bureau Federation.

Any consideration you can give to the comments contained in Mr. Delano's letter will be greatly appreciated.

With kind regards.

Sincerely,

WILLIAM L. SCOTT, M.C.

VIRGINIA FARM BUREAU FEDERATION,
Richmond, Va., July 10, 1970.

Congressman WILLIAM L. SCOTT,
House Office Building,
Washington, D.C.

DEAR BILL: It is our understanding that in the proposed reorganization of the executive branch of the Government it has been recommended that the pesticide registration, now located in the U.S. Department of Agriculture, be transferred to the newly created Environmental Protective Agency.

This is to notify you of our opposition to such a transfer. We feel such a transfer would remove the regulation of these vital materials from administration by a department whose officials understand better than others, the importance of these chemicals as tools in a productive agriculture.

Farm Bureau policy for 1970 states: "We strongly recommend that the total

responsibility for registration of agricultural chemicals be retained by the U.S. Department of Agriculture."

Trusting that this matter will receive your consideration, I am

Sincerely yours,

ROBERT B. DELANO,
President.

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 20, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Mr. George Doup, president, Indiana Farm Bureau, has requested that I bring his attached letter concerning responsibility for the registration of agricultural pesticides to your attention.

If you will include his letter in the record of your July 22 scheduled hearing on the President's proposed Reorganization Plan No. 3, I know Mr. Doup will be most appreciative.

Thank you again for your past consideration of my requests.

With warm regards.

Sincerely,

LEE H. HAMILTON, M.C.

INDIANA FARM BUREAU, INC.,
Indianapolis, Ind., July 15, 1970.

Hon. LEE H. HAMILTON,
*Cannon House Office Building,
Washington, D.C.*

DEAR LEE: The present abundance and reasonable cost of the food supply of our Nation could be very seriously threatened if the responsibility for the registration of (agricultural) pesticides is removed from the U.S. Department of Agriculture.

The Indiana Farm Bureau, Inc., with a current family farm and rural membership of 184,958, is joined by Farm Bureau members throughout the Nation in urging that, "the total responsibility for registration of agricultural chemicals be retained by the U.S. Department of Agriculture."

The Ash Commission plan to reorganize certain executive agencies of the Federal Government and to create a new independent agency, to be known as the Environmental Protective Agency, has been submitted by the President to the Congress for their consideration.

Farm Bureau firmly believes that the present Federal interagency program for checking on the safety and use recommendations of pesticides is fully protecting the health of the people and the quality of the environment. These chemicals are basic production tools of agriculture and the U.S.D.A. has been operating efficiently in carrying out their responsibilities to agriculture and the public in this area.

Our Farm Bureau members would appreciate your placing these views before the appropriate legislative committees of the Congress that may be involved in considering such reorganization plans.

Cordially,

GEORGE DOUP, *President.*

COLORADO FARM BUREAU,
Denver, Colo., January 29, 1970.

Hon. DONALD BROTZMAN,
U.S. Representative, Cannon House Office Building,
Washington, D.C.

DEAR DON: We understand that serious consideration is being given to reorganization proposals relative to the executive agencies of Government that relate to soil and water management, public lands, pesticides, farm chemicals, wildlife management, forest resources, and other areas that might be considered within the terms of conservation and environment.

Agencies such as the Soil Conservation Service whose objectives are better soil and water management, we feel should remain in the United States Department of Agriculture.

We feel, too, that the Pesticide Registration should not be removed from administration by the Department of Agriculture as recommended by the Ash Commission.

We also feel that responsibility for the registration of agricultural chemicals should be retained by the United States Department of Agriculture and not transferred to another agency as recommended by the Ash Commission.

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We believe the officials in the Department of Agriculture understand, better than others, the importance of these chemicals as valuable to the production of food and fiber for our Nation.

Your consideration of these recommendations will be greatly appreciated.

Sincerely yours,

LLOYD SOMMERVILLE, *President.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed for your possible interest is a resolution passed by the Maryland Agricultural Commission in regard to a portion of the President's Reorganization Plan No. 3.

In connection with your present hearings on this proposal, Mr. Johnson and his associates would be pleased to appear before the committee to detail their concerns over this plan. If this is possible, Mr. Johnson may be con-

tacted at the Maryland Agricultural Commission, Parole Office Center, 2220 Sommerville Road, Annapolis, Md. 21401, phone 267-6385.

Sincerely,

LARRY J. HOGAN,
Member of Congress.

Enclosure.

Whereas, The Pesticide Regulation Division of USDA is concerned with the regulation of pesticides used primarily in agriculture; and

Whereas, This Division benefits from association with other USDA agencies regarding technical information on agricultural production; and

Whereas, There is a need for proper and effective use of agricultural chemicals to produce the food and fiber needed by this country and the world; and

Whereas, The Pesticide Regulation Division recognizes the needs of Agriculture as well as the need for protecting our environment and has done an outstanding job to date; and

Whereas, Research relating to agricultural chemicals is conducted within USDA; now, therefore, be it

Resolved, That the Maryland Agricultural Commission encourages Members of Congress to oppose transferring the Pesticide Regulation Division to the proposed Environmental Protection Administration; and be it further

Resolved, That a copy of this resolution be sent to President Nixon and to each Member of Congress representing Maryland.

By The Maryland Agricultural Commission, July 16, 1970.

RONALD L. JOHNSON,
Executive Secretary.

STATE OF MINNESOTA,
DEPARTMENT OF AGRICULTURE,
St. Paul, Minn., July 14, 1970.

Hon. L. H. FOUNTAIN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FOUNTAIN: The Minnesota Department of Agriculture recognizes the need for the strengthening of pesticide regulatory programs at all levels of government. The best and most practical manner by which this may be accomplished, is to build from the present program bases within the departments already knowledgeable and functioning in this area, rather than to create any new agency which would result, in our opinion, in expensive duplication of effort and which would decrease the effectiveness of the present programs.

For these reasons the Minnesota Department of Agriculture strongly supports and endorses the attached resolution adopted by the National Association of State Departments of Agriculture Board of Directors, and respectfully, but earnestly request your active support of this resolution.

Sincerely,

ROBERT W. CARLSON,
Commissioner.

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Enclosure.

Whereas, for many years the U.S. Department of Agriculture and the State Departments of Agriculture have been intimately associated with regu-

latory programs that protect the environment while producing an abundance of high-quality food for the consuming public of this Nation and foreign countries; and

Whereas, the U.S. Department of Agriculture has the professional experience and expertise developed after years of experience in the registration of pesticides, the monitoring of their use, and the enforcement of regulations; and

Whereas, the tolerance of various pesticides have been developed after exhaustive research and study by the Department of Health, Education, and Welfare; and are now being continuously evaluated and re-established by that agency.

Now, therefore, be it resolved by the National Association of State Departments of Agriculture in its board of directors meeting, at Williamsburg, Va., June 16, 1970, urges the responsibility for the registration, enforcement, and monitoring of pesticides remain in the USDA, the agency of Government that possesses the laboratory facilities and technically trained personnel and which presently is responsible for pesticide use and regulatory programs and which is now providing adequate safeguards for the consuming public and their environment; and be it further

Resolved, That the National Association of State Departments of Agriculture also urges that the Department of Health, Education, and Welfare because of the professional experience and expertise in the establishment of pesticide tolerances retain this area of responsibility as well; and be it further

Resolved, That the National Association of State Departments of Agriculture recognizes the need for strengthening pesticide regulatory programs at the Federal and State level within these agencies now responsible for these activities so as not to create expensive duplication which would tend to proliferate and decrease the effectiveness of present pesticide management programs, and be it further

Resolved, That a copy of this resolution be forwarded to: The President of the United States, John D. Ehrlichman, Assistant to the President, Secretary Hardin, Secretary Richardson, Secretary Hickel, Senators George Aiken, Allen Ellender, Everett Jordan, and Sam Ervin, Representatives W. R. Poage, Page Belcher, John L. McClellan, William L. Dawson, Guy Vander Jagt, L. H. Fountain, Wilmer Mizell, Walter Jones.

NATIONAL COUNCIL OF FARMER COOPERATIVES,
Washington, D. C., July 16, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, U.S. House of Representatives, Washington, D.C.

DEAR MR. BLATNIK: We wish to comment on the proposal, under the Reorganization Act, which would establish an Environmental Protection Administration. We understand that included in the proposal is a recommendation to transfer to this new agency the pesticide registration and regulation activities from the U.S. Department of Agriculture and the pesticide standard-setting programs from the Food and Drug Administration.

We favor establishing programs which will improve our environment. Nevertheless, we believe it is essential to determine the policy direction and the emphasis pesticides will receive under this new agency.

There are several questions we have concerning pesticides and hope a legislative record may be built on them. The questions are as follows:

1. Does placing pesticides registration and standard-setting activities under the Environmental Protection Administration classify pesticides as principally "pollutants of the environment" rather than "tools in the production of food?"

2. Do the proponents of the Environmental Protection Administration visualize the termination of the use of pesticides in the control of rodents, funguses, insects, and weeds? If the answer to this question is "yes," what proposed substitutes do they see available currently which would control such pests, or do those who propose the new Agency consider rodents, insects, funguses, and weeds as pests in food production?

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3. What impact on the production of food do the proponents of the reorganization plan believe will occur if the use of pesticides is terminated?

4. Do the proponents of reorganization believe that food imported from other countries should meet the same tolerance standards on pesticide residues as those produced in this country?

We respectfully request this letter be made part of the record on the hearings on the proposed Environmental Protection Administration.

Sincerely,

RICHARD T. O'CONNELL,
Secretary.

SPORT FISHING INSTITUTE,
Washington, D.C., July 20, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, House Office Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: This will advise that the Sport Fishing Institute supports President Nixon's Executive Reorganization Plan No. 3 of 1970 (H. Doc. 91-364) to establish an Environmental Protection Agency.

We believe that the gravity of environmental degradation and the related urgency for concentrated coordination of Government efforts to abate pollution of all kinds are so great as to override all counter considerations.

At the same time, we firmly believe that Reorganization Plan No. 3 will come to naught, and prove to have been useless paper shuffling, unless substantial new funds are also pumped into the pollution abatement programs after they are collected together in the new agency.

It will be appreciated if you will include this letter in support of plan No. 3 in the record of public hearings. Thank you.

Sincerely yours,

RICHARD H. STROUD,
Executive Vice President.

THE UNIVERSITY OF NORTH CAROLINA,
WATER RESOURCES RESEARCH INSTITUTE.

July 22, 1970.

Hon. JOHN A. BLATNIK,
House of Representatives,
Washington, D.C.

DEAR MR. BLATNIK: I understand that the Subcommittee on Executive and Legislative Reorganization of the Committee on Government Operations will hold hearings on the President's reorganization plan pertaining to Environmental Protection Administration starting July 22. I am very concerned about one area of major deficiency which I would like to call to your attention. This deals with the need for a greatly accelerated effort in the realm of public water supplies.

While the public water supply agencies and utilities in the United States have done quite well in meeting rapidly expanding water needs, there are many deficiencies which need to be openly discussed. These are multifaceted in nature encompassing important institutional, economic, and technical as well as health considerations.

The very fact that we have an American Water Works Association representing public water supplies on the one hand and a Water Pollution Control Federation representing the used water systems on the other is a case in point. We have a single system which should be dealt with as such. Even the most casual observation of municipal water and waste schedules amply demonstrates the interdependency of these two phases of the same system. One of the most difficult problems is the proliferation of thousands of small water and sewage systems throughout the countryside—aided and abetted, of course, by such Federal agencies as the Farmers Home Administration. We must look to areawide water-waste systems in order to make best use of available ground and surface water resources. We are rapidly entering a period in which water supply and waste disposal as separate entities are no longer valid concepts. We need to be increasingly concerned with management of the overall hydrologic system so as to recycle used waters in such a way as to assure an adequate supply of good quality for all beneficial purposes. Our principal deficiency in this area is lack of comprehensive planning and the institutional means to encourage areawide or regional systems.

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I sincerely hope that you will consider the advantages of bringing together in this new administration all Federal grant and aid programs dealing with public water supply and sewerage systems. This is an important omission in the President's proposal.

Our methodology for prediction of future water needs is primitive at best and simply extends current experience into the future. For generations, the water resources agencies and utilities have been preaching the gospel of "cheap" water. The fact is that water pricing (this carries the same implications for the waste end of the system) has been such as to encourage waste and discourage the efficient utilization of the water supply. Our plumbing systems and household appliances were developed without regard to water use. While pricing offers a very effective means for extending the available supply and internalizing the adverse effects of waste waters, there is very

little interest among the water works people in this alternative. This is a serious mistake. Economic incentives are our most powerful potential tool for management of urban water—waste systems.

While water borne disease outbreaks have been comparatively infrequent in this country, we still experience them and there is no basis for complacency. Our conventional water treatment technology is not nearly as good as is often implied. In general, it does not remove dissolved organics and inorganics to say nothing of its questionable effectiveness for the removal of virus. There is a strong parallel between a citizen consuming dissolved materials of unknown toxicity over a prolonged period of time and the much-cited oyster concentrating dilute amounts of toxic materials from its aquatic environment until debilitating levels are reached. This is a vast submerged iceberg of potential peril to the public health. The fact that our epidemiological techniques are inadequate to define the problem is no indication that it does not exist. Nothing can be done about cumulative hazards of this type once demonstrated, except to take steps to prevent similar damage to the previously unexposed population.

The attention being given to public water supply problems in this country is totally inadequate. Our major problem is the false sense of security borne out of past experience in a far less troubled environment. Crisis planning is no proper basis for dealing with this matter. I strongly urge increased support of the operating and research programs administered by the Bureau of Water Hygiene, Public Health Service, and a strong relative position for this mission of this Bureau in the new administration.

Sincerely yours,

DAVID H. HOWELLS,
Director.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., July 24, 1970

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, House Committee on Government Operations, House Office Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: While the institute raises no serious objections to the proposed reorganization, we do believe that the new agency's effectiveness will depend largely on the coordination maintained with existing agencies having responsibility for allied environmental components—fish, wildlife, forests, parks, and so forth. We believe it is important to obtain answers to the following questions from administration spokesmen:

1. What lines of consultation and communication are planned between EPA and conservation, fish, and wildlife agencies?
2. What mechanisms are contemplated to permit an input to EPA from conservation, fish and wildlife organizations?

We also are concerned about the individuals who may be appointed to head the new agency. From your personal involvement, you will recall that the Federal water pollution control program was transferred from the Department of Health, Education, and Welfare because of the inability of the medical profession to view water pollution in anything but a public health con-

text. The broader environmental ramifications of the problem were lost upon them.

We now are beginning to see a resurgence of the medical profession in the environmental field, manifested most lately by the new health and environ-
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ment office established in the Department of Defense. We are apprehensive that the men chosen to head EPA might reflect and continue this unfortunate trend.

We believe, of course, that public health considerations have a logical place in the new agency, but we strongly believe that the responsibility for directing the program should be trusted to individuals who possess a deep understanding of (1) the interlocking environmental aspects of the programs that are proposed to be grouped in EPA, and (2) the many other environmentally related programs administered in other agencies of the State and Federal Governments.

I would appreciate having this letter made a part of the hearing record.
Sincerely,

DANIEL A. POOLE.
President.

FOTH & VAN DYKE AND ASSOCIATES, INC.,
July 27, 1970.

Congressman JOHN A. BLATNIK,
*Ranburn House Office Building,
Washington, D.C.*

DEAR JOHN: I saw in the Green Bay paper the other night that you are holding hearings in connection with the proposed administration EPA organization. You were quoted as saying that the proposal was not of great merit as it was doing only the job in a partial way.

I am enclosing a copy of an editorial from the July 16th Engineering News Record which bears out your contention. In fact, the proposal would not accomplish as much as H.R. 2133, which at least would place all of the responsibility for liquid waste handling into FWQA.

From the information that I have been able to get, the new proposal would not do anything for the small communities in northern Minnesota and Wisconsin, as many of those, who have no water system as well as sewers, would be in the same boat as before. In our State, the FHA still insists that, unless the community agrees to construct a lagoon or aerated lagoon, even though the State and FWQA have approved plans for a high grade treatment plant, they refuse to provide not even a loan to the community. For this reason, we hope that, whatever legislation passes, it will contain provisions for the Federal Government to purchase the needed revenue bonds from the municipalities, who are unable to sell them otherwise.

Hoping that you and your family are well and can take the Washington summer heat once again, I remain

Sincerely yours,

HERBERT S. FOTH.

Enclosure.

HALF A STEP

The idea of consolidating all Federal environmental programs in one agency is an old one and a good one. Too often these fragmented programs have been lost within large departments, and all too frequently the parent departments' role as a developer of resources has been in direct conflict with environmental questions.

Also, the bewildering array of overlapping, duplicating, and occasionally competing programs for pollution control has always been a time consuming and frustrating puzzle to the applicant for Federal aid who isn't sure what Federal agency to approach with hat in hand.

Consolidation would solve all that. But in announcing his plan to reorganize the Federal environment effort (see p. 15), President Nixon has taken only a half step.

Almost all Federal agencies these days have environmental programs. To put them all into new Environmental Protection Agency (EPA) would create a monster agency that would probably strangle on its own complexity. But the President's decision to bow to congressional pressure and leave three of the four major water pollution control programs out of EPA is a mistake.

The water pollution control grant programs of the Department of Housing and Urban Development, the Agriculture Department and the Department of Commerce should be in EPA with the Federal Water Quality Administration. To leave them in their present departments does nothing to solve the problems the reorganization was supposed to solve.

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The decision is not a final one. The Council on Executive Reorganization, which advised the Nixon administration on the consolidation, will consider it again. When it does, it should keep in mind the goals of reorganization and recommend that the HUD, Agriculture and Commerce programs be moved to EPA where they belong.

MIDLAND COOPERATIVES, INC.,
July 23, 1970

Representative JOHN A. BLATNIK,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. BLATNIK: The President's Advisory Council on Executive Organization has recommended the establishment of the "Environmental Protection Administration," which will assume jurisdiction over the registration, labeling, and efficacy of pesticides.

It is our concern that this would not be in the best interests of the farmer in that the use of pesticides would be regulated by people who are not knowledgeable in the field of agriculture. In view of this situation, we would urge you to have the Environmental Protection Administration brought up for a vote and pesticides left in the Department of Agriculture.

We certainly feel that all pesticides should be used only in a manner that is safe to the general public and to our environment. The present method of

pesticide registration review by USDA, FDA, and the Department of Interior gives more than adequate consumer and environmental protection.

Sincerely,

DAVID O. ALBERG,
Merchandise-Buyer, Agricultural Chemicals.

OHIO WATER DEVELOPMENT AUTHORITY,
Columbus, Ohio, July 29, 1970.

Hon. JOHN A. BLATNIK,
U.S. Congressman,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: I noticed in a news letter that you were holding public hearings on President Nixon's Reorganization Plan No. 3. While the President's plan on EPA certainly is a step in the right direction, it is disappointing to note that the funding capacities of HUD, FHA, EDA and other Federal agencies are not included in the new organization.

It would ease the burden of the States considerably if they could deal with one agency on the financing of sewer collections and sewage treatment rather than to continue to deal with a number of Federal agencies.

We realize that the larger Federal agencies can exert considerable influence when it comes to giving up parts of their organization, but it does not appear too feasible to have FWQA, which finances the sewage treatment plants, in the new organization and not include the rest of the agencies involved in the same or similar types of financing. If they cannot be included in the original transfer, it is certainly hoped that they might be added at some later date.

We greatly appreciate the help you have given us in the past with Federal legislation and I am sure you will give serious consideration to the above.

Sincerely,

NED E. WILLIAMS,
Executive Director.

THE AMERICAN PUBLIC HEALTH ASSOCIATION, INC.,
Harrisburg, Pa., July 30, 1970.

Hon. JOHN BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, House Government Operations Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. BLATNIK: In connection with the President's reorganization proposal for the establishment of the Environmental Protection Administration to administer the Federal Government's pollution control and related activi-

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ties, I wish to urge your support of this important step. As chairman of the Committee on Environment of the American Public Health Association, I know that you will be interested to know that this group has long advocated such a move and specifically recommended consolidation and coordination of antipollution activities of the Federal Government.

In addition to the backing and endorsement of APHA's Committee on Environment, I feel, as an administrator of the environmental protection pro-

gram in Pennsylvania, that the reorganization plan will improve Federal-State cooperation by establishing the framework for more uniform policies and elimination of gaps and overlaps.

I sincerely hope that your committee will approve the EPA reorganization plan.

Sincerely yours,

WESLEY E. GILBERTSON, P.E.,
Chairman, Committee on Environment.

NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION, INC.,
Denver, Colo., July 31, 1970.

Congressman JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: At a recent meeting, the board of directors of the National Environmental Health Association reviewed "Reorganization Plan No. 3 of 1970," prepared by the President and transmitted to the Senate and the House of Representatives in Congress establishing the Environmental Protection Agency.

The board agrees that with the 80 odd Federal agencies that now share in the management of the American environment, nobody really manages the environment, or shall we say perhaps everybody. While everyone has his finger in the pie, no one is really managing the environment in the true sense from the standpoint of overall protection of it and of those who must live in it.

We must also agree that each agency or unit is bulging with instant jealousy of its right to take independent action.

Much of the inefficiency, ineffectiveness, and cost of many programs of environmental management and consumer protection at all levels of Government have been related to:

(1) fragmentation of responsibility and activities among a number of agencies, and

(2) the fact that many such programs and organizations are not basically oriented to a mission of consumer protection and public service, but, rather, owe their allegiance to a specific industry having a vested interest in the program.

We feel that this new agency is making only the first step toward establishing a total organization for environmental management and consumer protection at the Federal level. The Environmental Protection Administration is pulling together into one agency a variety of research, monitoring, standard setting and enforcement activities now scattered through several departments and agencies; however the activities are primarily pollution control and are not total environment oriented as presently planned.

We believe the reorganization should include noise control activities now being handled in the Federal Aeronautics Administration, sewer and water grants now being administered by Housing and Urban Development and the Farmers Home Administration, environmental health activities of the Atomic Energy Commission, and possibly other activities for total environmental management.

Speaking for the largest environmental health association in the Nation, we endorse Reorganization Plan No. 3 of 1970 and urge its expansion to include all Federal environmental activities.

If this office can be of any help to your subcommittee at any time, please feel free to call us.

Sincerely,

NICHOLAS POHLIT, M.P.H., R.S.,
Executive Director.

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NATIONAL GRANGE,
Washington, D.C., July 31, 1970.

Hon. JOHN A. BLATNIK,

Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: The National Grange is quite concerned over the Reorganization Act which would establish an Environmental Protection Administration. It is our understanding that the act would include a transfer to this new agency the pesticide registration and regulation activities from the U.S. Department of Agriculture and the pesticide standard-setting programs from the Food and Drug Administration.

It is also our understanding that Congress has 60 days either to accept or reject the President's recommendations on establishing the new Environmental Protection Administration, which is our primary concern. We understand that you cannot amend the President's recommendations, but we would like to offer the following suggestion: that your committee send the plan back to the executive branch along with this recommendation.

The main function of the Environmental Protection Administration is, as the name implies, the protection of the environment. We therefore recommend that only that portion of the pesticide program that protects the environment be transferred to the new agency. At the present time this portion of the Pesticide-Rodenticide Act is administered by the Food and Drug Administration, under the agency that administers the pesticide research and setting of standards program. It is this portion of the pesticide program that protects the environment and therefore we can see the logic in transferring this agency's functions.

However, the pesticide registration and licensing of pesticides should remain in the Department of Agriculture, for it is only here that the importance of pesticide chemicals as essential tools of production can be judged. This must be high on the list of priority in determining what chemical can be used on what crops and in what dilution.

We believe that the Department of Agriculture has managed its responsibilities in the pesticide chemical field well. Leaving the pesticide registration program in the Department would permit producers, formulators and manufacturers to maintain their relationship with USDA and the USDA then, in turn, would deal directly with the EPA, the same as they now do with FDA.

Our primary concern can best be summed up by this question: Who will have control over agricultural production—a high level, integrated super-agency, easily influenced by public opinion through the various news media,

or the Department of Agriculture that has a mandate from Congress to see to the efficient production of food and fiber and control over the inputs to bring about such production?

It was because we feel so strongly that pesticides, their use and control are so important to the economic production of the food and fiber for our great Nation that the National Grange, at its 103d Annual Session, held in Daytona Beach, Fla., adopted the following resolution:

AGRICULTURAL CHEMICALS

"Because of the vital importance of insecticides, pesticides, herbicides and other similar chemicals to the efficient production of agricultural products the regulation and control of these substances for the protection of the public should be continued in the Department of Agriculture and the Department should be provided with any additional authority and funds required to carry on the necessary research for the safe and effective use of these substances."

Pesticides are often considered as entirely unnecessary, pollutants, food toxicants, or an economic crutch for farmers. It should be obvious to all that by the nature of statements expressed in opposition that they are too often based on happenstance or conjecture, not on existing scientific information, and all too often arise in emotional concern—by scientists and lay groups alike—for special interests.

The new Interdepartmental Agreement for Protection of the Public Health and the Quality of the Environment in Relation to Pesticides provides for a sound, scientific review of pesticide registration and regulation, assuring that none of the three Departments can ignore the needs and responsibilities of the others.

The National Grange cannot, after serious consideration of the proposal,
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see any benefit in changing the triple responsibility of the Departments of Agriculture, Health, Education, and Welfare, and Interior for the monolithic administration of a single agency. In fact, in our judgment, the single agency will be subject to so much pressure from public opinion that it will be unable to function properly, either in the interest of the public or the producers.

However, we could support such an agency if the interest of pesticides as a tool of production is protected by having the pesticide registration remain in the Department of Agriculture as we have suggested.

We respectfully request that this letter be made a part of the hearings on the proposed Environmental Protection Administration.

Sincerely,

JOHN W. SCOTT, *Master*.

WASHINGTON, D.C., August 2, 1970.

Hon. JOHN A. BLATNIK,
House of Representatives,
Rayburn Office Building, Washington, D.C.

DEAR REPRESENTATIVE BLATNIK: With my penchant for consolidation in order to expedite appropriate and needed communications, research, action, and evaluation—I wonder, as others might (but admittedly do not have

enough facts about these agencies), if it might not be desirable for the proposed National Oceanic and Atmospheric Administration and the proposed Environmental Protection Agency to be combined in some meaningful and effective way.

Enclosed you will find further correspondence which states some of my basic attitudes and thoughts about ecological balance, and environmental control and health matters; describes about how far I have gotten; and raises a number of questions other than those previously asked. Also enclosed is a piece titled, "A clarification," which is self-explanatory and which I felt in all fairness should be part of any file of our correspondence.

I still feel a need exists to pull together into some sort of a loose confederation of a super umbrella voluntary organization the representatives of the appropriate Government agencies, industry groups, labor unions, ecological action organizations, wildlife and conservation people, voluntary health agencies, population control groups, scientific bodies, civic and service organizations, youth groups, as well as others—so that differences can be more directly and rapidly discussed and appropriate and needed research and action can be taken and evaluated.

Whether it is feasible or not, my feeling is that it is worth a try.

At this stage, I need and welcome feedback to these ideas from every possible source, at whatever level of discussion, and about whatever aspects—so, again, whatever comments, suggestions, information, or advice, you or your colleagues may choose to give now or in the future shall be gratefully received and most appreciated.

Thank you for whatever help you can give in these matters, and best wishes.

Sincerely yours,

SELWYN M. WAINGROW.

WASHINGTON, D.C., July 16, 1970.

MR. RUSSELL TRAIN,
Chairman, Council on Environmental Quality,
Washington, D.C.

DEAR MR. TRAIN: A number of people that I have written to in a wide variety of organizations in our society, including Members of Congress, have suggested I write to you. Enclosed you will find correspondence which gives partial answers to the questions of who I am, what I am trying to do, why, and where it is now.

The creation of a new Environmental Protection Agency within government is to be applauded. In my opinion, however, another kind of structure will be needed to bring together for more effective planning and cooperative action the broad spectrum of our society that has both a legitimate interest and responsibility in these areas. And to be done without any member giving up its autonomy as an organization, with all that this implies. Such an organization, in short, has to go way beyond but include Government agencies and industry involvement. In my opinion, we are dealing with that kind of problem.

There are many questions to be raised revolving around such issues as the
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advantages of centralization versus decentralization; unification versus plurality of effort; recruitment and caliber of leadership, membership composition, obligations, and rights, substructures and their functions and interrelationships, channels and frequency of communications, and, of course, funding and staffing, as well as others. But these are secondary to the main issues of whether something needed and unique would be contributed by any new super volunteer umbrella organization.

My bias is obvious. If "form follows function" then it is also probably true that function is facilitated by form or foiled by it. There are many other factors, too. I have no illusions about the enormous complexity and difficulty that forming such an organization entails but, again, it is the kind of problem that needs a structure that can reflect the inherent difficulties involved and synthesize the complexities into a more manageable form. All of us are both consumers and polluters.

Certain problems in our society, indeed the world, are above politics—or should be—and this is one of them. There will be no winners and losers in this game—only winners or losers. If we do not solve the problem of ecological balance and environmental control it is possible that we shall have ironically and tragically found the solution to all other human problems. And if the only rebuttals offered are that it is impractical or not possible politically then it is my private concern, intellectual perception, and slightly sardonic fear that—if and when the world ends, it will not be with a roar—but with a rationalization. I think we can do it.

Whatever comments, suggestions, information, or advice you would care to give on these matters—now or in the future—would be gratefully received and appreciated.

Sincerely yours,

SELWYN M. WAINGROW.

WASHINGTON, D.C., July 8, 1970.

Dr. LUTHER L. TERRY,
Vice President for Medical Affairs,
University of Pennsylvania,
Philadelphia, Pa.

DEAR DR. TERRY: Enclosed you will find material I have been mailing out for a number of weeks to a wide variety of organizations throughout the Nation, including Members of Congress, and counselors to the President.

In the latter case, one of the mailings was at the suggestion of the chairman of the national committee of one of the major political parties.

This effort is both a reflection of deep concern and an attempt on my part as a private citizen to offer what, hopefully, will be considered and actually become some constructive suggestions with regard to a rather complex, difficult, and increasingly threatening problem area—ecology and environmental health.

The action I have taken is currently a one-man embryonic effort to extend some of the pertinent notions implicit in the Horn-Waingrow model of behavior change in cigarette smoking to this wider arena.

In doing so, the case of the National Interagency Council on Smoking and Health has been cited as a positive example of how diverse organizations with different mandates can join together for a common goal and achieve

constructive results which they might not have achieved even if they had all acted individually.

Since there is this reference, and the inclusion of an old copy of a brochure about the NIC, you and the other members of that organization may be getting inquiries as to what role, if any, the NIC has or will have in all of this, as well as inquiries about who I am and my motives.

You answer, of course, as you see fit.

It is obvious from the enclosed material that my bias is that a total systems approach is as necessary in this area of ecology and environmental health as it is in smoking and health, perhaps even more so, and that some sort of organizational structure that reflects that function is vital.

It should also be obvious that another bias, and indeed another hope, is that even in a competitive society we learn to, at some level and for certain problems, cooperate and effectively mobilize the individuals as well as the institutions (indeed, in the latter case, create new ones if necessary), within that society.

The challenge is to keep the competitiveness and the diversity stimulating, creative, and constructive without letting it become self, institutionally, or societally destructive.

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It has been my hope that a constructive facing and solution of the cigarette smoking and health problem would have served in some small way as a paradigm for the facing and solution of a wide variety of other problems that have and will beset our society now and in the future.

The format and style of presentation of the proposals in the enclosures are somewhat crude, if not impertinent, but I do believe, and again hope, that some of the substantive suggestions relating to the main topic, ecology and environmental health, are worth people's time and attention even if they do not accurately reflect my personal concern or professional expertise.

There is a fine line between a far-out and a far-ahead concept. As you well know, there is an even greater gap between such a concept and its actualization.

My immediate interest at this early and critical stage is that men of integrity, skill, and dedication will get together from a wide spectrum of our society and either form such an organization as is suggested in the enclosure or otherwise fulfill its function.

If you have the interest and the time I would, of course, be delighted to receive your thoughts as a private individual on the questions that I raised.

Thank you for whatever thoughts you may wish to express or help you may wish to give on these matters.

Sincerely yours,

SELWYN M. WAINGROW.

Enclosures.

A CLARIFICATION

In looking over the correspondence I have sent out it seems to me that a clarification is in order in terms of the tone and implications of my June 4 and May 20 letters to Mr. Denis Hayes of Environmental Action.

I have already (July 11) apologized to Mr. Hayes for the slightly flippant tone of the former letter and the somewhat strident tone of the latter listed one, which does, however, contain a number of points I wanted to make about a number of things.

The criticisms in the May 20 letter are still valid, in my opinion, for that particular speech, on the night mentioned, before that audience; but what my letter did not make clear enough was that it was Mr. Hayes' excellent, informative, and wide-ranging but well-integrated talk that galvanized me into action (and, hopefully, others who were there, too).

Before, like many people, I had been aware of the problem and had some notion of its seriousness; but, like many, I was too busy, I thought, with my own professional and personal life to get directly involved.

Besides, there were, it seemed to me, plenty of experts in the field and, since I was not one, I did not quite see what I had to offer that others could not do, and indeed were not doing, better.

Listening to Mr. Hayes, however, moved me and got me moving. As he talked, and as I thought things, later, certain ideas began to fall into place within my own mind and I felt that as an individual citizen and as a social scientist that there was, indeed, something constructive that I might be able to offer formally or informally, for consideration.

In that sense, the talk given by Mr. Hayes was truly inspirational and I would like and appreciate it if this were kept in mind as one reads my June 4 and May 20 letters to him.

SELWYN M. WAINGROW.

CONFERENCE OF LOCAL ENVIRONMENTAL HEALTH ADMINISTRATORS,
August 3, 1970.

Representative JOHN BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, House Committee on Government Operations, House Office Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: Our conference, whose members are engaged in the direct delivery of environmental quality services to well over one-third of this Nation's population, is deeply concerned over the apparent tug of war going on now relative to the Federal environmental quality control programs.

We are deeply concerned over the possible additional fragmentation of the
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attack on our environment and feel most strongly that further splintering of Federal activities is bound to slow down pollution control. We believe that the environment must be seen as a system because each segment of our environment contributes to the degradation of each other segment. Fighting a segmented war on pollution is like fighting a military war allowing only Army to fight Army, Air Force to fight Air Force, and Navy to fight Navy.

We believe that the control of our air, water, land, shelter, food, and transportation environments must be coordinated, with health aspects of man being the highest priority. As experienced governmental administrators, we do not believe that the coordination of effort necessary for a successful war on environmental degradation can come through the scattering of functions

in a myriad of agencies. Intradepartmental coordination is difficult enough, interdepartmental coordination is apparently impossible.

We most strongly urge that reorganization of Federal Government environmental control activities take into account the need for single agency coordination of all environmental quality control programs. We also urge that any such agency be so organized and oriented that human health will be the chief concern of the agency.

Very truly yours,

DAVID E. BARRY,
Chairman.

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL,
Chapel Hill, August 5, 1970.

HON. JOHN A. BLATNIK,
Chairman, Executive and Legislative Reorganization Subcommittee, Rayburn Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: As an engineer who has spent his entire professional life, some 33 years, in dealing with problems of the environment, I have a considerable interest in the proposal to create an Environmental Protection Administration as an independent agency concerned with management of the environment. I have been head of the department of environmental sciences and engineering at the University of North Carolina since 1955, and have also served as director for the institute for environmental health studies at the University of North Carolina since its creation some 6 years ago. In addition, this year I am serving as president of the American Academy of Environmental Engineers. Testimony on behalf of the academy is being provided separately by Mr. James G. Terrill, Jr., executive director.

I, and many of my colleagues in the educational field, support the creation of an independent agency to deal with the environment. For too long, problems of the environment have been fragmented throughout government with the result that only special interests have been served. As an educator, I am particularly conscious of the fact that these separate agencies establish separate constituencies with the result that resources have not been available for education or research on problems that affect the environment as a whole. Programs have existed in water pollution control, in air pollution control, in the management of solid wastes, problems of radiation, etc., but the interrelationships among these environmental problems, and the fact that contaminants may move from one sphere to another, have left large gaps in environmental research and in the recruiting and education of engineers and scientists for environmental management. The Environmental Protection Administration can be an important beginning, particularly if it receives authorization and appropriations for programs in the environment which will permit it to encourage educational institutions and their faculty and students to examine the larger problems of the environment.

WATER SUPPLY

While the greatest impact of the EPA can be in establishing a holistic view of the environment, it also has an opportunity to address some grievous omissions in dealing with current problems. One in particular is the virtual

absence of support for activities in the field of water supply. We have had a long and proud history in the creation of safe water supplies in the United States, with the public health drinking water standards providing the guidelines for water supply enterprises throughout the world. However, support for this activity has not keep pace with the problems of water supply created

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by burgeoning populations, the increased pressures of urbanization, and the decreasing volumes of pure waters from which to draw our water supplies.

More than half of the population that utilize public water supply systems draw from systems that are contaminated with wastewaters from municipalities and industries. Neither wastewater treatment systems nor water purification plants remove many of the toxic substances that now find their way into our water resources, such as heavy metals like mercury, synthetic organic chemicals such as pesticides and detergents, as well as many esoteric chemicals whose significance for public health has not yet been established. It has been well demonstrated that small community systems do not have the resources in funds or manpower to deal with this type of problem, with the result that many small systems have gross deficiencies in the quality of water made available to their customers.

In addition, more than 50 million people, about 25 percent of our citizenry, have no access to public water supply systems, which means that the quality of their supplies is suspect as well as that the utilitarian values of water are not available to them.

Considerable research needs to be done to assess the significance of our deteriorating water supplies and to come up with methods that will assure safe water supplies for all communities over the next decades. In addition, our State regulatory agencies need guidance from the Federal Government as to approaches that might be used to improve water supply service. There need to be incentives toward regionalization to help us get away from the thousands of small suppliers that provide inadequate water service.

Among the units to be brought into the Environmental Protection Administration, the Bureau of Water Hygiene needs strong categorical support. Its identification within the superstructure of EPA is vital if it is to be permitted to meet its proper obligations in helping provide safe water for communities throughout the United States.

Sincerely yours,

DANIEL A. OKUN,
Professor of Environmental Engineering, Head.

AMERICAN ACADEMY OF ENVIRONMENTAL ENGINEERS,
August 5, 1970.

Hon. JOHN A. BLATNIK,
*Chairman of the Subcommittee on Executive and Legislative Reorganization,
Rayburn Office Building, Washington, D.C.*

DEAR REPRESENTATIVE BLATNIK: I am writing at this time to support the principal concepts in the President's plan of July 9, 1970, to reorganize Federal activities related to the environment and to emphasize the need to give special attention to public water supplies.

The American Academy of Environmental Engineers is an organization of licensed professional engineers who have been selected by examination for their competence in environmental engineering. During the past few years many of our leaders have been giving special attention to public water supply needs because it has seemed that this basic environmental program had been given a low priority, largely through reliance upon the low level of detectable waterborne disease.

Until the turn of the century when the understanding of bacteriology developed, the water treatment for the cities and towns of this country were plagued with recurrent epidemics of typhoid, cholera, and dysentery. By the 1930's, the state-of-the-art in municipal drinking water treatment advanced to a point where waterborne infectious disease was difficult to identify. During ensuing decades, particularly 1950's and 1960's, Federal and State and local program emphasis shifted from stressing the treatment and protection of drinking water systems to reducing the discharge of degradable organic pollutants at the source.

A recent Public Health Service report notes that significant numbers of Americans are not getting high quality drinking water today. Further, the report notes that many Americans are drinking potentially dangerous water containing bacterial indicators of waterborne disease.

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The Summary report highlights the future needs for research, planning, technical assistance and modernized surveillance if our society is to continue to be blessed with the benefit of adequate quantities of safe drinking water.

It should be noted that a 1967 General Counsel's opinion has held that inclusion of chemical criteria in the drinking water standards since 1925 is illegal since the authorizing legislation only sanctions constituents involved in communicable disease. This, at a time when industrial technology currently uses over 10,000 potentially dangerous chemicals, is developing 500 new compounds each year and includes pesticides specifically developed to adversely affect target organisms. This is complicated by:

(1) The population of this country is expected to increase to 300 million people by the year 2000.

(2) Numerous point sources of human waste will not be checked for years to come.

(3) Chemical wastes can be expected to increase faster than the population.

(4) Uncontrolled runoff from our forests and farm lands will undoubtedly continue with an increasing quantity of manmade contaminants, while our water resource remains essentially fixed.

Possibly much of the backsliding in local, county, State, and Federal water hygiene programs can be traced to lack of balanced Federal leadership. Aided and abetted by quiet public health professionals who also saw the compelling need to begin to identify, gain support, and to start correcting the pollution of our air, water, and land, the public has been led to believe that water pollution control efforts are a panacea which will not only restore and enhance the quality of our lakes, streams, and coasts to the benefit of fish and aquatic life and recreational pursuits but also guarantee delivery of healthful qualities of safe drinking water to the consumer's tap. As beneficial as these efforts are, present technology will require a joint waste treatment and water treatment program to provide adequate supplies of potable drinking water.

The proposed consolidation provides a new opportunity to look at the environment as a system and then launch coordinated and integrated attack. .

It should assist State and local programs both to fulfill their responsibilities and to call attention of Congress to the voids in current Federal programs. While public health officials have been among the staunchest advocates of water pollution control, they have not clearly identified **certain basic technical principles** involved:

(1) Water pollution control efforts can assist, but only assist, the delivery of safe water to the consumer's tap. A cleanup of our ground and surface waters will improve the efficiency and dependability of community water supply efforts, but the community drinking water supply must be treated in any event.

(2) Both naturally pure water, and the polluted waters in many segments of the country, can be collected, treated and delivered to individual homes and through community water systems, only by well planned, constructed, and operated systems under the close scrutiny of competent local, State, and Federal programs.

(3) These programs must receive the needed resources to conduct necessary planning and research to provide drinking waters free of infectious organisms with a proper chemical balance, and virtually free of hazardous chemicals. Training and technical assistance must be provided to assure full application of existing technology and to conduct active, constructive surveillance, and enforcement programs.

A program of this type does not exist today. This reorganization provides the opportunity to both highlight and rectify past mistakes and to begin planning and implementing the necessary action program.

Accordingly, it is recommended that the Congress study comprehensive legislation, including authorizations and appropriations warranted by this vitally important environment program. Furthermore, within the scope of these hearings on reorganization, we strongly recommend that the establishment of a suitably visible organizational entity within EPA to be charged with responsibility for the principal legitimate water use—adequate quantities of safe drinking water for all Americans now and in the future. This unit should have sufficient stature so the multibillion dollar organization which supplies water to the public can relate effectively to the Federal Government.

A definite congressional position on this issue is necessary to strengthen the will of the Government to create an organizational entity within the EPA with sufficient resources to assure proper development of water supplies.

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On behalf of the president of the academy, Prof. Daniel A. Okun, and the officers and directors of the academy, I wish to thank you for this opportunity to bring this important matter to your attention.

Sincerely yours,

JAMES G. TERRILL, Jr.,
Executive Director.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 31, 1970.

Hon. JOHN A. BLATNIK,
*Chairman, Subcommittee on Executive and Legislative Reorganization, House
Committee on Government Operations, Rayburn House Office Building,
Washington, D.C.*

DEAR JOHN: In connection with your subcommittee's current consideration of the President's Reorganization Plan No. 3, I thought that you might be interested in seeing the enclosed telegram on this subject which I have just received. You will note that Dr. Myers, Alabama State Health Officer, directs his comments to the proposed transfer of certain functions of the Bureau of Radiological Health (HEW) to the new Environmental Protection Agency.

With kindest regards,
Sincerely,

JOHN H. BUCHANAN, Jr.,
Member of Congress.

[Telegram]

MONTGOMERY, ALA., *July 28, 1970.*

Representative JOHN BUCHANAN,
House Office Building, Washington, D.C.:

Under President Nixon's Reorganization Plan No. 3 of 1970, certain functions of the Bureau of Radiological Health of the Department of Health, Education, and Welfare are being transferred to the Environmental Protection Agency. We have no objection to the proposed transfer under Plan No. 3, however we are concerned that the functions of the Bureau of Radiological Health which remain in the Department of Health, Education, and Welfare might lose their identity. We strongly recommend that the Bureau of Radiological Health retain an identity in Health, Education, and Welfare so problems relating to radiation from consumer products, radiation used in the healing arts, occupational exposures to radiation and technical assistance in these areas might have a common focus.

C. L. MYERS, M.D.,
State Health Officer, Alabama Department of Health.

AMERICAN PAPER INSTITUTE,
New York, N.Y., August 6, 1970.

Hon. WILLIAM L. DAWSON,
*Chairman of House Government Operations Committee,
Washington, D.C.*

MY DEAR MR. DAWSON: The American Paper Institute, which represents some 200 member companies, comprising 90 percent of the pulp, paper and paperboard industry, fully supports Government Reorganization Plan No. 3 to create an Environmental Protection Agency.

The country has long needed a fully coordinated attack on environmental problems. The fragmentation of executive powers in this field, on both Federal and State levels, is today a serious obstacle to the vigorous progress that our national situation requires. As a case in point, industrial enterprises must deal with a number of agencies, depending upon the nature of their pollution

problems, and commonly find themselves up against conflicting, inconsistent or uncoordinated decisions. Pollution in one media can often be cured at the expense of causing pollution in another, and yet the vital interests of society call for the improvement of the total environment. Only through the consistent and coordinated development and enforcement of quality standards can we expect to achieve the results required.

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Many of the States are in a comparable position to that of the Federal Government, with a multiplicity of departments working piecemeal on environmental problems. We believe that the establishment of the new Environmental Protection Agency will encourage those States which have not yet done so to emulate the Federal Government in creating a single organization where all key aspects of waste disposal and pollution will be handled.

Although President Nixon's message of July 9 to the Congress states the overall case for the new agency with great clarity and effectiveness, we stand ready, if your committee so desires, to testify in favor of Plan No. 3 from the point of view of the benefits we believe it will bring to the paper industry's long and steadily growing efforts to improve the environment.

Most sincerely,

EDWIN A. LOCKE, Jr.,
President.

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., August 11, 1970.

Hon. JOHN A. BLATNIK,
*Chairman, Subcommittee on Executive and Legislative Reorganization, House
Committee on Government Operations, House of Representatives, Wash-
ington, D.C.*

DEAR CONGRESSMAN BLATNIK: The American Farm Bureau Federation is very much interested in Reorganization Plan No. 3 submitted to Congress by President Nixon under date of July 9, 1970, a plan which proposes to establish an Environmental Protection Agency.

While we are interested in all aspects of this proposed new Agency, our particular concern relates to the transfer of functions relating to the U.S. Department of Agriculture. The Federal Insecticide, Fungicide, and Rodenticide Act was established by law June 25, 1947, to regulate the marketing of these products and related devices. This act was amended in 1959 and in 1964. Congress placed this act under the administration of the Secretary of Agriculture and it has effectively been administered by that office since enactment.

The elected voting delegates of the member State Farm Bureaus to the 51st annual meeting of the American Farm Bureau Federation in Washington, D.C., in December 1969, adopted the following policy concerning agricultural chemicals:

"Agricultural chemicals"

"The continued use of agricultural chemicals is important to both farmers and consumers. Any curtailment of the safe and proper use of these products would result in higher food prices to consumers.

"Modern agriculture cannot provide adequate quantities of high-quality food and fiber without the continued safe use of agricultural chemicals.

"However, consumers do have a vital interest in being certain that their health and welfare are protected by the safe use of these products. A continuing educational program among all users, with emphasis on the reading of labels and proper usage of chemicals is essential.

"In recent months there has been a stepped-up campaign against the use of many agricultural chemicals. We believe that every effort must be made to inform the general public that usage of agricultural chemicals is subject to stringent Federal and State regulation and that farmers are using these chemicals in accordance with Federal and State laws.

"We strongly recommend that the total responsibility for registration of agricultural chemicals be retained by the U.S. Department of Agriculture. We urge the Secretary of Agriculture to emphasize to the general public the importance of the continued use of these products to farmers and consumers in providing adequate high quality food and fiber.

"We oppose a complete ban on the use of any agricultural chemical and recommend that continued use be determined on a product-by-product and use-by-use basis. The continued use of these products should be based on research and scientific data. The fact that some of these products may be persistent is not in itself sufficient reason for rejecting their continued use.

"We recognize that there may be problems in the use of agricultural chemicals as they relate to our environment. However, we strongly urge that their importance to food production and human nutrition be given proper recognition and consideration.

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"The U.S. Department of Agriculture, the Cooperative Extension Service, and the State departments of agriculture should assist farmers and the public in obtaining a better understanding of the role of agricultural chemicals and the laws and regulations covering their usage.

"Farm Bureau should increase its leadership in this area so that the interests of farmers and the general public are adequately protected.

"We recommend that imported agricultural products be subject to the same restrictions on the use of agricultural chemicals and other standards as those which apply to domestically produced commodities.

"We support expanded biological pest control research to determine where biological pest control measures can be used as a practical and feasible substitute for chemical controls."

I call your attention particularly to the following paragraph in this policy statement: "We strongly recommend that the total responsibility for registration of agricultural chemicals be retained by the U.S. Department of Agriculture."

Reorganization Plan No. 3 proposed to transfer registration responsibility to the Environmental Protection Agency. The Federal Insecticide, Fungicide, and Rodenticide Act prohibits the shipment in interstate commerce of products which are not registered, or are adulterated or misbranded. Under the act, no pesticide chemical may be legally shipped in interstate commerce for general use until it is shown to be safe when used as directed and effective for the purpose claimed on the label. All labeling must be approved and any residues that may remain on food or feed must not exceed the safe tolerance level established by the Food and Drug Administration.

During the period that Reorganization Plan No. 3 was under study and development by the executive staff at the White House the policy position of Farm Bureau was presented to them in conferences and by written communication.

Farm Bureau members and farmers generally have a long and commendable record in soil and water conservation, wildlife, and other practices that protect the environment. The question in the proposed reorganization plan, particularly as it relates to farm chemicals, is not one of who favors the protection of the environment but how Federal agencies can best be related one to the other for administering existing law in the best interest of all concerned, including a knowledgeable relationship with a modern productive agriculture increasingly important as the food and fiber demands are equated to the 21st century both at home and abroad.

The Secretaries of Agriculture; Health, Education, and Welfare; and Interior each have responsibilities under law that relate to the use of materials used to control insects, fungi, rodents, plant and animal diseases, and for vegetable control, and each has extensive and competent research for scientific guidance in making decisions. The incumbent Secretaries have established an interagency agreement to effect cooperative decisions developed by close coordination of information from competent scientists including the National Academy of Science. We believe this has been a sound approach to constructive decisions avoiding unilateral action as experienced in the past. In regard to farm chemical registration the interagency agreement will be eliminated under Reorganization Plan No. 3 and we have sincere reservations that a more constructive procedure will take its place.

We are concerned also relative to the viewpoint that will be taken under the reorganization as to the importance of agricultural chemicals as a vital productive tool in modern agriculture. Farmers and ranchers have long had relationship with scientists, extension educators, and others in USDA. This experience had led both to have confidence in each other and a mutual understanding of the essential need of pest, fungus, weed and disease control, and the need for care in use of the materials. There is also an understanding of the importance of the manufacturer of these materials and a realization that the American consumer cannot be served unless effective materials are available.

Reorganization Plan No. 3 proposes to bring together numerous existing agencies. We have serious concern that agricultural chemicals will be viewed by those responsible for decisions in the new Environmental Protection Agency as pollutants with a low concern for these materials as tools in a productive agriculture. Unwise decisions can greatly restrict the ability of farmers and ranchers to continue a safe, abundant supply of high quality food and fiber.

In consideration of the Reorganization Plan No. 3 of 1970 we trust you will give careful study to the interest and concern of farmers and ranchers in re-

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moving the authority of the Department of Agriculture to administer the registration of agricultural chemicals and place this authority into hands that have far less knowledge and interest in a productive agriculture.

We would appreciate your making this letter a part of the hearing record of your committee.

Sincerely,

MARVIN L. McLAIN,
Legislative Director.

[Telegram]

WASHINGTON, D.C., July 23, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, House of Representatives, Washington, D.C.:

There is no problem among the many confronting the American people today which is greater or in such desperate need of solution as that of environmental pollution. The magnitude of the problem demands that the currently fragmented and scattered pollution control activities within the Government be brought together at the earliest moment into one agency in order that a concerted attack may be made on our immense pollution problems. The General Federation of Women's Clubs strongly urges your subcommittee on Executive and Legislative Reorganization to approve and recommend to the House the President's plan for establishing an Environmental Protection Agency.

Mrs. EARLE A. BROWN,
President, General Federation of Women's Clubs.

STATEMENT OF LOUIS S. CLAPPER ON BEHALF OF THE NATIONAL WILDLIFE
FEDERATION

Mr. Chairman, I am Louis S. Clapper, director of conservation for the National Wildlife Federation which has its national headquarters at 1412 16th Street, NW., here in Washington, D.C.

Ours is a private organization which seeks to attain conservation goals through educational means. The Federation has independent affiliates in all 50 States and the Virgin Islands. These affiliates, in turn, are made up of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation number an estimated 2½ million persons.

We welcome the invitation and opportunity to comment upon proposed Reorganization Plan No. 3 of 1970, providing for the establishment of an Environmental Protection Agency (H. Doc. 91-364). I regret that a conflict is preventing our executive director, Thomas L. Kimball, from being here personally to accept the invitation to submit testimony on this proposed reorganization. We are hopeful, however, that he will return in time to testify upon proposed Reorganization Plan No. 4 (H. Doc. 91-365).

Mr. Chairman, we support the principles outlined in Reorganization Plan No. 3, even though it has deficiencies which we hope can be corrected at an early date. We believe it is in accord with current law and will "promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business." We also feel it will "increase the efficiency of the

operations of the Government to the fullest extent practicable," even though we would recommend other changes as well.

We support Reorganization Plan No. 3 because it hopefully will correct one major problem of long and deep concern to us. For years now, we have called attention to conflicts of interest within the Federal Government wherein agencies are charged with both the promotion and regulation of programs.

This difficulty, perhaps, is best illustrated with chemical pesticides. The Department of Agriculture has been involved with improving the quality and quantity of foodstuffs and fibers produced on American farms. And, the American farmer, aided by Federal and State agencies, has chalked up a production record which is the envy of the entire world. At least part of this success

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can be attributed to the efficiency of pesticide poisons, which have eliminated or curtailed losses from a wide variety of pests. As a consequence, USDA has been promoting the use of pesticides. However, we also now know that some pesticide chemicals can have harmful side effects, not only on fish and wildlife but one the entire ecology as well, including man himself.

Now, Mr. Chairman, we do not think it is wise for the same agency of Government that is promoting the use of pesticides to also have the responsibility for regulating this use. Refusal of the Secretary of Agriculture to prohibit the use of DDT, even though the Secretaries of the Interior and Defense have taken this action, and some other chemicals leads us to conclude that regulations on registration of pesticides should be promulgated and enforced by some other agency. Further, we long have felt that pest control can be achieved through means less harmful than some of the lethal and long-lasting chemicals now in use and we doubt if these efforts are being given the proper emphasis as long as the research program remains in USDA.

We believe the same principle also should apply to other units of government. Consequently, we are pleased that the functions relating to radiation criteria should be diverted from the Atomic Energy Commission and the Federal Radiation Council. As things now stand, the AEC and FRC consider themselves as the only agencies with sufficient expertise to determine the safe limits on radiation, even though some States want zero tolerances. Again, it is a case of an agency both promoting and regulating, in this instance the peaceful uses of nuclear energy developed with tax moneys contributed by taxpayers. Again, we do not think it is wise for one agency to have such a monopoly and, therefore, we agree on the desirability and advisability of incorporating this function into the proposed new Environmental Protection Agency.

There are other valid reasons why EPA should be created. To put it most charitably, the Federal approach to environmental pollution has been fragmented. Harmful gases and poisons emitted into the air or spread upon the ground may become pollutants of surface waters. Owners or operators of power generating plants may make plans to avoid thermal pollution of water only to contaminate the air instead. Solid wastes, including garbage, may result in accelerated eutrophication of water or pollution of the air by foul odors. In all, many problems are interrelated and the solutions to them can be most easily approached through one agency.

Other similarities exist. Local governments and States could go to one Federal agency for financial grants and technical assistance in the areas of

water pollution, air pollution, and solid waste disposal. Industries can look to one agency for enforcement of water and air pollution standards. We hope that EPA can provide a point of focus for all pollution-related activities of the Federal Government.

Some of us can recall when the Federal water pollution control effort was located in the "seventh subbasement" as a branch within a division within a bureau within a service within the Department of Health, Education, and Welfare. At that time, the agency did not even rate line items in the budget and funds secured for the program were diverted into other activities. We certainly hope that this move will constitute an "upgrading" for water pollution control, as executive branch spokesmen contend, and that the separate budget items will be continued.

Early in this statement I qualified our approval of Reorganization Plan No. 3 by observing that it has deficiencies. Frankly, we believe that EPA also should contain the program in Housing and Urban Development relating to basic water and sewer facilities as well as the grants of rural water and waste disposal under the Farmers Home Administration in USDA. We also feel that EPA should include the Federal efforts to curb noise pollution.

While we realize that the scope of the subcommittee's consideration is limited, it can be pointed out that we urge the adoption of a reorganization plan to combine water development construction agencies—Corps of Engineers, Bureau of Reclamation, the small watershed program in USDA, and TVA—with the responsibility for planning projects and for developing benefit-cost ratio evaluations lodged elsewhere in the Federal Establishment. We also think that the Federal effort would be more efficient and effective if the public land management agencies—Forest Service, Bureau of Land Management, Park Service, and Bureau of Sport Fisheries and Wildlife—were pulled together into one unit.

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To conclude, Mr. Chairman, we hope the subcommittee will not take action to disapprove of the proposed Reorganization Plan No. 3. I make this expression as a staff member of the National Wildlife Federation and not as a member of the Federal Water Pollution Control Advisory Board, which would also be transferred.

Thank you again for the opportunity of making these remarks.

STATEMENT OF EDGAR M. CLEAVER, M.D., DIRECTOR, WELD COUNTY HEALTH DEPARTMENT, AND MEMBER, COLORADO HEALTH AND ENVIRONMENTAL COUNCIL; AND ANDREW GURTNER, CHAIRMAN, WELD COUNTY BOARD OF HEALTH, AND MEMBER, COLORADO HEALTH AND ENVIRONMENTAL COUNCIL

We would like to express our appreciation for the opportunity of having a statement placed in the records of the hearings regarding Reorganization Plan No. 3.

We represent a local governmental agency and a statewide health and environmental organization. We are vitally concerned about the implementation of health and environmental control measures at the State and local level. While it is with trepidation that we go on record as opposing policies recommended by both the President of the United States and his advisers and policies recommended by a leading political figure of the Senate majority;

namely, Senator Muskie of Maine, we nevertheless feel that our position of strategic importance in implementing environmental health measures at the local level allows us to reasonably proceed with critical remarks and alternative suggestions.

Frankly, we feel that Reorganization Plan No. 3, while it does pull together a number of environmental concerns into a more coordinated agency, nevertheless does not pull all concerns together and does fragment what we conceive to be the vital health aspects of the environment even further. This occurs in that the largest reorganizational change perhaps comes in the removal of a number of important functions from the Department of Health, Education, and Welfare. We feel that the President was more nearly right in his first inclination of not forming additional administrative agencies, but of consolidating programs under existing agencies. Many of us here in Colorado feel that the only answer to both the pressing personal health problems with their economic implications and our environmental health crisis (and it is a health crisis as well as an environmental crisis) is the development of a comprehensive department of health at the Cabinet level.

Conversely, we feel that it would have been more appropriate to have placed the environmental functions of other agencies in the Department of HEW, if a new department of health were not to be formed. We feel that much of the concern about the environment today is entirely justified. However, there is an element of radicalism, extremism and political exploitation involved. We hate to see Members of Congress from either party or the President responding to these extremist elements, rather than to the attitudes of experienced men from schools of public health and State and local health departments. I would refer you to two additional sources as representing attitudes which should not be overlooked by those considering health and environmental reorganization or legislation. One source is that of the article "The Rise of Antiecology," noted on page 42 of the August 3, 1970, issue of Time magazine. The second source is that of Issue Paper No. 4 on ecology and administration published by Community Health, Inc., of New York.

Our interpretation of Reorganization Plan No. 3 is that while attempting to provide better standard setting and control of the entire environmental problem, there is indeed a definite possibility that health aspects of the environment per se will be given less attention. If there is truly an environmental crisis this cannot be allowed to happen. We from Colorado would strongly recommend that a resolution be introduced in the Congress to postpone the adoption of Reorganization Plan No. 3 until alternative possibilities of environmental coordination and reorganization can be considered. We would suggest that among these alternate possibilities is the development of a Cabinet level department of health, with a division of environmental protection. We would recommend the retention of the Council on Environmental Quality as an advisory and coordinating body. We would also suggest the formation of a joint legislative council to coordinate legislative action on environmental programing.

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We feel that these measures would give the environmental health crisis the attention that it needs at this time without fragmenting and disorganizing

Federal, State and local relationships necessary for cooperative action in enforcing laws, rules and regulations for environmental control and improvement. We greatly fear that we on the local level will have too many agencies and commissions to relate to, and that we ourselves will be eventually fragmented and will be unable to coordinate our own efforts because of the need to communicate with and receive directives and information from a myriad of agencies and commissions above us. In short, increasing the number of administrative agencies and personnel at higher levels of Government is not the answer to more effective elimination of environmental hazards at the local level.

We appreciate the attention of congressional committees to the point of view of local people working in the field of environmental health as we attempt to protect the American people at the vital local level.

STATEMENT OF THE COLORADO HEALTH AND ENVIRONMENTAL COUNCIL,
BOULDER, COLO.

Immediate modification of Reorganization Plan No. 3 of 1970, 91st Congress, 2d session, is strongly recommended by Colorado and many other State and local health and environmental officials.

On August 4, 1970, a Colorado delegation presented this modification to all Colorado Congressmen, which consists of the establishment of a separate Federal Department of Health with Presidential Cabinet rank encompassing a strong environmental component.

The delegation consisted of: Glen E. Keller, Jr., of Lakewood, president of the Colorado Board of Health; Andrew Gurtner, of Greeley, president of the Weld County Board of Health; and Dr. Edgar M. Cleaver, director of the Weld County Health Department, and myself as chairman of the Colorado Health and Environmental Council.

Health of the Nation is facing two major crises: (1) Pollution of air and water, as well as radiation and noise pollution; (2) soaring cost of health care, leading to bankruptcy, because of lack of any overall health policy and bureaucratic fragmentation of health programs.

We applaud the recent statement of the American Medical Association that a Federal Health Department should be established. Other organizations supporting a separate Federal Department of Health are as follows; American Public Health Association, Community Health Inc., State and Territorial Health Officers Association, American Association of Public Health Physicians, and many others.

The Colorado's 5x5 plan toward comprehensive health has been adopted by the Governor's appointed 40-member comprehensive health planning council according to Public Law 89-749. The Denver Areawide Health Planning Organization has also adopted the 5x5 plan with task forces for each of the components—prevention, environment, education, chronic care, and acute care. All five components are closely interrelated and should not be separated.

A telegram sent to President Nixon from Colorado Health and Environmental Council states: "Man's physical, mental and social health is directly related to his environment in the following aspects: Air that he breathes; water that he drinks; food that he eats; alcohol and drugs that he uses or

abuses; medical hospital and home health care he receives; recreation facilities that he uses; housing conditions that he lives in; working conditions he is exposed to; and to social, psychological, and economic influences of neighborhood, community, and school activities."

American Public Health Association conducted a statewide study of State and local health services in Colorado during 1969 and 1970. The study was conducted by Malcolm H. Merrill, M.D., M.P.H.

The study recommends the following scope of local community public health services:

Objectives of study.—(1) Delivery of local community health service statewide in a more effective and efficient manner, at a lower cost; (2) Coordinating local community health services statewide; (3) Developing local comparable health services statewide; (4) Eliminating duplication of health services; (5) Full utilization of health manpower; (6) Uniform enforcement of health laws, standards, rules, and regulations statewide.

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I. PERSONAL HEALTH SERVICES

These services embrace those directed toward promotion of positive good health, prevention of contagious and chronic debilitating diseases, early detection of diseases; home health care of acute and chronic illnesses; as well as physical, mental, and social rehabilitation. Program encompass: Communicable disease control; tuberculosis control; venereal disease control; alcohol and drug dependence control; chronic disease control; nutritional services; dental health services; multiphasic screening program; and other services as medical care, mental health, mental retardation, and rehabilitation as may be assigned to the department.

The public health nurse is a keymember of the community health team providing services in the above programs as well as in the following fields: Bedside home nursing care; maternal and child health services; handicapped and crippled children's program; prevention of congenital defects; evaluation services for delayed development; family planning; school health; cooperative aftercare services for mental health; migratory labor health services; vision and hearing conservation program; well-oldster clinic service.

II. ENVIRONMENTAL HEALTH SERVICES

Optimum health can be fostered by prospective planning and management of comprehensive environmental health services. Man's physical, mental, and social health is directly related to the air that he breathes; water that he drinks; trash and garbage he accumulates; food that he eats; recreational facilities that he uses; housing conditions that he lives in; and working conditions he is exposed to. The 125 registered environmentalists, sanitarians in the 13 organized local health departments, as key members of the community health team, encompass the following programs: Water pollution control; air pollution control; solid waste disposal; drinking water quality surveillance; restaurant inspection; food sanitation and consumer protection; milk sanitation; rabies control; occupational health; radiological health; noise control; accident prevention; housing sanitation; vector control; and swimming pool sanitation.

III. SUPPORTIVE HEALTH SERVICE

- A. Public health laboratory.
- B. Health education.
- C. Vital statistics.
- D. Business administration.

At present the above services through 13 organized local health departments serving 85 percent of the State population; utilizing 10 local health departments' laboratories; physicians, 150 registered environmentalists; sanitarians, engineers, chemists, and microbiologists, and 450 community nurses in the field of public health, school health, home health care, and clinic services.

Local community providers and consumers of health care feel that Government should preserve and strengthen the voluntary aspect of our health care provider system while placing top priority on developing neighborhood clinics for the poor, group practice, and home health care services as a substitute for some hospital care.

Over two-thirds of the 2,300 home health care agencies in the United States are either in local health departments or a combination of visiting nurse association and local health department services. Most home health care services report less than 1 percent of hospital admission are referred for home health care, while recent studies reveal that between 3 and 5 percent of hospital admission can benefit from early hospital discharge to home health care. Also home care prevents hospital and nursing home admission and readmissions, as well as providing a continuity of health care from hospital to home which greatly enhances recovery. The average referral to home health care results in the saving of 10 to 20 hospital days.

Local health departments have the trained personnel and capability of providing neighborhood health clinic services for the purpose of preventing disease and disability; as well as providing personal health care for the poor. Home visitation by the community public health nurse represents the liaison personal contact between the home and the neighborhood clinic services. This represents family health care to the poor.

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Three Colorado health officials on July 7, 1970 sent to all 535 Congressmen a signed letter of appeal under the auspices of the Colorado Health and Environmental Council (CHEC), asking the support of the creation of a separate Federal Department of Health, with Presidential Cabinet rank, encompassing a strong environmental component. The letter states: "More than 50 Federal agencies presently are delegated the authority for community and personal health programs. This has resulted in the duplication and overlapping of health services, a lack of coordination of health programs, continued soaring costs in health care, failure to meet the health needs of the medically indigent, and rivalry for personnel and programs. The only solution to these problems is the creation of a separate Federal Department of Health with Presidential Cabinet rank.

"Separating the control of the environment from its traditional relationship to health cannot be done except at the cost of man's physical, mental, and social well-being and at the risk of continuing the administratively costly overlapping that presently exists.

"If health is extricated from education and welfare and all programs of health significance are consolidated in a Federal Department of Health, the result should be a viable, manageable agency capable of providing for all Americans the concerned sort of attention their personal and environmental health demands."

A separate Federal Department of Health committed to medical care; prevention and early detection of disease and handicapping conditions; environmental health; home health care; outpatient care; community health education; full utilization of all community health service; medical group practice; health insurance; community health centers would provide the most effective method of delivery of health service at a lower cost through a partnership between private practice and public health.

CHARLES H. DOWDING, Jr., M.D., M.P.H.,
Chairman, Colorado Health and Environmental Council.

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[Illustration omitted.]

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1.1e HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

H.R. REP. No. 91-1464, 91st Cong., 2d Sess. (1970)

APPROVING REORGANIZATION PLAN NO. 3 OF 1970

SEPTEMBER 23, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HOLIFIELD, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany H. Res. 1209]

The Committee on Government Operations, to whom was referred the resolution (H. Res. 1209) to disapprove Reorganization Plan No. 3 of 1970, having considered the same, report unfavorably thereon without amendment and recommend that the resolution do not pass.

PURPOSE AND SUMMARY OF THE PLAN

The purpose of Reorganization Plan No. 3 of 1970 is to bring together certain environmental activities of the Federal Government and to form a new Environmental Protection Agency. The Agency would be composed of or carry out the following organiza-

tions and functions now located in various departments and agencies:

1. The Federal Water Quality Administration (until recently, known as the Federal Water Pollution Control Administration), now in the Department of the Interior;
2. The National Air Pollution Control Administration, now in the Department of Health, Education, and Welfare;
3. The Bureau of Solid Waste Management, the Bureau of Water Hygiene, and portions of the Bureau of Radiological Health, all three now in the Environmental Control Administration of the Department of Health, Education, and Welfare;
4. The pesticides research and standard-setting program of the Food and Drug Administration in the Department of HEW;
5. The pesticides registration authority of the Department of Agriculture;
6. The authority to perform general ecological research, from the Council on Environmental Quality;

[p. 1]

7. The environmental radiation protection standard-setting functions of the Atomic Energy Commission; and
8. The functions of the Federal Radiation Council.

In submitting the plan to Congress President Nixon said, "Our National Government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action."

The President asserted that the reorganization would permit response to environmental problems in a manner beyond the previous capability of our pollution control programs. The new EPA would have the capacity to do research on important pollutants irrespective of the media in which they appear, and on the impact of these pollutants on the total environment. He said EPA would "monitor the condition of the environment—biological as well as physical" and then establish quantitative "environmental baselines" to measure the success or failure of our pollution abatement efforts. The new Agency would, in concert with the States, set and enforce standards for air and water quality and for individual pollutants. (See appendix for text of President's message.)

TEXT OF HOUSE RESOLUTION 1209

RESOLUTION

Resolved that the House of Representatives does not favor the Reorganization Plan No. 3 of 1970 transmitted to the Congress by the President on July 9, 1970.

PURPOSE OF THE RESOLUTION

The purpose of House Resolution 1209 is to disapprove Reorganization Plan No. 3 of 1970 transmitted to the Congress by the President on July 9, 1970. Unless the resolution is adopted by the House (or a similar one by the Senate) within 60 calendar days, excluding adjournment for more than 3 days, the reorganization plan will go into effect pursuant to the Reorganization Act of 1949 (5 U.S.C. 901-913). This committee believes that Reorganization Plan No. 3 of 1970 should be allowed to become law and, therefore, recommends that House Resolution 1209 not be approved.

ANALYSIS OF THE PLAN¹

Section 1 of the plan establishes an Environmental Protection Agency to be headed by an Administrator to be appointed by the President with the advice and consent of the Senate. The Administrator will be compensated at executive level 2 (\$42,500 per annum). The President will also appoint a Deputy Administrator at level 3 (\$40,000) to perform such duties as are assigned him by

¹ For text of Reorganization Plan No. 3 of 1970 see app., p. 18.

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the Administrator and who shall act in the place of the Administrator in the event of his absence. There will also be five Assistant Administrators at level 4 (\$38,000).

Section 2 transfers to the Administrator of the Environmental Protection Agency the functions now vested by law in the following offices and agencies as stated:

- (1) All functions vested by law in the Secretary of the Interior and the Department of the Interior which are administered through the Federal Water Quality Administration, all functions which were transferred to the Secretary of the Interior by Reorganization Plan No. 2 of 1966 (80 Stat. 1608), and all functions vested in the Secretary of the Interior or the Department of the Interior by the Federal Water

Pollution Control Act or by provisions of law amendatory or supplementary thereof.

(2) (i) The functions vested in the Secretary of the Interior by the act of August 1, 1958, 72 Stat. 479, 16 U.S.C. 742d-1 (being an act relating to studies on the effects of insecticides, herbicides, fungicides, and pesticides upon the fish and wildlife resources of the United States), and (ii) the functions vested by law in the Secretary of the Interior and the Department of the Interior which are administered by the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries at Gulf Breeze, Fla.

(3) The functions vested by law in the Secretary of Health, Education, and Welfare or in the Department of Health, Education, and Welfare which are administered through the Environmental Health Service, including the functions exercised by the following components thereof:

- (i) The National Air Pollution Control Administration,
- (ii) The Environmental Control Administration:
 - (A) Bureau of Solid Waste Management,
 - (B) Bureau of Water Hygiene,
 - (C) Bureau of Radiological Health,

except that functions carried out by the following components of the Environmental Control Administration of the Environmental Health Service are not transferred: (i) Bureau of Community Environmental Management, (ii) Bureau of Occupational Safety and Health, and (iii) Bureau of Radiological Health, insofar as the functions carried out by the latter Bureau pertain to (A) regulation of radiation from consumer products, including electronic product radiation, (B) radiation as used in the healing arts, (C) occupational exposures to radiation, and (D) research, technical assistance, and training related to clauses (A), (B), and (C).

(4) The functions vested in the Secretary of Health, Education, and Welfare of establishing tolerances for pesticide chemicals under the Federal Food, Drug, and Cosmetic Act, as amended, 21 U.S.C. 346, 346a, and 348, together with authority, in connection with the functions transferred, (i) to monitor compliance with the tolerances and the effectiveness of surveillance and enforcement, and (ii) to provide technical assistance to the States and conduct research under the Federal Food, Drug, and Cosmetic Act, as amended and the Public Health Service Act, as amended.

(5) So much of the functions of the Council on Environmental Quality under section 204 (5) of the National Environmental
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mental Policy Act of 1969 (Public Law 91-190, approved Jan. 1, 1970, 83 Stat. 855), as pertains to ecological systems.

(6) The functions of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, administered through its Division of Radiation Protection Standards, to the extent that such functions of the Commission consist of establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, standards mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(7) All functions of the Federal Radiation Council (42 U.S.C. 2021 (h)).

(8) (i) The functions of the Secretary of Agriculture and the Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), (ii) the functions of the Secretary of Agriculture and the Department of Agriculture under section 408(1) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a(1)), and (iii) the functions vested by law in the Secretary of Agriculture and the Department of Agriculture which are administered through the Environmental Quality Branch of the Plant Protection Division of the Agricultural Research Service.

(9) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Administrator of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Administrator made by this section shall be deemed to include the transfer of (1) authority, provided by law, to prescribe regulations relating primarily to the transferred functions, and (2) the functions vested in the Secretary of the Interior and the Secretary of Health, Education, and Welfare by section 169(d)(1)(B) and (3) of the Internal Revenue Code of 1954 (as enacted by section 704 of the Tax Reform Act of 1969, 83 Stat. 668); but shall be

deemed to exclude the transfer of the functions of the Bureau of Reclamation under section 3(b) (1) of the Water Pollution Control Act (33 U.S.C. 466a(b) (1)).

There are also transferred to the Agency:

(1) From the Department of the Interior, (i) the Water Pollution Control Advisory Board (33 U.S.C. 466f), together with its functions, and (ii) the hearing boards provided for in sections 10(c) (4) and 10(f) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g(c) (4); 466g(f)). The functions of the Secretary of the Interior with respect to being or designating the Chairman of the Water Pollution Control Advisory Board are hereby transferred to the Administrator.

(2) From the Department of Health, Education, and Welfare, the Air Quality Advisory Board (42 U.S.C. 1857e), together with its functions. The functions of the Secretary of

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Health, Education, and Welfare with respect to being a member and the Chairman of that Board are hereby transferred to the Administrator.

Section 3 gives to the Administrator the power to delegate his functions to others within the Agency.

Section 4 gives to the Director of the Office of Management and Budget the determination of the personnel, property, and funds to be transferred to the new Agency and requires these determinations and such other measures and dispositions as he sees fit to be carried out.

Section 5 empowers the President to make interim appointments of major officials of the Agency until the Office of Administrator has been filled. The President may also assign to the interim officers the compensation that goes with the office.

Section 6 abolishes the Federal Water Quality Administration and the Federal Radiation Council and provides for the termination of their respective affairs.

Section 7 postpones the effective date of the reorganization plan to 60 days after it becomes law.

HEARINGS

Hearings on Reorganization Plan No. 3 were held by the Subcommittee on Executive and Legislative Reorganization.² Witnesses included Members of Congress, representatives of the

Nixon administration, heads of affected departments and agencies, officials of public interest organizations and trade associations, among others. Statements in support of and in opposition to the plan were presented.

COMMITTEE POSITION

This committee recognizes that environmental protection has become a prime source of public concern and the role of Government, both local and national, should and will increase in order to prevent the environmental deterioration that we all deplore. The form that Federal executive branch organization should take to provide the most effective attack on the problem is still unsettled. This plan does bring together certain scattered environmental and pollution control functions but it leaves many others outside of the umbrella here provided (see hearings, p. 68). Serious questions were raised during the hearings as to whether or not a grouping of this limited extent will really enable a greater focus on the problem of the environment. (See accompanying table on personnel and funding for the new Agency. Note also that the bulk of the funds are assigned to water pollution efforts.)

Another problem still unclear is the relationship between the new Environmental Protection Agency here created and the Council on Environmental Quality established less than a year ago by the Congress—Public Law 90-190. The broad mandate for coordination of “Federal plans, functions, programs, and resources” given to the Council would seem to overlap the purposes of the new Agency.

In his message the President distinguished the Council as a “top-level advisory group” while EPA would be “an operating ‘line’ organization.” He said: “It is my intention and expectation that the two will work in close harmony, reinforcing each other’s

² Hearings on Reorganization Plan No. 3 of 1970 by the Executive and Legislative Reorganization Subcommittee of the House Committee on Government Operations, July 22, 23 and August 4, 1970.

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mission.” Past experience has taught us, however, that this is much easier said than done and we can well anticipate some confusion between policymaking and the implementation of policy, when two or more organizations are involved.

During the hearings we attempted to ascertain from the Administration witnesses what type of internal organization the new EPA would have. We were told that this was not clearly deter-

mined and should await the appointment of the Administrator. Some members observed that it seemed preferable to provide the Congress with some idea, in advance, of what arrangements will be made for the transferred functions. We were subsequently given a draft of an organizational chart which presumably represents some preliminary thinking on this subject.

This committee will closely follow the organization and operation of the new agency and its relationship to the Council on Environmental Quality and will be prepared to make recommendations to the Congress on such further reorganizations of environmental functions as may seem necessary. We call attention to the fact that there are pending before the committee bills recently introduced to create a Department of Environmental Quality (H.R. 19195) and to create a Department of Natural Resources (H.R. 19194), both of which contain more extensive lists of functions than the Reorganization Plan.

The committee was concerned about what plans were being made for the completion of certain study projects and other activities of the Federal Radiation Council whose functions are being transferred to EPA. A letter was addressed by Acting Chairman Holifield to Director Shultz of the Office of Management and Budget on this matter. The letter dated August 5, 1970, and the reply dated September 15, 1970, will be found in the appendix.

ENVIRONMENTAL PROTECTION AGENCY 1—SUMMARY OF ESTIMATED PERSONNEL AND FUNDING

(Dollars in thousands)

Agency and current function	1970			1971 President's request		
	Positions ²	Obligations	Outlays	Positions	Obligations	Outlays
HEW: (Departmental totals for HEW)	(2,565)	(\$146,785)	(\$127,030)	(2,625)	(\$157,602)	(\$151,372)
NAPCA.....	1,055	102,662	81,357	1,141	112,118	107,400
FDA (pesticides).....	265	8,443	7,599	272	10,733	9,660
Solid waste management.....	206	15,275	14,502	206	15,336	15,305
Water hygiene.....	160	2,701	2,431	160	2,344	2,110
Radiological health.....	551	12,277	11,049	508	11,051	9,946
Office of the Commissioner (ECA) ³	129	1,920	1,728	127	1,913	1,722
Office of the Administrator (EHS) ⁴	199	3,507	8,364	211	4,107	5,229
Interior:						
FWQA.....	2,421	615,600	258,000	2,669	1,233,300	650,000
Pesticides:						
Label review.....	9	188	175	9	216	200
Gulf Breeze Laboratory.....	20	551	551	20	551	551
USDA						
Agriculture Research Service						
Pesticides Regulation (PRD).....	294	4,286	3,857	435	6,668	6,001
Monitoring (PPD).....	26	714	571	26	714	571
AEC: Radiation protection standards...	3	75	67	3	75	67

ENVIRONMENTAL PROTECTION AGENCY ¹—SUMMARY OF ESTIMATED PERSONNEL AND FUNDING—Continued

[Dollars in thousands]

Agency and current function	1970			1971 President's request		
	Positions ²	Obligations	Outlays	Positions	Obligations	Outlays
Federal Radiation Council: All functions.....	4	132	119	4	144	130
Total.....	5,322	768,331	390,370	5,791	1,399,270	808,892

¹ These are preliminary estimates and are subject to change. These estimates do not include portions of "Buildings and facilities" accounts which may be subject to transfer, for instance

² Full-time permanent positions authorized.

³ 59 percent of the former personnel and dollars of the Office of the Commissioner (ECA).

⁴ 86 percent of the former personnel and dollars of the Office of the Administrator (EHS).

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CONFORMITY WITH REORGANIZATION ACT

All reorganization plans submitted to the Congress must be in conformity with the terms of the Reorganization Act of 1949 (5 U.S.C. 901-913). The President is called upon to make a determination that the plan is necessary to accomplish one or more of the purposes set forth in section 901(a). In this instance he declared that Reorganization Plan No. 3 of 1970, is responsive to section 901(a) (1) "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business," and to section 901(a) (3), "to increase the efficiency of the operations of the Government to the fullest extent practicable." The President states his belief that these purposes will be accomplished, but does not say with particularity how they will be brought about.

The President makes the further general statement that "The reorganization plan should result in the more efficient operation of the Government," but he does not specify "the reduction of expenditures (itemized so far as practicable) that it is probable will be brought about by taking effect of the reorganization included in the plan," as directed by section 903(b).

Two of the major purposes of the Reorganization Act are to produce economy and efficiency in Government and to reduce expenditures. This committee is hopeful that Plan No. 3 will improve

economy and efficiency, but there is little likelihood of any reduction in expenditures. Although the plan does not itself call for larger appropriations for the functions involved, it does create new, high-level jobs, and the environment is an expanding field of governmental interest. The technical abolition of the Federal Water Quality Administration and the Federal Radiation Council will hardly produce savings as such.

On the whole, the committee believes that the creation of the Environmental Protection Agency will be a forward step in the Federal Government's effort to improve our environment and that while the plan is subject to some criticism, on balance it should be allowed to go into effect. The committee recommends, therefore, that House Resolution 1209, disapproving Plan No. 3, be not approved.

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APPENDIX C

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., August 5, 1970.

Hon. GEORGE P. SHULTZ,
*Director, Office of Management and Budget, Executive Office of the President,
Washington, D.C.*

DEAR MR. SHULTZ: During the past several weeks of our subcommittee hearings on Reorganization Plan No. 3, there has been testimony and discussion relating to the proposed transfer of all Federal Radiation Council functions to the Environmental Protection Agency. I do not believe that there has been adequate coverage concerning what the administration proposes with respect to present ongoing study projects being conducted by the FRC.

Specifically, this committee would like to know what is planned concerning completion of the FRC study and report on radon exposures in the uranium mining industry, and the comprehensive review of the radiation protection guides which I, in my capacity as chairman of the Joint Committee on Atomic Energy, requested in my March 20 letter to Chairman Finch (copy attached). Please indicate the expected schedule for the completion of these FRC efforts.

The committee would also like to know how similar multidiscipline studies concerning guides or standards for radiation exposure would be carried out under the newly proposed organization.

Your cooperation in this matter is appreciated.

Sincerely yours,

CHET HOLIFIELD, *Acting Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 15, 1970.

Hon. CHET HOLIFIELD,
*Acting Chairman, Committee on Government Operations,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of August 5 asking for further information about the administration's plans with respect to ongoing projects being conducted by the Federal Radiation Council after the transfer of its functions to the Environmental Protection Agency proposed under Reorganization Plan No. 3.

The overall intent of the administration under the plan was described by Russell Train, Roy Ash, and other executive branch witnesses when they appeared before Mr. Blatnik's subcommittee on July 22 and 23. With regard to your specific questions:

(1) The review of radon daughter exposures in uranium mining will be completed under the supervision of the Interagency Review Group on Uranium Mining, which was set up by Secretary Finch, acting as Chairman of the FRC. The Surgeon General, USPHS, was directed to chair the group. The conclusions and recommendations of this Interagency Review Group are expected to be available in time for the administration to act on the change of the standard previously recommended before the effective date of January 1, 1971.

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(2) The plan for review of FRC basic guidelines recommended by Chairman Finch is attached for your information. The projected time for the review of approximately 2 years was proposed by the National Academy of Sciences and supported by the FRC staff and working group. The FRC accepted the recommendations, and instructed the staff and working group to plan the Council's program accordingly.

(3) The administration has acted to insure that the ongoing programs in the functions and organizations being transferred to EPA are continued without interruption. The review of basic guidelines is already underway. The contracts with NAS and NCRP shown in the plan are in the process of being executed for fiscal year 1971. The transfer of functions will not affect the orderly progress of completing the study.

As to future multidiscipline studies concerning guides or standards for radiation exposure, we believe EPA will utilize the pattern and operational procedures already established under the FRC, and will use basically the same sources of expert advice, including critical non-Federal sources. Thus, EPA will be:

- (1) Making full use of expertise available in other Government agencies;
- (2) Utilizing NAS for advice on the biological effects of radiation;
- (3) Utilizing the expertise in the NCRP for advice in respect to basic standards as well as advice on the most appropriate dosimetry models to be used in connection with the development of secondary standards; and
- (4) Creating special task forces including experts from the Government and non-Government sectors as needed in special cases.

With the transfer of FRC to EPA under the Reorganization Plan, EPA will, of course, be bound by the existing statutory requirements to consult

with the NAS, NCRP, and other qualified experts in the fields of biology, medicine, and health physics.

Sincerely,

GEORGE P. SHULTZ, *Director.*

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1.1f CONGRESSIONAL RECORD, VOL. 116 (1970)

1.1f(1) July 9: House Discussion, pp. 23532-23533

PRESIDENT NIXON'S REORGANIZATION PLANS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record.)

Mr. GERALD R. FORD. Mr. Speaker, the President has sent the Congress reorganization plans aimed at coordinating the Federal role in the nationwide effort to restore our environment.

I congratulate the President. There is no question that we need a strong independent agency to oversee the protection of our total environment. I strongly endorse the President's proposal to create the new Environmental Protection Agency, and I also favor his new National Oceanic and Atmospheric Administration.

As I view the deficiencies in the existing situation, the most compelling reasons for creating an Environmental Protection Agency are the need to provide clear-cut consistent standards for enforcement in the area of industrial pollution and a single Federal agency to which State and local pollution control officials can go for financial support and technical help.

In my view the creation of an independent agency heading up an overall effort to restore our environment is one of the most pressing needs of our time.

I would anticipate widespread support for the President's environmen-

tal reorganization plans in the Congress and throughout the country.

Mr. MORTON. Mr. Speaker, today President Nixon has announced plans for a reorganization in the executive branch in order to establish a new independent agency, the Environmental Protection Agency, and to establish the National Oceanic and Atmospheric Administration in the Department of Commerce.

These are two monumental steps forward in the mounting campaign for environmental planning. EPA will bring together the existing governmental activities concerned with the environment into one house. This will work toward eliminating the tremendous overlap and duplication of activity that presently exists with the fragmentation of duties among the many Government agencies.

The establishment of NOAA has been long awaited, and now we can move in the direction of unifying our approach to the problems of the oceans and the atmosphere. NOAA will eliminate duplication of activity and create a center of strength within the civilian sector of the Federal Government.

Mr. Speaker, the President has taken two timely and much needed steps. The efficiency of housing all related responsibilities under one roof will make far more effective each dollar spent in research and development, and facilitate the needed communication for faster progress in cleaning up our environment. I ap-

plaud President Nixon for his action, and I look forward with hope to the results of a comprehensive examination of the total effects of pollution.

Mr. WHITEHURST. Mr. Speaker, I welcome the President's announcement of his intention to create a National Oceanic and Atmospheric Administration within the Commerce Department.

What has been a piecemeal effort, scattered far and wide, has been reorganized into a viable, effective plan which will enable the National Oceanic and Atmospheric Administration to serve the Nation far better than has been possible in the past.

This combining of atmospheric and oceanic effort under the direction of the Secretary of Commerce is the product of the determination and know-how of an administration dedicated to providing the best possible service for the taxpayer's dollar.

The combining of several projects and programs now being pursued by different agencies of the Government leads to duplication of research effort, and inefficient administration practices. Persons engaged in research often are not aware of findings made by others that could either add to the sum of knowledge in a field of concentration, or could directly relate to it, thereby eliminating unnecessary steps and speeding the effort. Often researchers are faced by a Federal maze in attempting to determine if any investigation has been made on the subject. Knowledge in all areas has been expanding at such a fantastic pace it is difficult for many scientists to keep informed of their own specialty, let alone to stay abreast of developments in closely related fields. Raise this problem to the level of a Federal agency controlling several projects and programs entirely unrelated, except for the fact they are under one department, and one can easily understand the nearly impossible task of

easily obtaining information from several different departments.

This is the current status of many projects relating to the environment. One of the main problems is that administration has not kept up with technology.

The creation of NOAA is a step in the right direction, and I find it easy to support it. The combining of the programs directly relates to similar efforts I have made in legislation I have sponsored.

H.R. 715 will amend the rules of the House of Representatives to create a standing committee to which all pollution bills can be referred. It will bring to an end the current situation of almost every committee in the House handling pollution legislation. Leadership and a streamlined method of the legislative

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process will make more efficient congressional action on the pollution problem.

I believe the Nation can expect important achievement from the National Oceanic and Atmospheric Administration. Its creation helps administration catch up with expanding technology.

I am pleased that another reorganization plan announced by the President also provides leadership, planning, and coordination in combating pollution. Reorganization Plan No. 3 establishes the Environmental Protection Agency. The Agency would be structured similar to NASA in that it is directly responsible to the President. It is encouraging that the administration has taken the route of a central agency. The Environmental Protection Agency is similar to an organization proposed in a bill I introduced early this year. H.R. 16414, the Pollution Abatement Act of 1970, establishes the National Environment Control Commission which would have

authority to generate and enforce pollution standards, have full power to promulgate all actions involved with the attack, incorporate all future and present pollution programs, and have jurisdiction over more than \$10 billion in Federal funds.

I support the President's two reorganization plans. They will clear the way for efficiencies in Agency expenditures and for more efficient research.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the President's reorganization plans.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[p. 23533]

1.f(2) Sept. 28: House approves Reorganization Plan No. 3 of 1970 to establish Environmental Protection Agency as an independent entity of Government, pp. 33871-33876; 33879-33884; 34015

DISAPPROVING REORGANIZATION PLAN NO. 3 OF 1970—TO ESTABLISH AN ENVIRONMENTAL PROTECTION AGENCY AS AN INDEPENDENT ENTITY OF GOVERNMENT

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 1209, to disapprove Reorganization Plan No. 3; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the resolution may continue, not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Illinois (Mr. ERLENBORN) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved it-

self into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 1209, with Mr. Andrews of Alabama in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from California (Mr. HOLIFIELD) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I want to try to explain this resolution in as brief time as possible, the President's Reorganization Plan No. 3.

Mr. Chairman, House Resolution 1209 would disapprove Reorganization Plan No. 3 of 1970 submitted to Congress by President Nixon on July 9. The plan will create an Environmental Protection Agency.

In accordance with the Reorganization Act of 1949, if a disapproval resolution is voted favorably by either the House or the Senate within 60 days, barring adjournments for more than 3 days, a reorganization plan will not go into effect. Under the rules of the House, reorganization plans and disapproval resolutions thereon are referred to the Committee on Government Operations. In this instance Reorganization Plan No. 3 was assigned to the subcommittee chaired by the gentleman from Minnesota who held extensive hearings. Subsequently, when the disapproval resolution was filed the full committee voted to report it to the House with the recommendation that the resolution not be agreed to, thereby supporting the reorganization plan. I might say this action was by a near-unanimous vote. The committee report and the printed hearings have been sent to every Member of the House.

ENVIRONMENTAL PROTECTION AGENCY

Reorganization Plan No. 3 would establish an Environmental Protection Agency as a new independent entity in the Government. It would have a status comparable to other independent units such as the Atomic Energy Commission, General Services Administration, and Veterans' Administration which are not parts of a department.

The EPA will bring together the following agencies and functions now located elsewhere in the Government:

First, the Federal Water Quality Administration, now in the Department of the Interior—you will recall we transferred this agency to Interior from HEW by reorganization plan in 1966;

Second, the National Air Pollution Control Administration, now in the Department of Health, Education, and Welfare; parts of the Environmental Control Administration—Bureaus of

Solid Waste Management, Water Hygiene, and a portion of the Bureau of Radiological Health—also from HEW.

Third, the pesticides research and standard-setting program of the Food and Drug Administration, HEW;

Fourth, the pesticides registration authority of the Department of Agriculture;

Fifth, authority to perform general ecological research, from the Council on Environmental Quality; certain pesticide research authorities of the Department of the Interior;

Sixth, the environmental radiation protection standard-setting function of the Atomic Energy Commission; and

Seventh, the functions of the Federal Radiation Council.

The Environmental Protection Agency will have a budget for fiscal 1971 of approximately \$1.4 billion, mostly for water pollution efforts and over 5,600 personnel.

STATED ADVANTAGES

The President tells us the creation of the new agency will have the following advantages:

It will upgrade the effectiveness of the Federal Government's major pollution control programs.

It will provide a central focus for an evaluation of all pollution-related activities of the Government.

It will serve to upgrade the importance of environmental consideration and pollution programs within the Federal Government, and over a period of time tend to have a similar effect on program priorities within state and local governments.

It will clarify industry responsibility by providing consistent standards and a single enforcement agency.

State and local pollution control agencies will be able to look to one Federal agency for all their financial support and technical assistance.

It will insulate pollution abatement

standard-setting from the promotional interests of other departments.

Since no new program or funding is proposed, I would conclude that the essence of this plan is to bring these scattered functions together under one roof for whatever benefits such coordination will produce in the overall environmental effort.

This idea apparently originated with the President's Advisory Council on Executive Organization, headed by Roy L. Ash and other well-known businessmen. The plan was supported by most of the witnesses who appeared. It was opposed by Congressman JOHN DINGELL and reservations were expressed by a number of farm organizations who prefer that pesticide registration remain in the Department of Agriculture. Mr. DINGELL will state his objections to you during this debate.

As you will note from our report, we took cognizance of the criticisms that were made. We recognized that this was a rather small step forward in the needed coordination of our many environmental programs. Also, the distinction between the work of the new Environmental Protection Agency and the Council on Environmental Quality was not made very clear.

Furthermore, the plan does set up a superstructure of high-level, high-salaried administrators in the agency even though we hear much talk from the administration about the need for economy. The President only recently undertook to lecture the Congress about spending.

Nevertheless, the environment is a matter of great public concern now and the committee felt that this plan, even though subject to some criticism should be allowed to become law.

That concludes my explanatory statement, Mr. Chairman.

I might say that in view of the fact that we have before us a resolution of disapproval that if you are in favor

of the plan your vote should be "no" on the resolution of disapproval. If you are against the plan, your vote should be "yes" on the resolution of disapproval.

The committee with almost unanimous action advises that a "no" vote be given on the resolution of disapproval.

Mr. GROSS, Mr. Chairman, would the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Will the gentleman state how many employees will be transferred out of other agencies to this new Environmental Protection Agency?

Mr. HOLIFIELD. The estimate given to us by the administration was 5,600.

Mr. GROSS. It was 5,600?

Mr. HOLIFIELD. That is correct.

Mr. GROSS. Do I understand correctly that about 2,500 of these will come from the Department of the Interior?

Mr. HOLIFIELD. I believe that is about the breakdown. You see, we put the water and air pollution acts in the Department of the Interior, and they have many employees working on these programs. Their functions will be transferred over into this environmental agency, and along with the functions will go the personnel records of this agency pertaining to these subject matters.

Mr. GROSS. And this requires the establishment of an Environmental Protection Agency?

[p. 33871]

Mr. HOLIFIELD. The Environmental Protection Agency is established by the President's plan. This, of course, is a procedure authorized by the Reorganization Act, and he may group together related functions into a new agency. He cannot abolish func-

tions and he cannot expand functions. That has to be done by statute. But he can move them over, like moving checkers over on a checkerboard into one group.

Mr. GROSS. Who is going to administer this new agency?

Mr. HOLIFIELD. That will be the President's decision, of course—and the gentleman may have some control over that—but I do not.

Mr. GROSS. Not very much, I will say to the gentleman, if any.

Mr. HOLIFIELD. The President has not announced who the Administrator will be.

Mr. GROSS. But there will be an Administrator; is that correct?

Mr. HOLIFIELD. There will be one Administrator. These are administrative positions. There will be one Administrator, a Deputy Administrator and five Assistant Administrators. The Administrator is at level No. 2 which is \$42,500 annual salary. The Deputy Administrator is at level No. 3 which is \$40,000 annually and the five Assistant Administrators are at level No. 4 which is \$38,000 each.

Mr. GROSS. That is five Assistant Administrators at \$38,000 each?

Mr. HOLIFIELD. That is right.

May I say that the total, the way I figure it, is \$357,000 annually for these new administrative positions.

Mr. GROSS. There are these new administrative positions—but that does not include clerical help, office space, and so on and so forth?

Will this require a new building? They are going up so fast around here that I am led to believe that all of these new creations require new buildings.

Mr. HOLIFIELD. I cannot answer that question. The bodies that are going to be in this new agency now occupy office space so that I would not see the necessity for additional office space. They may be grouped differently in different buildings. But the increase in personnel that is con-

templated at this time, so far as I can tell, only seven people.

Mr. GROSS. I call the gentleman's attention to page 102 of the hearings of the subcommittee where Mr. Lanigan of the committee staff, the general counsel, pointed out that the Federal Water Pollution Control Administration, which transferred from HEW to the Department of Interior, provided for an additional Assistant Secretary of the Interior.

Then Mr. Lanigan said that he saw no provision in Reorganization Plan No. 3 either for the transfer of this Assistant Secretary to the new agency or for the abolition of his job.

Mr. Lanigan asked:

Was it contemplated that this additional Assistant Secretary will remain in the Interior Department?

The result of this questioning added up to the answer that this question would be disposed of in hearings on Reorganization Plan No. 4; that is the fate of this Assistant Secretary.

I have read as carefully as I could the hearings on Reorganization Plan No. 4 and I can find no disposition of this Assistant Secretary. I wonder where he is going to go?

Mr. HOLIFIELD. I suppose that following former procedure, if a secretarial function in Interior is transferred over to the new agency, that any person who takes that place would be appointed and that the old Secretary would either be dismissed or appointed to a new agency somewhere else.

Mr. GROSS. But no evidence was submitted to your committee as to whether he was going to be used as an administrator on any other job?

Mr. HOLIFIELD. The only evidence submitted to our committee was that there were going to be seven new places.

Mr. GROSS. I am sure the gentleman knows the question that is in my mind and that is, Will this re-

organization plan merely result in more empire building?

Mr. HOLIFIELD. I think it will result in the concentration of the different functions into one entity. The President says that this is the way to do it and the committee has decided to go along.

I will reserve the balance of my time and let our colleague, the gentleman from Illinois (Mr. ERLENBORN) further expiate on that problem.

Mr. Chairman, I include the following letters referring to Reorganization Plan No. 3:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., August 5, 1970.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget,
Executive Office of the President, Wash-
ington, D.C.

DEAR MR. SHULTZ: During the past several weeks of our subcommittee hearings on Reorganization Plan No. 3, there has been testimony and discussion relating to the proposed transfer of all Federal Radiation Council functions to the Environmental Protection Agency. I do not believe that there has been adequate coverage concerning what the administration proposes with respect to present ongoing study projects being conducted by the FRC.

Specifically, this committee would like to know what is planned concerning completion of the FRC study and report on radon exposures in the uranium mining industry, and the comprehensive review of the radiation protection guides which I, in my capacity as chairman of the Joint Committee on Atomic Energy, requested in my March 20 letter to Chairman Finch (copy attached). Please indicate the expected schedule for the completion of these FRC efforts.

The committee would also like to know how similar multidiscipline studies concerning guides or standards for radiation exposure would be carried out under the newly proposed organization.

Your cooperation in this matter is appreciated.

Sincerely yours,

CHET HOLIFIELD,
Acting Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 15, 1970.

Hon. CHET HOLIFIELD,
Acting Chairman, Committee on Government
Operations, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of August 5 asking for further information about the administration's plans with respect to ongoing projects being conducted by the Federal Radiation Council after the transfer of its functions to the Environmental Protection Agency proposed under Reorganization Plan No. 3.

The overall intent of the administration under the plan was described by Russell Train, Roy Ash, and other executive branch witnesses when they appeared before Mr. Blatnik's subcommittee on July 22 and 23. With regard to your specific questions:

(1) The review of radon daughter exposures in uranium mining will be completed under the supervision of the Interagency Review Group on Uranium Mining, which was set up by Secretary Finch, acting as Chairman of the FRC. The Surgeon General, USPHS, was directed to chair the group. The conclusions and recommendations of this Interagency Review Group are expected to be available in time for the administration to act on the change of the standard previously recommended before the effective date of January 1, 1971.

(2) The plan for review of FRC basic guidelines recommended by Chairman Finch is attached for your information. The projected time for the review of approximately 2 years was proposed by the National Academy of Sciences and supported by the FRC staff and working group. The FRC accepted the recommendations, and instructed the staff and working group to plan the Council's program accordingly.

(3) The administration has acted to insure that the ongoing programs in the functions and organizations being transferred to EPA are continued without interruption. The review of basic guidelines is already underway. The contracts with NAS and NCRP shown in the plan are in the process of being executed for fiscal year 1971. The transfer of functions will not affect the orderly progress of completing the study.

As to future multidiscipline studies concerning guides or standards for radiation exposure, we believe EPA will utilize the pattern and operational procedures already established under the FRC, and will use basically the same sources of expert advice, including critical non-Federal sources. Thus, EPA will be:

(1) Making full use of expertise available in other Government agencies;

(2) Utilizing NAS for advice on the biological effects of radiation;

(3) Utilizing the expertise in the NCRP for advice in respect to basic standards as well as advice on the most appropriate dosimetry models to be used in connection with the development of secondary standards; and

(4) Creating special task forces including experts from the Government and non-Government sectors as needed in special cases.

With the transfer of FRC to EPA under the Reorganization Plan, EPA will, of course, be bound by the existing statutory requirements to consult with the NAS, NCRP, and other qualified experts in the fields of biology, medicine, and health physics.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. ERLENBORN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, I rise in opposition to House Resolution 1209 and urge that Reorganization Plan No. 3 of 1970 be allowed to become effective.

The net result of our Federal environmental protection effort to date is a structure incapable of coordinated and effective action in dealing with pollution. Having developed piecemeal, the environmentally related activities of Government are now scattered among a number

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of departments and agencies and are incapable of a concerted attack upon our pollution problems.

I have long crusaded for a more effective allocation of the resources of Government and I know of no area where reorganization is more essential than in pollution control.

Many agency missions for environmental protection have been designed without regard to the interrelatedness of the sources of air, water, and land pollution.

Reorganization Plan No. 3 would not only make possible comprehensive research, standard setting, and consistent and effective policy formulation, but would simplify intergovern-

mental relations. State and local governments, as well as industry, should thereby be spared some of the frustrations of dealing with a number of different agencies.

Overhauling the cumbrous machinery of Government is a task of awesome proportions and cannot be accomplished in one fell swoop. The President has redeemed his campaign pledge "to set in motion a searching, fundamental reappraisal of our whole structure of government" and is proceeding systematically and thoroughly.

The President has established environmental quality as a priority objective of this administration; Congress has long been committed to the same goal; and the public shares the same commitment. In such a climate, and in face of the need it would be unthinkable to reject this reorganization plan.

The President must be permitted not only to gain economy and efficiency in Government, but to give Government the ability to meet priority needs and thus restore the quality of life.

Admittedly, Reorganization Plan No. 3 is not the last word, nor is it intended to be. But I agree with the President that it is a sound and significant beginning toward the ultimate objective of maximizing the effective coordination and functioning of the Nation's environmental and resource protection activities.

Therefore, I urge this body to vote "no" on House Resolution 1209 and thus allow Reorganization Plan No. 3 of 1970 to become effective.

Mr. ERLENBORN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, of the many reorganization plans that have been referred to the Committee on Government Operations and debated in this body since I became a Member of Congress, none has been more in keeping with the letter and the spirit of

the Reorganization Act of 1949, as amended and now codified at 5 U.S.C. 901-913, than Reorganization Plan No. 3 of 1970.

Not only is it needed to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business, but it is deliberately designed to increase the efficiency of the operations of the Government to the fullest extent practicable.

The present fragmentation of pollution control programs among several agencies of Government no longer serves the public interest. The unified system that is the environment must be matched by a corresponding interrelatedness of governmental responsibilities to protect that environment.

No matter how much additional funds we appropriate to restore and preserve the quality of our environment much of our investment will be wasted unless we remedy the fractured structure that currently inhibits effective use of funds and people.

No single agency is presently responsible for developing the integrated research, standard setting, and assistance necessary to develop and carry out a comprehensive program of pollution control.

The President has made a compelling case for proposing a separate new agency, rather than placing environmental protection activities in an existing department. Because each department's view of environmental questions is affected by its own primary mission, its objectivity as an impartial standard setter for other departments could be called into question. A strong independent agency is needed.

The Environmental Protection Agency would bring together in a single organization the major Federal pollution control programs now exist-

ing in four separate agencies and one interagency council.

The plan would combine functions carried out by the Federal Water Quality Administration—FWQA—now in the Department of the Interior; the National Air Pollution Control Administration—NAPCA—parts of the Environmental Control Administration—ECA—and the pesticides research and regulatory programs of the Food and Drug Administration, all presently located in HEW; the pesticides registration and related authority of the Department of Agriculture; the environmental radiation protection standard-setting function of the AEC; the functions of the Federal Radiation Council; some of the pesticides research conducted by the Bureau of Commercial Fisheries; and authority to conduct ecological systems research, now vested in the Council on Environmental Quality.

Thus, the new agency would include only those programs or functions necessary for it to carry out its mission of integrated policymaking and pollution control. The standard-setting function is a critical one and although only a handful of programs are being transferred, they represent an authority that can exert a great deal of leverage in improving environmental quality.

In view of this carefully worked out answer to a demonstrated need, it is difficult to understand the opposition to the plan culminating in the resolution of disapproval before us today. Nevertheless, opposition has been expressed and it deserves an answer.

The arguments that I have heard advanced against this plan are basically three in number, first, that it does not go far enough in coordinating the environmental protection activities of Government; second, that it goes too far in coordinating the environmental protection activities of

Government, and finally, that the coordination of the environmental activities of Government should have been accomplished in some other place and under some other name.

The first two arguments tend to cancel each other out and are a tribute to the balance with which the proposed organizational structure is designed, the third defies argument because there is no profit in disputing differences concerning tastes.

Substantial or not, these arguments merit examination in somewhat more detail. As to the argument that the plan does not go far enough in coordinating the environmental protection activities of Government there is no question but what environmental factors exist in practically all operating programs of the Federal Government. Some of them should probably be included in this new agency and undoubtedly, at some later time, will be. That fact, however, should not militate against this very meaningful and significant plan to consolidate basic efforts to determine tolerance levels and standards for major forms of pollution affecting the general environment, to enforce those standards and to provide assistance in alleviating pollution problems.

Resistance to the separation of responsibilities for regulating the environmental effects of a particular activity from the responsibilities for promoting or developing a particular resource or activity gives rise to the second argument I mentioned earlier that the plan goes too far. While the problem is one of Federal organization subject to more than one solution, there is a growing public concern over the vesting of promotional and regulatory powers in the same agency of Government. The Department of Agriculture's regulation of pesticides and the Atomic Energy Commission's regulation of radiation levels were cited as examples having a potential

for conflict of interest. Vesting these regulatory functions in an independent Environmental Protection Agency should allay any fears that special interests will prevail over the interest of the public at large.

Moreover, it should be noted that pursuant to the reorganization provisions of 5 U.S.C. 901-913, a reorganization plan cannot create any new authorities or functions. The functions of the new Environmental Protection Agency, at the outset, will be those of its constituent parts. However, those functions will be better coordinated and performed.

Finally, a word about the view that the coordination of the environmental activities of Government should have been accomplished in some other place and under some other name. Alternative proposals have ranged from maintaining the status quo to a super Department of Environment and Natural Resources. However, the vast, overwhelming majority feel that reorganization is needed and the pulling together of environmental protection functions of the Federal Government in one agency is needed if we are to get the job done that has to be done. The only question is what sort of reorganization? What the administration has done in this case is to pursue the right and only politi-

[p. 33873]

cally feasible course. Politics is often the art of the possible. Perhaps this plan does not go as far as it should, but I believe it goes as far as it can. Logically, a case could be made for including, for example, the civil functions of the Corps of Engineers, the Forest Service, and other entrenched bureaucracies in a Department of Environment and Natural Resources, but how far would such a reorganization plan get in this Congress? While Reorganization Plan No. 3 may be only a first step in a direction that

has to be traveled, it is the maximum that can be accomplished now. It is the optimum compromise between discretion and bold imaginativeness and I commend the administration for its genius in devising a plan to increase the efficiency of the operations of the Government to the fullest extent practicable.

Therefore, I urge this body to vote "no" on House Resolution 1209 and thus allow Reorganization Plan No. 3 of 1970 to become effective.

One last comment. I would like to repeat what the gentleman from California (Mr. HOLIFIELD) has said about the double negative aspect of the vote on this proposition. The President's Reorganization Plan No. 3 will become law unless a resolution of disapproval is adopted. The Committee on Government Operations almost unanimously has recommended this resolution of disapproval, which we are considering today, not be adopted. So to allow this plan to go into effect and to allow the environmental protection agency to become law, we are recommending that Members vote "no" on the resolution of disapproval.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ERLÉN BORN. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I only have two questions. First, is it not true that if we simply had failed to bring the resolution up, with almost unanimous agreement of the committee that it be defeated and a "no" vote be cast in order to allow the Presidential reorganization plan to go through, the reorganization plan within 60 to 90 days would have gone through and have had the effect of law anyway, under the existing Reorganization Act?

Mr. ERLÉN BORN. The gentleman is correct. If no action is taken on the resolution of disapproval, the reorganization plan becomes law automatically at the expiration of 60 days as provided in the statute, so I think it is testimony to the fairmindedness of the acting chairman of our committee, the gentleman from California (Mr. HOLIFIELD) that he saw that this matter was scheduled, so the House could have an opportunity to vote one way or the other. If we had done nothing, the plan would have become law just by operation of the law.

Mr. HALL. My comment was toward avoiding another double negative situation.

But, Mr. Chairman, my second question and what I originally rose for was to ask the gentleman if he would care to expound a little further on just how this new consolidated agency would interfere with the new Assistant Secretary of Defense for Health and Environmental Measures which was created by this body.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ERLÉN BORN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. HALL. As the gentleman may know, this body created the Assistant Secretary of Defense for health matters and, presumably by Presidential agreement with the Secretary of Defense, "environmental affairs," was added. I believe it is a very excellent thing.

Would this agency have any control over that function of the Department of Defense on which so much has been expended in order to clear up pollution of the air and waters and solid waste and everything else so recently in various posts, camps, and stations, under the military construction authorization and appropriations?

Mr. ERLÉN BORN. To answer the gentleman in the context he asked the

question, the answer is "No," that this agency would have no control over the Department of Defense or the Assistant Secretary, because the reorganization plan by law cannot create any new functions. We can only transfer to a newly created agency functions already existing. But it will provide a place where the major pollution control activities of the Government will be administered under one head, and, therefore, will provide better liaison with the Department of Defense and other departments of Government.

Mr. HALL. Mr. Chairman, knowing the Assistant Secretary of Defense for health and environmental matters, I am sure he will coordinate with this agency. I intend to vote "no" for this resolution and allow the reorganization to proceed, even though in principle I disapprove of vetoes in reverse.

It is my understanding that the U.S. House of Representatives will today be asked to disapprove President Nixon's Reorganization Plan No. 3, establishing an Environmental Protection Agency. This Member will be happy to give his full support to a bringing together of the many Federal programs into an independent agency. My constituency in the beautiful Ozarks of Missouri is populated by Americans who deplore pollution and other attacks on our natural resources and our recreational areas. They have trouble knowing where to turn in their desire to solve their problems at the proper local levels.

Being one of only three physicians in the U.S. Congress, I am especially aware of the health hazards that are presenting themselves as the pollution problem grows in size. I am pleased to know that my own medical association, the American Medical Association, has pledged its support to the President's program.

There follows a letter addressed to

the President and signed by Walter C. Bornemeier, M.D., president of the American Medical Association:

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., July 27, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We in the medical profession have long been concerned about the health problems generated by man's interaction with his environment. The need for affirmative action by all segments of our society is immediate and great. We are extremely pleased to see that you are continuing to put the Federal House in order so that the government's environmentally-related activities can be organized rationally and systematically.

We wish to lend our fullest support to your recent reorganization plan establishing the environmental protection agency. We applaud your decision to bring together previously scattered Federal programs into one coherent and independent agency. This action will undoubtedly impart to the programs concerned a degree of public visibility that is so necessary for adequate funding and responsive administration. Then, too, this major step forward will enhance the status of these programs by providing that the head of the agency will report directly to you.

We are fully aware of the many and difficult problems that the country faces in attempting to control and to reduce environmental pollution. We, therefore, congratulate you on this progressive action which will rationalize these governmental research and enforcement programs. Please be assured that the medical profession—always active in the fight against environmental pollution—will continue to do its share.

Respectfully yours,

WALTER C. BORNEMEIER, M.D.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ERLNBORN. I yield to the gentleman from Iowa.

Mr. KYL. Of course, there is an overwhelming temptation to vote for the establishment of anything that will coordinate efforts in the field of environmental control, but did the committee contemplate the possible results, for instance, on item No. 4, the pesticides research and standard-setting program of the Food and Drug Administration in the Department of Health, Education, and Welfare? It

occurs to me if we set up a new bureau in a new department to do this kind of work we are going to have to buy all of the equipment which exists in the other agency, and hire an additional set of people to do this work, because HEW now does work of many different kinds in chemical research and toxic research and so on.

Are we merely creating a whole new office to do the same job that this other office has been doing but at the same time leaving the old office sufficient work to keep all of its personnel and all the equipment.

Mr. ERLNBORN. I believe the only way I could answer the gentleman would be to say that those people who are identified with this particular program—that is, the standard setting and pesticides research—are now in HEW, and the facilities and equipment utilized in that program will be physically transferred to the new agency. To what extent they may be physically interrelated with other research I cannot answer offhand.

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Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ERLNBORN. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. On page 103 of the hearings, I will say to my colleague, there is testimony by the Honorable J. Phil Campbell, Under Secretary of the Department of Agriculture, who was accompanied by Dr. George W. Irving, Administrator of the Agricultural Research Service. He appeared and he did testify on this matter, and testified in favor of this transfer.

Mr. ERLNBORN. I thank the gentleman for his contribution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ERLNBORN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I hope that this reorganization will work, but very frankly, I am dubious, I will say to the gentleman, for the reason that I was here when the Department of Defense was created. Others were here at that time and they will recall that we were told the Department of Defense would be lean and hungry. It seems to me that we were told there would be about 150 additional employees over there.

I suspect that there are 10,000 to 20,000 now in the Department of Defense. Just another layer of fat, in my opinion, has been added to the administration of the military establishment of this country. After all these years there is still little commonality of information on purchasing. There are secretaries, assistant secretaries, and deputy secretaries all over the place. I do not have the faintest idea of what the administration of the Department of Defense is costing. I am sure it is the biggest one of the reorganizations in terms of personnel and in terms of cost to the public. It would be fine if these reorganization plans did what you say they will do in these hearings and in the report; that is, create efficiency and economy, but they just do not do it. I hope, if this resolution is approved, that this will be the first one that will provide for commonality in the matter of information and efficiency and economy in Government. If it does, it will be the first since I have been a Member of Congress.

Mr. ERLNBORN. I thank the gentleman, and I join in his hope.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, a few years ago my colleague, JOHN MOSS, and I came into to the well to speak against a proposal to create an Airways Modernization Board. We pointed out at that time that bill created

an out-house, a shed, a temporary structure, where a major edifice was needed. Within 2 years of that time, my colleagues who were here then will recall, the Congress responded by unanimously passing the legislation that created the Federal Aeronautics Administration. In the passage of the legislation which created the FAA the very arguments were used that we had made against the Airways Modernization Board.

Today we have a similar situation before us. The administration would have you believe that this proposal combines all of the environmental protection activities in the Federal Government in one agency. Let me tell you that is not so. Programs in the Department of Agriculture dealing with water and sewerage, programs in the Department of HUD making major grants to cities for the construction of water and sewage facilities are not transferred, and none of the environmentally directed activities in the Department of Defense or the Department of Transportation are transferred to the new agency. As a matter of fact, they are immune and exempt from this reorganization plan. One must ask why agencies which have so much to do with environmental protection of the quality of our environment have been completely passed over. The answer is that it was probably just too big and too much of a political question for the Administration to take over. It is said that this is going to result in efficiency. As a matter of fact, let me tell my colleagues that there is nothing further from the truth than that. The answer is that this proposal is going to give us first of all better than a year and probably at least 2 years wherein practically nothing will be done about environmental protection by the agencies.

My friend from Iowa pointed out some of the circumstances. First of

all, they have to select the bureaucrats; second of all, they have to review all of the policies; third of all, they have to get themselves an appropriation so that they can get the proper building and properly decorated offices, and then they have to get good-looking secretaries and follow that up by kicking out all of the people who made life hard for the polluters, so that they can satisfy the polluters and their big campaign contributors. That is what will happen. You have 2 years when nothing will happen while the Nation is riven by concern over the pollution of our environment and the destruction of environmental quality in this Nation. After they have their limousines and their secretaries, their draperies and their rugs and their new offices and office furniture selected, they will begin to settle down and produce efficiency experts in their agency. They will have to bring in all of these people from the agencies where they are, and they will move them around in order to try to get matters going forward again. This will go on until a new administration comes in and starts the reorganization all over again.

So that you do not think I am being partisan, I want you to know that I intend to oppose this if another administration tries to do the same thing.

We have gone this route before when we have moved water pollution from the Department of Health, Education, and Welfare to the Department of the Interior, and if any of you watched what transpired at that time, you will know that these delays and wastes are exactly what takes place.

And, what you wind up with really is not less people doing more effective work, but more people doing a great deal less. That is what is going to transpire here. There will be a lot

more bureaucrats drawing higher salaries, with more secretaries and limousines and fancy office furniture, but doing less work. While the so-called efficiency experts who will be around the Department having responsibility for this program, there will be two, three, four, or five people doing the work that can be done by one person.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I shall be happy to yield to the gentleman from Iowa.

Mr. KYL. I will say, first, that the gentleman from Michigan puts himself in jeopardy, because there will be those who will be quick to pounce upon his words as indicating that he is an enemy of environmental control.

Mr. DINGELL. Well, of course, I am not. I am very much in favor of workable programs which will strengthen our laws against environmental pollution. I would point out that I have worked hard to make our antipollution and environmental programs effective devices.

Mr. KYL. Mr. Chairman, if the gentleman will yield further, I agree with the gentleman to this extent: If we are going to reorganize all of our resources into one agency or department, we should go all the way.

Mr. DINGELL. The distinguished gentleman from Iowa is entirely correct.

Mr. KYL. It is like having one agency running one part of a program under one set of rules and another handling a different part of the program under another set of rules.

We ought to also take the military portions of this problem and put them under a broad heading if we are to have total environmental control.

Mr. Chairman, I would feel better about Reorganization Plan No. 3 if we could pull together all of these

agencies because I believe we might be fragmenting as the gentleman indicates.

Mr. DINGELL. I thank my friend for his valuable contribution.

Mr. Chairman, what is needed is a program of a major emphasis, a major edifice. Also, so that my colleagues will know—and I will insert it in the RECORD at the proper time—there is legislation pending to create a Department of Natural Resources and Environmental Quality so that we will know that the affairs of Government are being upgraded and not downgraded and that a large number of agencies having direct standard-making responsibility will not be totally ignored.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. DINGELL. But I think it has to be recognized that they could be totally or easily ignoring many agencies having responsibility in this area but we are effectively discrediting the old agencies and we will have Assistant Secretaries and Under Secretaries speaking on behalf of pollution abatement which will be carried out by an Administrator.

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Mr. Chairman, we are told that this is going to be like NASA. But there is a difference. NASA has been successful for two reasons. They have had the strongest kind of policy support from the Hill and the administration and we have given them the funds with which to do the job. We have supported them completely so that they could do the job. That is the reason that NASA has been successful.

Mr. Chairman, I have no doubt but what within a very short period of

time this issue will be back before us and we will be called upon to recognize the warning I give you today that the program is not going to work because a major attack upon environmental pollution is required by an independent agency with the necessary funds and with the ability to do the job. If this reorganization plan goes into effect we have only today set up something temporarily which in my opinion will be clearly and plainly counterproductive.

Mr. Chairman, in my remarks before the Committee on Government Operations I cited the book "Peter Principle." One of the things discussed there was the situation where you have a major problem which outrages everyone. But for good or bad reasons, it is inexpedient to attack the problem directly. We have here such a nasty problem and a highly political one. In this case, we will be utilizing the Peter's Placebo, appearing to do something when in fact we are really going after an altogether different problem, attacking something else and not in fact doing anything at all about the main problem. But it just looks like you are doing something. That is what the Reorganization Plan No. 3 is all about today.

It is something which is going to accomplish nothing and which will not work, but it gives the appearance of doing, so that the malcontents in the audience may be convinced there is something that is going to happen. But I will promise my colleagues one thing, and that is that this is not going to make progress, it is counterproductive. I would urge my colleagues that this program should be rejected. I believe we should do something about this area, but not on a take-it-or-leave-it basis, or swallow-it-whole-or-nothing basis, as under this kind of a proceeding, but rather this should be done through

legislation where together, all the people of the Nation, the persons interested in conservation as well as even the polluters, would be permitted to come forward and to make suggestions so that we could have a careful study and review of the whole situation which would in the end answer a lot of unanswered questions that are before us. Although there is not enough time, I would simply point out to my colleagues that this piece of legislation is so fraught with unanswered questions that on that basis alone, apart from the lack of wisdom and apart from the lack of effectiveness it should be summarily rejected.

The legislation to which I referred earlier is H.R. 19195, to establish a Department of Environmental Quality, which I cosponsored with my friend the gentleman from California (Mr. Moss) the text of which follows:

* * * * *

[set forth on 33880-33883]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ERLNBORN. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding me the additional time.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Iowa.

Mr. KYL. Since the gentleman has commented on the other side of this coin, I would like to ask this question:

What legislative committee of the Congress will now be responsible for the authorization to cover the acts contemplated in this measure?

Mr. DINGELL. I would say this, that the different statutes and the different functions which are transferred over to administer the new agency will probably remain in the existing

committee structure of the Congress. I doubt very much if that would be particularly impaired. But I would urge on my colleagues that we would be far better off to do this by legislation which would come out of the same committee that has given us this outrage, and this abomination, and give to the Members who oppose it an opportunity to amend it in a calm, serene, and deliberate fashion.

Mr. KYL. I thank the gentleman.

Mr. DINGELL, I yield back the balance of my time.

Mr. ERLNBORN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I wonder if I could have the attention of the gentleman from California (Mr. HOLIFIELD), the chairman of the committee, to further discuss the comments that have been made by the gentleman from Michigan (Mr. DINGELL), since this relates to the question of committee jurisdiction over the legislation.

Does the gentleman see any changes in the jurisdictional control by the committees that now handle environmental quality programs as proposed by the Executive and/or our colleagues?

For instance, in our case, in the Rivers and Harbors Committee, we have been handling, routinely, the water pollution and water quality legislation. Will this remain under the jurisdiction of the Committee on Rivers and Harbors?

Mr. HOLIFIELD. Mr. Chairman, in my opinion the statutes that have created these entities will remain in the jurisdictional control of the committees that created them. There is no place that I know of in the plan where the statutes are transferred, the functions under the statutes are transferred.

I would also like to answer a question here that was asked me by the gentlewoman from Washington (Mrs. HANSEN) who unfortunately cannot be here today, but who asked me by phone. She was particularly concerned about the control of the appropriations for the Bureau of Commercial Fisheries being taken away from her subcommittee on appropriations. My answer to her was that in my opinion the control of the assignment of appropriations jurisdictions would still remain in the chairman of the Committee on Appropriations, and I can see nothing in this plan that would cause her jurisdictional control on appropriations for the Bureau of Commercial Fisheries to be transferred. And that would apply to all other statutes and all other commissions.

Mr. DON H. CLAUSEN. I thank the gentleman for his response because I think it is important to make this legislative history at this point, because there will be lots of people asking that question.

Mr. HOLIFIELD. I think that that is a good question, and I have answered it to the best of my knowledge on the subject matter. Previous reorganization plans did not transfer statutory control out of the jurisdiction of the committees, nor the appropriation committees or committee chairmen.

Mr. DON H. CLAUSEN. I think that by and large most people tend to agree that a committee that works in a given field tends to develop substantially more expertise than would other committees, so that is quite natural and understandable, and is the reason for my concern in this matter, and the reason for the question.

Mr. HOLIFIELD. The establishment of a new department, like the Department of Transportation, for instance, is by regular statute. That

is a different situation than obtains in a reorganization plan.

Mr. DON H. CLAUSEN. I thank the gentleman for his response.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in strong opposition to House Resolution 1209 to disapprove Reorganization Plan No. 3 of 1970. This bold and sweeping reform plan advanced by President Nixon would bring under the roof of a new Environmental Protection Agency a myriad of Government activities for the purpose of waging an all-out coordinated attack on air, land, and water pollution.

In his message to the Congress on July 9, 1970, President Nixon explained the need for a new central agency to deal with the environment in these terms:

Our National Government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action. Despite its complexity, for pollution control purposes the environment must be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness.

Simply speaking, Reorganization Plan No. 3 reorganizes the inadequacies of the current proliferation of pollution functions within the Federal Government, and seeks to rectify them by bringing together these scattered components under the umbrella of a new Environmental Protection Agency. The principal roles and functions of this new agency, EPA, would include the establishment and enforcement of environmental protection standards, conducting research on the adverse effects of pollution and methods and equipment for controlling it, assisting others in combatting pollution through grants and technical assistance, and working closely with the Council on Environmental Quality

in formulating new policies for environmental protection.

Mr. Chairman, I realize that there is some opposition to this new reorganization plan for various reasons. There are those who question the need for both an Environmental Protection Agency and a Council on Environmental Quality, suggesting that there might be a duplication of responsibilities and functions. I think the President handled this question quite well in his message by pointing out that the Council will continue to serve in an advisory capacity to the President on broad policy questions, while the Agency will serve as the actual operating arm of the Federal Government in our overall efforts to combat pollution and protect the environment.

There are others who criticize this plan on the grounds that it is not as comprehensive or all-inclusive as it should be. Many of these critics favor instead a Department of the Environment or a Department of Natural Resources, or a combination of the two. While this proposal may have some merit and should not be rejected out of hand, I firmly believe that we should think twice before creating a new super-bureaucracy along the lines of HEW which every Secretary to date has, in frustration, referred to as an unmanageable monster. Such a proposal could well prove to be counter-productive if it turned out that we had assigned the vital mission of managing the environment to an unmanageable monster.

For these reasons, I strongly support the creation of an Environmental Protection Agency as embodied in Reorganization Plan No. 3. In this proposal we have a realistic and manageable approach to environmental protection. In this proposal we have an agency with clearly delineated duties, responsibilities, and authority. And in this proposal we have what I feel is the best possible approach to

waging the type of coordinated attack on pollution which is so necessary if we are to preserve, protect, and restore our environment.

Finally, Mr. Chairman, in this proposal I think we have the embodiment of what we are striving for in both a decade of reform and a decade of the environment.

Mr. DERWINSKI. Mr. Chairman, it is elementary commonsense to coordinate all Federal programs related to curbing pollution and its causes. Therefore, I support Reorganization Plan No. 3, which would form a new Environmental Protection Agency.

Mr. Chairman, I personally assign extremely high priority to the battle

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against pollution and believe that we are taking a constructive step this afternoon in supporting Reorganization Plan No. 3.

Mr. BLATNIK. Mr. Chairman, I think it is important that we take note of certain aspects of Reorganization Plan No. 3, which, to my mind, causes it to be found wanting. The plan sets up an Environmental Protection Agency, a very high sounding title that I am afraid may give a misleading impression to the public of just what this new agency can do. There is no doubt that we need a greater focus within the Government on the problems of our environment. This is one of the most important issues of the times. I favor a meaningful reorganization of environmental activities—but this plan does not provide it.

First of all the plan is extremely limited in scope. It takes the largest and most effective program that we have—water pollution abatement—and adds to it air pollution and a few other less significant activities—in terms of dollars being spent—and implies that this agency will control the environment. We all know that there

is much more involved in the environment than this.

Meaningful environmental protection surely includes the water and sewer programs now in the Department of Housing and Urban Development. But they should be in this plan. Unfortunately, EPA, as constituted is not adequate even to administer the water program which itself is underfunded and barely holding the line in relationship to the need.

How about aircraft noise? This is a major problem of the environment; but it is not in the plan. It is still in the Department of Transportation. What about oil spills? What about the management of our public lands and forests? What about the environmental pollution caused by the numerous Federal installations spread throughout the land?

Why are all of these important and pertinent programs left out of this widely heralded Environmental Protection Agency? Frankly, I cannot understand why a so-called reorganization to improve our attack on environmental problems would take just the minimum step, as this does, instead of bringing together a significant number of these activities.

Could it be in the way this plan was developed? As I understand it, the plan was prepared by the President's Advisory Council. But I have not been able to find out who was consulted in its drafting. Certainly, those of us in the House who have labored for so many years to develop environmental programs, and who have gained considerable experience in this field were not consulted. If we had been, I think a far better reorganization plan than plan No. 3 could have been put together. I do not wish to criticize the Advisory Council but there must have been poor staff work along the line.

Even this limited plan could well cause confusion in its administration. We have not been given a clear understanding of the distinction between the new EPA and the Council on Environmental Quality. We were told that the Council makes government-wide policy and EPA will be an operating agency for the programs which will be assigned to it. But I must say this is rather unusual in the Government for one agency to make policy and for another to carry it out. I suspect that considerable confusion will arise over the respective roles of these two groups.

The task of a proper reorganization is so great that it should be undertaken by legislation rather than by a reorganization plan. To follow through on this, a bill has already been introduced by several of my colleagues Congressmen MOSS, DINGELL, REUSS and myself—H.R. 19195—which provides a basis for our work. This is preliminary effort and the subcommittee will begin a detailed consideration of this legislation, obtaining all of the necessary background materials and information. I have directed our staff to draw upon all sources and accumulate a complete study of knowledge.

I believe, in this way, that an organization which will truly contribute to the solution of our environmental problem can be produced.

I have tried to make my criticism of plan No. 3 in a positive manner and call upon all Members, industry groups, and interested citizens for their thoughts and suggestions.

The text of H.R. 19195, which creates a Department of Environmental Quality, follows:

H.R. 19195

A bill to establish a Department of Environmental Quality, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Environmental Quality Act".

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby declares that—

(1) the public health, general welfare, and economic growth and stability of the Nation is dependent on the continued availability of unpolluted air and water—our irreplaceable resources; and

(2) high-density urbanization, industrial development and expansion, population growth and concentrations, resource exploitation, and new and expanding technological advances, together with the lack of adequate consideration given by public and private agencies and individuals to the impact of these activities on the total environment, has resulted in mounting dangers to the public health and welfare and our environment.

(b)(1) The Congress therefore finds that the establishment of a Department of Environmental Quality is necessary in the public interest and to protect the public health; to assure the coordinated, effective protection and enhancement of the quality of the environment, to facilitate a coordinated, effective attack on the pollutants which debase the air we breathe, the water we drink and use for recreation and agricultural purposes, and the land that supplies our food and supports our wildlife; to encourage and foster cooperation of Federal, State, and local agencies and foreign governments and private organizations and agencies and individuals toward the prompt achievement of the national environmental quality protection and enhancement objectives set forth in this Act and many other statutes; to stimulate technological advances in pollution control and prevention and environmental protection and enhancement; to provide general leadership nationally and internationally in the identification and solution of environmental problems; and to develop, further define, and to recommend to the President and the Congress new and improved programs, including the adequate financing of such programs and existing programs, and to accomplish these objectives with full and appropriate consideration of the need to encourage the growth and development of the Nation, to improve the daily lives of all of the people of the Nation, and to preserve our national security.

(2) It is hereby declared to be the national policy that the prevention of air and water pollution and the protection and enhancement of the total environment in productive harmony with the social, economic, and other requirements of present and future generations of Americans is in the paramount interest of the United States.

ESTABLISHMENT OF DEPARTMENT

SEC. 3. (a) There is hereby established at the seat of Government an executive department to be known as the Department of

Environmental Quality (hereafter referred to in this Act as the "Department"). There shall be at the head of the Department a Secretary of Environmental Quality (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(c) There shall be in the Department three Assistant Secretaries and a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time. The Assistant Secretaries shall be: for air and water pollution control; for environmental protection; and for international affairs.

(d) There shall be in the Department an Assistant Secretary for Administration, who shall be appointed, with the approval of the President, by the Secretary under the classified civil service who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(e) There is hereby established within the Department a Federal Water Quality Control Administration; a National Air Quality Control Administration; and an Environmental Protection Administration. Each of these components shall be headed by an Administrator. In the case of each Administration, there shall be five Deputy Administrators appointed by the Secretary: for Research and Development; for Loans and Grants, for Standards and Regulations Development and Intergovernmental Coordination; for Enforcement; and for Administration and Public Information. The Administrators shall be appointed by the President, by and with the advice and consent of the Senate.

(f) In addition to such functions, powers, and duties specified in this Act to be carried out by the Administrators, they shall carry out such other functions, powers, and duties as the Secretary may prescribe. The Administrators shall report to the Secretary through the applicable Assistant Secretary and the Under Secretary. Each Deputy Administrator

(according to such order as the appropriate Administrator shall prescribe) shall act for, and exercise the duties of, the

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appropriate Administrator during his absence or disability. Each Administrator shall prescribe the functions, powers, and duties of each of his Deputy Administrators.

(g) The functions, powers, and duties as are specified in this Act to be carried out by an Administrator shall not be transferred elsewhere in the Department unless specifically provided for by reorganization plan submitted pursuant to provisions of chapter 9 of title 5, United States Code, or by Act of Congress enacted after the effective date of this Act.

TRANSFER TO DEPARTMENT

SEC. 4. There are hereby transferred to the Secretary to be administered by him through the Administrator of the Federal Water Quality Control Administration all functions, powers, and duties of the Secretary of the Interior and other offices and officers of the Department of the Interior administered:

(1) by him or by the Federal Water Quality Administration pursuant to (A) the Federal Water Pollution Control Act, as amended, (B) Reorganization Plan Numbered 2 of 1966 (80 Stat. 1608), and (C) section 169(d) (1)(B) and (3) of the Internal Revenue Code of 1954, as amended, but shall not include the functions of the Bureau of Reclamation under section 3(b) (1) of the Federal Water Pollution Control Act, as amended; and

(2) by the Water Resources Division of the Geological Survey, including, but not limited to, the water monitoring functions of the Geological Survey.

(b) There are hereby transferred to the Secretary to be administered by him through such Administrator all functions, powers, and duties of the:

(1) Secretary of Agriculture administered by him through the Farmers Home Administration insofar as such functions, powers, and duties relate to water and sewer facilities; and

(2) Secretary of Housing and Urban Development, the Secretary of Commerce, and the Appalachian Regional Commission insofar as such functions, powers, and duties relate to water and sewer facilities.

(c) (1) There are hereby transferred to the Secretary to be administered by him through the Administrator of the National Air Quality Control Administration all functions, powers, and duties of the Secretary of Health, Education, and Welfare under the Clean Air Act, as amended, and section 169(d) (1)(B) and (3) of the Internal Revenue Code of 1954, as amended.

(2) There are hereby transferred to the Secretary to be administered by him the Air Quality Advisory Board established by section 110 of the Clean Air Act, as amended.

(d) There are hereby transferred to the Secretary to be administered by him through the Administrator of the Environmental Protection Administration all functions, powers, and duties of the:

(1) Secretary of the Interior (A) under the Act of August 1, 1958, as amended (16 U.S.C. 742d-1), relating to studies of effects of insecticides, herbicides, fungicides, and pesticides, (B) which are administered by him through the Gulf Breeze Biological Laboratory, and (C) which are administered by him through the Bureau of Mines insofar as such functions, powers, and duties relate to solid waste management;

(2) Secretary of Health, Education, and Welfare which are administered by him through the Bureau of Solid Waste Management, the Bureau of Water Hygiene, and the Bureau of Radiological Health and which are vested in him for establishing tolerances for pesticide chemicals under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 349) together with authority, in connection with the functions transferred, (A) to monitor compliance with the tolerances and the effectiveness of surveillance and enforcement, and (B) to provide technical assistance to the States and conduct research under the Federal Food, Drug, and Cosmetic Act, as amended, and the Public Health Service Act, as amended, except that those functions, powers, and duties carried out by the Environmental Control Administration of the Environmental Health Service through the Bureau of Community Environmental Management, the Bureau of Occupational Safety and Health, and the Bureau of Radiological Health, are not so transferred insofar as those functions, powers, and duties carried out by the latter Bureau pertain solely to (A) regulation of radiation from consumer products, including electronic product radiation, (B) radiation as used in the healing arts, (C) occupational exposures to radiation, and (D) research, technical assistance, and training related to such clauses (A), (B), and (C);

(3) Secretary of Agriculture (A) under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), under section 408(l) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a(l)), and (B) which are administered through the Environmental Quality Branch of the Plant Protection Division of the Agricultural Research Service;

(4) Secretary of Transportation with respect to, and being administered by him, through the Office of Noise Abatement;

(5) Federal Radiation Council under section 274 of the Act of August 1, 1946, as amended (42 U.S.C. 2021(h)); and

(6) Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, which are administered through the Division of Radiation Protection Standards, to the extent that such functions, powers, and duties consist of establishing and enforcing environmental standards and safeguards for the protection of the general environment from radioactive material which standards are defined to mean: limits on radiation exposures or levels, or concentrations of or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(e) The Secretary, in administering the programs transferred under this section, shall coordinate his activities with those of the departments and agencies which administer such programs prior to the effective date of this Act.

(f) Within one hundred and eighty days after the effective date of this Act, the President may transfer to the Secretary any function of any other agency or office or part thereof if the President determines that such function relates to functions transferred to the Secretary under this section.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In addition to the authority contained in any other Act which is transferred to, and vested in, the Secretary, he or any other officer of the Department may, subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out the provisions of this Act and to prescribe their authority and duties.

(b) The Secretary may obtain services as authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed \$100 per diem for individuals unless otherwise specified in an appropriation Act.

(c) (1) Except where this Act vests in any administration, agency, or board, specific functions, powers, and duties, the Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to or vested in the Secretary in this Act, delegate any of his residual functions, powers, and duties to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties.

(2) In addition to the authority to delegate and redelegate contained in any other Act, in the exercise of the functions transferred to or specified by this Act to be carried out by any officer in the Department, such officer may delegate any of such functions, powers, and duties to such other officers and employees of the Department as he may designate; may authorize such successive redelegations of such functions, powers, and duties as he deems desirable; and may make such rules and regulations as may be necessary to carry out such functions, powers, and duties.

(d) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain said fund.

(e) The Secretary shall cause a seal of office to be made for the Department of such device as he shall approve, and judicial notice shall be taken of such seal.

(f) In addition to the authority contained in any other Act which is transferred and vested in the Secretary, he or any other officer of the Department, as necessary and when not otherwise available, is authorized to provide for, construct, or maintain the following

for employees and their dependents stationed at remote localities:

- (1) emergency medical services and supplies;
- (2) food and other subsistence supplies;
- (3) messing facilities;
- (4) motion picture equipment and film for recreation and training;
- (5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons; and
- (6) living and working quarters and facilities.

The furnishing of medical treatment under clause (1) and the furnishing of services and supplies under clauses (2) and (3) of this subsection shall be at prices reflecting rea-

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sonable value, as determined by the Secretary, and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(g) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary for carrying out the missions of the Department. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

(h) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with, and advice to, the Department in performance of its functions. Such committees shall include members who are drawn from the general public and environmental organizations. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (b) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(i) (1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or persons for the conduct of scientific or technological research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary shall require a showing that the institutions, agencies, organizations, or persons with which he expects to enter into contracts pursuant to this subsection have the capability of doing effective work. He shall furnish such advice and assistance as he believes will best carry out the mission of the Department, participate in coordinating all research initiated under this subsection, indicate the lines of inquiry which seems to him most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutions, agencies, organizations, or persons and between them and other research organizations, the Department, and other Federal agencies.

(3) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals, such information as he deems pertinent on the research carried out pursuant to this section.

(4) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

(j) No research, demonstrations, or experiments shall, after the effective date of this Act, be carried out, contracted for, sponsored, cosponsored or authorized under authority of the Act or any other law transferred to, and vested in, the Secretary, unless all information, uses, products, processes, patents and other developments resulting from such research, demonstrations, or experiments will (with such exception and limitation, if any, as the Secretary may find to be necessary in the public interest) be available to the general public.

(k) (1) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of the department by this Act as the Director of the Office of Management and Budget shall determine shall be transferred to the agency at such time or times as the Director shall direct.

(2) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in paragraph (1) of this subsection shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(1) The Administrators appointed under this Act shall be compensated at the rate now or

hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5314) and the Deputy Administrator appointed under this Act shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule pay rates (5 U.S.C. 5315).

ANNUAL REPORT

SEC. 6. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President and to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISION

SEC. 7. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act, or

(B) in the exercise of duties, powers, or functions which are transferred under this Act, by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, Administrators, Board, or General Counsel (in the exercise if any authority respectively vested in them by this Act, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings to the extent they do not relate to functions so transferred, shall be continued before the Department or agency before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, Administrators, Board, or General Counsel (in the exercise of any authority respectively vested in them by this Act), by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) Such department or agency is transferred to the Secretary, or

(B) any function of such department, agency, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer or office so transferred or functions of which are so transferred shall be deemed to mean the officer or agency in which this Act vests such function after such transfer.

SEPARABILITY

SEC. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

CODIFICATION

SEC. 9. The Secretary is directed to submit to the Congress within two years from the effective date of this Act, a proposed codification of all laws that contain the powers, duties, and functions transferred to or vested in the Secretary or the Department by this Act.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 10. (a) This Act shall take effect ninety days after the Secretary first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 11. (a) Section 19(d)(1) of title 3, United States Code, as amended, is hereby amended by striking out the period at the end thereof and inserting a comma and the following: "Secretary of Environmental Quality."

(b) Section 101 of title 5 of the United States Code, as amended, is amended by inserting at the end the following:

"The Department of Environmental Quality."

(c) The amendment made by subsection (b) of this section shall not be construed to make applicable to the Department any provision of law inconsistent with this Act.

(d) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5 of the United States Code, as amended, is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Environmental Quality."

(2) Section 5313 is amended by adding at the end thereof the following:

"(21) Under Secretary of Environmental Quality."

(3) Section 5314 is amended by adding at the end thereof the following:

"(55) Administrator, Federal Water Quality Control Administration.

"(56) Administrator, National Air Quality Control Administration.

"(57) Administrator, Environmental Protection Administration."

(4) Section 5315 is amended by adding at the end thereof the following:

"(93) Assistant Secretaries of Environmental Quality (3)."

(5) Section 5316 is amended by adding at the end thereof the following:

"(130) Assistant Secretary for Administration, Department of Environmental Quality."

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"(131) General Counsel, Department of Environmental Quality.

"(132) Deputy Administrators, Department of Environmental Quality (15)."

(6) Section 5317 is amended by striking out in the note thereunder "Commissioner, Federal Water Pollution Control Administration, Department of the Interior."

ABOLITIONS

SEC. 12. Subject to the provisions of section 10 of this Act, the following, exclusive of any functions, are hereby abolished:

(1) The Federal Water Quality Administration in the Department of the Interior (33 U.S.C. 466-1); and

(2) The Federal Radiation Council (73 Stat. 690; 42 U.S.C. 2021(h)).

Mr. BROWN of Ohio. Mr. Chairman, current executive branch assignments relating to Federal environmental activities are now scattered among a number of departments and agencies and their assignments bear no resemblance to the interrelated problems of the environment which must be perceived as an interlocked challenge. Having developed piecemeal, responsibility for pollution control is divided primarily according to the medium in which the contaminant occurs although pollution from a single source may be present in them all.

I have looked at this problem from several different directions and from my own observation know that research, standard setting, and policy formulation do not occur on a comprehensive basis.

Water, air, solid waste disposal, and atomic powerplant pollution should be considered together.

In the enforcement area under the Clean Air Act, there is authority vested in the Secretary of Health, Education, and Welfare to set standards and engage in enforcement. As a member of the Interstate and Foreign Commerce Committee where this authority originated, I am very much interested in seeing it transferred to an agency where more concentrated administration and coordinated research can be conducted in associa-

tion with the more sophisticated research and standard setting already developed by the Water Quality Administration.

As a member of the Intergovernmental Relations Subcommittee of the Committee on Government Operations, I participated in a study of the Agricultural Research Service which disclosed the inability of the Department of Health, Education, and Welfare to get information out of the Agricultural Research Service that related the use of pesticides in which the Department of Health, Education, and Welfare was interested and over which the Agricultural Research Service had the licensing authority.

I have seen the frustrations experienced by industry and State and local governments who have had to deal with a fragmented Federal structure.

Therefore, I am delighted to see Reorganization Plan No. 3 of 1970 which would create a nucleus of research, standard setting and enforcement responsibilities in a single agency which will not be able to pass the buck to other agencies.

The standard-setting function is a critical factor in efforts to improve environmental quality and one should not underestimate its leverage. And standards must be based on sound research.

Others may question my terminology, but I look upon the Environmental Protection Agency as the beginning of a strong regulatory agency which should be expanded and strengthened with the inclusion of other environmental protection functions as time goes on. In some instances new legislation will be required and other laws will need revision since, pursuant to the reorganization provisions of 5 U.S.C. 901-913, a reorganization plan cannot create any new authorities or functions.

At the outset, the plan would combine the functions carried out by the

Federal Water Quality Administration—FWQA—now in the Department of the Interior; the National Air Pollution Control Administration—NAPCA—parts of the Environmental Control Administration—ECA—and the pesticides research and regulatory programs of the Food and Drug Administration, all presently located in HEW; the pesticides registration and related authority of the Department of Agriculture; the environmental radiation protection standard-setting function of the AEC; the functions of the Federal Radiation Council; some of the pesticides research conducted by the Bureau of Commercial Fisheries; and authority to conduct ecological systems research, now vested in the Council on Environmental Quality.

One of the advantages that will accrue both to industry and to State and local governments, will be the ability to come to one place in the Federal Government concerned with most of the standard setting that relates to pollution control. It is important that State and local governments, too, deal with the environment as an entity.

The Environmental Protection Agency will enable us to develop much more effective knowledge as to how to deal with pollution in the future. I believe it will be much more effective than what we have had in the past and I view the prospect with enthusiasm.

Therefore, I urge a vote "no" on House Resolution 1209 in order that Reorganization Plan No. 3 of 1970 may become law.

Mr. ROBISON. Mr. Chairman, I am pleased to have the opportunity today to cast my vote for Mr. Nixon's Environmental Protection Agency, EPA, which I regard as an important step toward making protection of our environment and the elimination of pollution a high priority Federal mat-

ter. There are those who criticize the EPA as not going far enough; however, in their zeal to have total immediate reform, they miss the positive aspects of the President's proposal, and they forget that this represents the first administrative reorganization aimed at zeroing-in Federal efforts to improve the environment. The testimony before the House Committee on Government Operations clearly indicates that EPA is just the first of what is anticipated to be a series of steps in eventually bringing all environmental efforts together under one roof.

Rather than being negative—an attitude which we have used all too often in considering protection of the environment—let us look on the positive side of EPA and see what changes it makes. A most important step in the area of radiation standards is moving the Federal Radiation Council's present authority to set maximum permissible radiation-absorption standards to the administrator of the EPA. As a result, the Atomic Energy Commission will no longer have authority to determine at what levels a nuclear plant would operate, but rather that decision will be vested in the EPA. Certainly this is a needed change, given the difficult dual role heretofore occupied by the AEC—that of both promoting and regulating the use of atomic energy.

In the area of water quality, the Federal Water Quality Administration will be shifted intact from the Department of Interior to the EPA; thereby allowing another pollution control agency to be located within the EPA. Although this is the second move in a relatively short period of time for this key water agency, nevertheless I believe the move is justified in order to better focus all of our attention on pollution and pollution control.

Similarly, the National Air Pollution Control Administration, the Bureau of Solid Waste Management, the Bureau of Water Hygiene, part of the Bureau of Radiological Health, and much of the research on and controls over pesticides would be moved to the EPA.

In short, the President has taken important and innovative steps in focusing the attention and energies of one agency on the major environmental questions of our time.

There are some who would have preferred a department as opposed to an agency; there are some who would have suggested additional transfers to EPA; there are some who would have wished all of these pollution control efforts to be placed under Secretary Hickel's juris-

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diction—indeed, I might have preferred such a move. But since this plan is an executive reorganization proposal we can either approve it or disapprove it—we do not have the ability to amend it.

I think that there can be little doubt that on balance—and by a significant margin—the Environmental Protection Agency is a wise and much needed reorganization of Federal efforts, and I am pleased to have the opportunity to vote for it.

Mr. ERLNBORN. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time and, therefore, ask for a vote of "no" on the resolution. A vote of "no" would defeat the resolution of disapproval and allow the reorganization plan to go into effect. I, therefore, ask for a "no" vote on the resolution.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H. RES. 1209

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 3 of 1970 transmitted to the Congress by the President on July 9, 1970.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House, with the recommendation that the resolution be rejected.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SISK) having assumed the Chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 1209, to disapprove Reorganization Plan No. 3, had directed him to report the resolution back to the House with the recommendation that the resolution be rejected.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution, not having the affirmative vote of a majority of the authorized membership of the House, is not agreed to.

So the resolution was rejected.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just voted upon and include extraneous material.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

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Mr. FINDLEY. Mr. Speaker, while most Members of Congress are assigned to only one legislative commit-

tee, it is my good fortune to serve on two committees—Foreign Affairs and Government Operations. The Executive and Legislative Reorganization Subcommittee, of which I am a member, has jurisdiction over all proposals to reorganize the executive branch of Government.

Public concern over air and water pollution and the general state of

the environment was reflected in hearings on President Nixon's proposal to consolidate all related functions in an Environmental Protection Agency. The reorganization plan was accepted by Congress on September 28. It should provide farmers and city dwellers alike greatly needed protection of cropland, air, and water.

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1.2 NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

42 U.S.C. §§4332(2)(c), 4344(5) (1970)

Sec.

4321. Congressional declaration of purpose.

SUBCHAPTER I.—POLICIES AND GOALS

- 4331. Congressional declaration of national environmental policy.
- 4342. Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts.
- 4333. Conformity of administrative procedures to national environmental policy.
- 4334. Other statutory obligations of agencies.
- 4335. Efforts supplemental to existing authorizations.

SUBCHAPTER II.—COUNCIL ON ENVIRONMENTAL QUALITY

- 4341. Reports to Congress; recommendations for legislation.
- 4342. Establishment; membership; Chairman; appointments.
- 4343. *Employment of personnel, experts and consultants.*
- 4344. Duties and functions.
- 4345. Consultation with the Citizen's Advisory Committee on Environmental Quality and other representatives.
- 4346. Tenure and compensation of members.
- 4347. Authorization of appropriations.

§ 4321. Congressional declaration of purpose

The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Pub.L. 91-190, § 2, Jan. 1, 1970, 83 Stat. 852.

SUBCHAPTER I.—POLICIES AND GOALS**§ 4331. Congressional declaration of national environmental policy**

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Fed-

eral Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Pub.L. 91-190, Title I, § 101, Jan. 1, 1970, 83 Stat. 852.

§ 4332. Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts

The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all agencies of

the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by subchapter II of this chapter, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to

initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by subchapter II of this chapter.

Pub.L. 91-190, Title I, § 102, Jan. 1, 1970, 83 Stat. 853.

§ 4333. Conformity of administrative procedures to national environmental policy

All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this chapter and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this chapter.

Pub.L. 91-190, Title I, § 103, Jan. 1, 1970, 83 Stat. 854.

§ 4334. Other statutory obligations of agencies

Nothing in section 4332 or 4333 of this title shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Pub.L. 91-190, Title I, § 104, Jan. 1, 1970, 83 Stat. 854.

§ 4335. Efforts supplemental to existing authorizations

The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of Federal agencies.

Pub.L. 91-190, Title I, § 105, Jan. 1, 1970, 83 Stat. 854.

SUBCHAPTER II.—COUNCIL ON ENVIRONMENTAL QUALITY

§ 4341. Reports to Congress; recommendations for legislation

The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter

referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Pub.L. 91-190, Title II, § 201, Jan. 1, 1970, 83 Stat. 854.

§ 4342. Establishment; membership; Chairman; appointments

There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

Pub.L. 91-190, Title II, § 202, Jan. 1, 1970, 83 Stat. 854.

§ 4343. Employment of personnel, experts and consultants

The Council may employ such officers and employees as may be necessary to carry out its functions under this chapter. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this chapter, in accordance with section

3109 of Title 5 (but without regard to the last sentence thereof).
Pub.L. 91-190, Title II, § 203, Jan. 1, 1970, 83 Stat. 855.

§ 4344. Duties and functions

It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 4341 of this title;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subchapter I of this chapter, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

Pub.L. 91-190, Title II, § 204, Jan. 1, 1970, 83 Stat. 855.

§ 4345. Consultation with the Citizen's Advisory Committee on Environmental Quality and other representatives

In exercising its powers, functions, and duties under this chapter, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Pub.L. 91-190, Title II, § 205, Jan. 1, 1970, 83 Stat. 855.

§ 4346. Tenure and compensation of members

Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates. The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates.

Pub.L. 91-190, Title II, § 206, Jan. 1, 1970, 83 Stat. 856.

§ 4347. Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this chapter not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Pub.L. 91-190, Title II, § 207, Jan. 1, 1970, 83 Stat. 856.

1.2a NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

January 1, 1970, P.L. 91-190, §§102(2)(c), 204(5), 83 Stat. 853, 855

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I**DECLARATION OF NATIONAL ENVIRONMENTAL POLICY**

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the envi-

ronment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

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(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes:

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

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(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971,

such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of these trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as

Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

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SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environ-

ment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not necessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

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SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.

[p. 856]

**1.2a(1) SENATE COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS****S. REP. No. 91-296, 91st Cong., 1st Sess. (1969)****NATIONAL ENVIRONMENTAL POLICY ACT OF 1969**

JULY 9, 1969.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany S. 1075]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 1075) to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert the following language:

SHORT TITLE

SEC. 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I**DECLARATION OF NATIONAL ENVIRONMENTAL POLICY**

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of popu-

lation growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Govern-

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ment to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment;

(b) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a finding by the responsible official that—

(i) the environmental impact of the proposed action has been studied and considered;

(ii) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by other stated considerations of national policy;

(iii) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and that

(iv) any irreversible and irretrievable commitments of resources are warranted.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water, or air;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. The policies and goals set forth in this Act are supplementary to, but shall not be considered to repeal the existing mandates and authorizations of Federal agencies.

TITLE II

SEC. 201. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other

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information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(d) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(e) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(f) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(g) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

SEC. 202. (a) In carrying out the provisions of this title, the President is authorized to designate an agency or agencies to—

(1) make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property, personal services, or facilities to carry out the purposes of this Act;

(2) develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(3) establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

(4) assist and advise State and local government, and private enterprise in bringing their activities into conformity with the purposes of this Act and other Acts designed to enhance the quality of the environment.

(b) There are hereby authorized to be appropriated \$500,000 annually for fiscal years 1971 and 1972, and \$1,000,000 for each fiscal year thereafter.

SEC. 203. In recognition of the additional duties which the President may assign to the Office of Science and Technology to support any council or committee established by the President to deal with environmental problems and in furtherance of the policies established by this Act, there is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

TITLE III

SEC. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 302. (a) The primary function of the Board shall be to study and analyze environmental trends and the factors that affect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

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(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and staff support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board and the Office of Science and Technology shall carry out their duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

SEC. 303. The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the affects of those trends on the social, economic, and other requirements of the Nation.

SEC. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 305. There are hereby authorized to be appropriated \$1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

INTRODUCTION

It is the unanimous view of the members of the Interior and Insular Affairs Committee that our Nation's present state of knowledge, our established public policies, and our existing governmental institutions are not adequate to deal with the growing environmental problems and crises the Nation faces.

The inadequacy of present knowledge, policies, and institutions is reflected in our Nation's history, in our national attitudes, and in our contemporary life. We see increasing evidence of this inadequacy all around us: haphazard urban and suburban growth; crowding, congestion, and conditions within our central cities

which result in civil unrest and detract from man's social and psychological well-being; the loss of valuable open spaces; inconsistent and, often, incoherent rural and urban land-use policies; critical air and water pollution problems; diminishing recreational opportunity; continuing soil erosion; the degradation of unique ecosystems; needless deforestation; the decline and extinction of fish and wildlife species; faltering and poorly designed transportation systems; poor architectural design and ugliness in public and private structures; rising levels of noise; the continued proliferation of pesticides and chemicals without adequate consideration of the consequences; radiation hazards; thermal pollution; and increasingly ugly landscape cluttered with billboards, powerlines, and junkyards; and many, many other environmental quality problems.

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Traditional national policies and programs were not designed to achieve these conditions. But they were not designed to avoid them either. And, as a result, they were not avoided in the past. They are not being avoided today.

Traditional policies were primarily designed to enhance the production of goods and to increase the gross national product. As a nation, we have been very successful at these endeavors. Our gross national product is approaching \$900 billion a year. The American people enjoy the highest standard of living in the world. Our technological ability is unrivaled. But, as a nation, we have paid a price for our material well-being. That price may be seen today in the declining quality of the American environment.

As the evidence of environmental decay and degradation mounts, it becomes clearer each day that the Nation cannot continue to pay the price of past abuse. The costs of air and water pollution, poor land-use policies and urban decay can no longer be deferred for payment by future generations. These problems must be faced while they are still of manageable proportions and while alternative solutions are still available.

If the United States is to create and maintain a balanced and healthful environment, new means and procedures to preserve environmental values in the larger public interest, to coordinate Government activities that shape our future environment, and to provide guidance and incentives for State and local government and for private enterprise must be devised.

In spite of the growing public recognition of the urgency of many environmental problems and the need to reorder national

goals and priorities to deal with these problems, there is still no comprehensive national policy on environmental management. There are limited policies directed to some areas where specific problems are recognized to exist, but we do not have a considered statement of overall national goals and purposes.

As a result of this failure to formulate a comprehensive national policy, environmental decisionmaking largely continues to proceed as it has in the past. Policy is established by default and inaction. Environmental problems are only dealt with when they reach crisis proportions. Public desires and aspirations are seldom consulted. Important decisions concerning the use and the shape of man's future environment continue to be made in small but steady increments which perpetuate rather than avoid the recognized mistakes of previous decades.

Today it is clear that we cannot continue on this course. Our natural resources—our air, water, and land—are not unlimited.¹ We no longer have the margins for error that we once enjoyed. The ultimate issue posed by shortsighted, conflicting, and often selfish demands and pressures upon the finite resources of the earth are clear. As a nation, and as a world, we face these conditions:

A population which is doubling at increasingly shorter intervals;

Demands for resources which are growing at a far greater rate than population; and

¹ An excellent up-to-date assessment of our present resource posture has been prepared by the Committee on Resources and Man, National Academy of Sciences-National Research Council. The summary of findings and recommendations is presented as appendix 1 of the hearings before the Senate Interior Committee, "National Environmental Policy," Apr. 16, 1969.

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A growing technological power which is far outstripping man's capacity to understand and ability to control its impact on the environment.

The committee believes that America's capacity as a nation to confront these conditions and deal more effectively with the growing list of environmental hazards and problems resulting from these conditions can be improved and broadened if the Congress clarifies the goals, concepts, and procedures which determine and guide the programs and the activities of Federal agencies. Moreover, this can be done with the reasonable prospect that State, local, and private action will also be favorably influenced.

The committee is aware, as are other committees of both Houses which handle environmental legislation, that it is extremely difficult in our increasingly complex Government to achieve coordinated responses among the numerous Federal agencies² (aside from private enterprise and State and local agencies) involved in the multiple uses of our Nation's natural resources unless there are established common approaches to determine what actions are necessary to advance the public interest in healthful and quality surroundings. To provide a basis for advancing the public interest, a congressional statement is required of the evolving national objectives of managing our physical surroundings, our land, air, water, open space, and other natural resources and environmental amenities.

In view of this situation, the committee considered, amended and reported S. 1075 to the floor of the Senate.

EXPLANATION OF AMENDMENTS

The committee amended the bill by striking all after the enacting clause, substituting a new text, and amending the title of the bill.

The revised text adopts a number of changes which were suggested to the committee by the administration, representatives of the executive agencies, public witnesses, and committee members during consideration of the bill. The major changes are as follows:

1. A new short title, the "National Environmental Policy Act of 1969" has been added to the bill.

2. The statement of purpose has been revised to reflect amendments adopted by the committee.

3. A new title I which is designated "Declaration of National Environmental Policy," has been added. The new title consists of a congressional recognition of man's dependence upon the environment and a congressional declaration of Federal policy to use "all practicable means consistent with other essential considerations of national policy" to improve and coordinate all Federal activities to the end that certain broad national goals in the management of the environment may be attained. The broad national goals are set out in subsections 101(a) (1) through (6).

Section 101(b) provides a congressional recognition of each person's right to a healthful environment and of each person's responsibility to contribute to the enhancement of the environment.

Section 102 authorizes and directs that the policies, regulations, and public laws of the United States be interpreted and administered in

² A recent analysis conducted by the staff of the Senate Interior Committee showed that environmental programs are presently administered by 63 Federal agencies located within 10 of the 13 departments as well as 16 independent agencies of the executive branch.

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accordance with the policies set forth in the act. This section also directs all Federal agencies to follow certain procedures and operating principles in carrying out their program activities. These procedures and operating principles are set out in subsection 102(a) through (f). They authorize and direct the Federal agencies to utilize an interdisciplinary approach in planning and decision making; to develop procedures to insure that presently unquantified environmental values and amenities are given appropriate consideration; to include in legislative reports and recommendations for major Federal actions certain findings related to the environment; to develop appropriate alternatives to recommended courses of action involving unresolved environmental conflicts; to support appropriate activities designed to deal with international environmental problems; and to review and report upon present authority, policy, and procedures for conformity to the purposes of this act.

Section 102 provides that the policies and goals set forth in the act are supplemental to the existing mandates and authorizations of all Federal agencies.

4. Title I of S. 1075 as introduced, is now title II of S. 1075 as reported. As amended, title II authorizes all agencies of the Federal Government to conduct ecological research and surveys in conjunction with their existing programs and authorities. In S. 1075 as introduced, this authority was limited to the Secretary of the Interior. The express authority granted to the Federal agencies is set out in subsections 201 (a) through (g).

Section 202, as amended, authorizes the President to designate an agency or agencies to make grants, including training grants, to carry out the purposes of title II. In S. 1075, as introduced, this authority was granted to the Secretary of the Interior. The amendment reflects the committee's judgment that the President should have the authority to designate the lead agency or agencies to carry out the provisions of section 202. The committee added a limitation on the appropriation authorization in the amounts of \$500,000 annually for fiscal years 1971 and 1972, and \$1,000,000 for each year thereafter.

In recognition of the additional duties in the field of environmental administration which have been delegated to the Office of Science and Technology and to further the policies set forth in the act, section 203 authorizes the establishment of an additional position with the title "Deputy Director" in the Office of Science and Technology.

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PURPOSE

The purpose of S. 1075, the National Environmental Policy Act of 1969, is to establish, by congressional action, a national policy to guide Federal activities which are involved with or related to the management of the environment or which have an impact on the quality of the environment.

Recent years have witnessed a growing public concern for the quality of the environment and the manner in which it is managed. The cause of this concern appears to be twofold: First, the evidence of environmental mismanagement is accumulating at an ever-increasing rate as a result of population growth, increased pressures on a finite resource base, and advancing technological developments which have enlarged man's capacity to effectuate environmental change. Second, the American people—as a result of growing affluence, more leisure time, and a recognition of the consequences of continuing many present environmental trends are placing a much higher value on the quality of the environment and their surroundings than ever before.

The public's growing concern has figured prominently in many different areas of Federal activity. Most often it is seen in the form of citizen indignation and protest over the actions or, in some cases, the lack of action of Federal agencies. Examples of the rising public concern over the manner in which Federal policies and activities have contributed to environmental decay and degradation may be seen in the Santa Barbara oil well blowout; the current controversy over the lack of an assured water supply and the impact of a super-jet airport on the Everglades National Park; the proliferation of pesticides and other chemicals; the indiscriminate siting of steam fired powerplants and other units of heavy industry; the pollution of the Nation's rivers, bays, lakes, and estuaries; the loss of publicly owned seashores, open spaces, and other irreplaceable natural assets to industry, commercial users, and developers; rising levels of air pollution; federally sponsored or aided construction activities such as highways, air-

ports, and other public works projects which proceed without reference to the desires and aspirations of local people.

S. 1075 is designed to deal with many of the basic causes of these increasingly troublesome and often critical problems of domestic policy. A primary purpose of the bill is to restore public confidence in the Federal Government's capacity to achieve important public purposes and objectives and at the same time to maintain and enhance the quality of the environment. It is the Committee's belief that S. 1075 will also provide a model and a demonstration to which State governments may look in their efforts to reorganize local institutions and to establish local policies conducive to sound and environmental management. This objective is of great importance because many of the most serious environmental problems the Nation faces are within the scope and, often, within the exclusive jurisdiction of State action and State responsibility.

S. 1075 is also designed to deal with the long-range implications of many of the critical environmental problems which have caused great public concern in recent years. The challenge of environmental management is, in essence, a challenge of modern man to himself. The principal threats to the environment and the Nation's life support system are those that man has himself induced in the pursuit of material wealth,

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greater productivity, and other important values. These threats—whether in the form of pollution, crowding, ugliness, or in some other form—were not achieved intentionally. They were the spin-off, the fallout, and the unanticipated consequences which resulted from the pursuit of narrower, more immediate goals.

The purpose of S. 1075 is, therefore, to establish a national policy designed to cope with environmental crisis, present or impending. The measure is designed to supplement existing, but narrow and fractionated, congressional declarations of environmental policy.

The "National Environmental Policy Act of 1969" would contribute to a more orderly, rational, and constructive Federal response to environmental decisionmaking in five major ways. These are briefly set out below:

1. Management of the environment is a matter of critical concern to all Americans. Virtually every agency of the Federal Government plays some role in determining how well the environment is managed. Yet, many of these agencies do not have a mandate, a body of law, or a set of policies to guide their actions which have

an impact on the environment. In fact, the authorizing legislation of some agencies has been construed to prohibit the consideration of important environmental values.

Section 101 of S. 1075 rectifies this by providing a congressional declaration that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal planning and activities to the end that certain broad national goals in the management of the environment may be attained.

2. A statement of national policy for the environment—like other major policy declarations—is in large measure concerned with principle rather than detail; with an expression of broad national goals rather than narrow and specific procedures for implementation. But, if goals and principles are to be effective, they must be capable of being applied in action. S. 1075 thus incorporates certain “action-forcing” provisions and procedures which are designed to assure that all Federal agencies plan and work toward meeting the challenge of a better environment.

3. One of the major factors contributing to environmental abuse and deterioration is that actions—often actions having irreversible consequences—are undertaken without adequate consideration of, or knowledge about, their impact on the environment. Section 201 seeks to overcome this limitation by authorizing all agencies of the Federal Government, in conjunction with their existing programs and authorities, to conduct research, studies, and surveys related to ecological systems and the quality of the environment. This section also authorizes the agencies to make this information available to the public, to assist State and local government, and to utilize ecological information in the planning and development of resource-oriented projects.

Recognizing the leading role which the President has delegated to the Office of Science and Technology for the coordination of Federal activities in the area of environmental administration, the committee has adopted provisions designed to assist and strengthen this office.

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The committee also authorizes the President to designate one or more lead agencies to carry out a grant program, to maintain an inventory of development projects which make significant environmental modifications, to establish a data collection system, and to assist State and local governments.

4. Title III establishes an independent, high-level, three-member Board of Environmental Quality Advisers in the Executive Office of the President. The Board is patterned very closely after the Council of Economic Advisers which was established by the Full Employment Act of 1946.

The Board's function is to provide a continuing study and analysis of environmental trends and the factors which affect these trends, and to relate each area of study and analysis to the social, economic, health, and conservation goals of the Nation. The Board will provide an overview of how effectively the Nation is maintaining a quality environment for future and present generations. In addition, it will be uniquely equipped to serve an early warning function by identifying emerging environmental problems at an early date so that proper responses may be prepared before situations reach crisis proportions and before the costs of dealing with problems grow large.

The Board would also strengthen the Office of the President by providing advice, assistance, and staff support on the formulation of national policies and other measures to improve the quality of the environment. In addition, the Board would assist the President in the preparation of an annual environmental quality report.

5. Section 303 requires the President to submit to the Congress an annual environmental quality report on the current status and condition of the major natural, manmade, and altered environmental systems of the Nation. In addition, the report is to identify current and foreseeable trends in quality, management, and the utilization of these environmental systems and the effects of these trends on the social, economic, and other requirements of the Nation.

At present, there is no report available which summarizes and brings together in one convenient place an authoritative and periodic statement on the status of the environment. Instead, there are hundreds of reports which deal with some small aspect of environmental management. More often than not these are technical in nature and do not provide meaningful measures of how well the Nation is meeting environmental goals and objectives. The annual report required by S. 1075 would provide a baseline and a periodic objective statement of national progress in achieving a quality environment for present and future generations of Americans.

BACKGROUND

Legislative history

S. 1075, the National Environmental Policy Act of 1969, was

introduced in the 91st Congress on February 18, 1969, by Senator Jackson. Hearings on this and two related bills introduced by Senators Nelson (S. 1752) and McGovern (S. 237) were held on April 16, 1969,

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before the full Committee on Interior and Insular Affairs.³ Following a staff study and consultations with the staff of the Office of Science and Technology and with representatives of a number of the Federal departments, the committee considered S. 1075 in executive session on June 18, 1969. Following the adoption of a number of committee amendments, the measure was ordered reported to the Senate on June 18, 1969. At the request of the Director of the Office of Science and Technology and representatives of the Bureau of the Budget, the committee voted, on July 8, 1969, to reconsider the measure for the purpose of considering additional amendments. The amendments were proposed by the Bureau of the Budget in a July 7, 1969, letter to the chairman of the committee. The proposed amendments to titles I and II of S. 1075 were adopted. Amendments proposed to title III by the Bureau of the Budget were adopted in part and rejected in part. Following the adoption of other amendments suggested by members of the committee, the measure was ordered reported to the Senate on July 8, 1969.

S. 1075, as introduced, was substantially the same measure as S. 2805 which was introduced in the 90th Congress on December 15, 1967, by Senators Jackson and Kuchel. The far-reaching objectives of S. 2805 and similar legislation introduced in the 90th Congress by Members of both Houses were considered at a unique joint House-Senate colloquium convened by the chairmen of the Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics on July 17, 1968, to discuss a national policy for the environment.⁴

Many of the concepts and ideas incorporated in S. 1075 were drawn from ambitious measures introduced in previous Congresses. Of particular relevance were S. 2549, the Resources and Conservation Act, introduced by Senator Murray in 1959 and S. 2282 introduced by Senator Nelson in the 89th Congress. The Murray bill, endorsed by a distinguished group of Senators in the 86th and subsequently in the 87th Congress, called for the establishment of more efficient machinery in the President's Office to coordinate resource conservation on the

³ National environmental policy, hearings held before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong., first sess., on S. 1075, S. 1752, and S. 237, Apr. 16, 1969.

S. 1752, as introduced by Senator Nelson, would create a five-member Council on Environmental Quality in the Office of the President. This Council would be responsible for assisting the President in preparing an annual environmental quality report which would be transmitted to Congress. The report would be reviewed by a Joint Committee on Environmental Quality. The measure would also authorize the Secretary of the Interior to conduct studies of the natural environment, evaluate and disseminate such information, and consult with and provide technical assistance to departments and agencies of the Government.

S. 237, as introduced by Senator McGovern, would require that the President transmit to the Congress an annual report on the state of the environment. The measure would also authorize the creation of a Council of Advisers on Resources, Conservation, and the Environment which would be in the Executive Office of the President. The three-member Council would assist the President in the preparation of the annual report and in developing and recommending national policies to maintain and improve the environment. For the purpose of consideration of the annual report and plan, this bill would establish in the Senate and the House, special committees to be known as the Select Committees on Resources, Conservation, and Environment.

⁴ The proceedings were published under the title: "Joint House-Senate Colloquium To Discuss a National Policy for the Environment," hearing before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

Following the colloquium, a "Congressional White Paper" was prepared at the request of Cochairman Henry M. Jackson and George Miller by the Legislative Reference Service, Library of Congress. This document, issued as a joint committee print by the Senate Interior Committee and House Science and Astronautics Committee and distributed to the entire Congress in October 1968, summarized the key points raised in the dialog between Members of the Congress and the colloquium participants which included five Cabinet Secretaries, the President's Science Adviser, Mr. Laurance Rockefeller, and Dean Don K. Price of Harvard.

A special report to the Committee on Interior and Insular Affairs on "A National Policy for the Environment" was prepared for the committee's use and was printed as a committee print on July 11, 1968. The report was prepared by Dr. Lynton K. Caldwell of Indiana University and William J. Van Ness, special counsel to the committee. The report was used as a background document for the colloquium. It raises and discusses in detail many of the issues and questions implicit in establishing a national environmental policy.

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basis of national goals. The Nelson bill included broad provisions to cope with inadequate use and application by Federal agencies of ecological knowledge and research methods for attaining better management of our physical environment. Extensive hearings were held on each of these and other environmental measures before the Senate Interior Committee.⁵

Other concepts and ideas incorporated into S. 1075 were drawn from the proceedings of the previously mentioned joint House-Senate colloquium, from technical reports, conferences and symposia, and from books and journals dealing with environmental problems.⁶

In addition, the committee has reviewed and drawn upon concepts and ideas incorporated into many measures introduced in this and previous Congresses related to various aspects of environmental management.⁷

Need for the measure

This committee has compiled a great deal of testimony demonstrating instances of shortcomings, problems, and even national crises arising in many respects from the inadequacies of the Na-

tion's environmental management policies and practices. Similar evidence has been compiled by other congressional committees and is a recurrent topic in the news media and in popular and technical publications.

Extensive collections of commentary regarding specific examples of environmental problems along with commentary by recognized spokesmen and authorities in the field have been published by this committee in the transcripts of the joint House-Senate colloquium to discuss a national policy for the environment (90th Cong., second sess.), in the hearing on a national environmental policy (91st Cong., first sess.), and elsewhere.⁵ The latter document includes an appendix entitled "Bibliography on Environmental Issues," which lists numerous books, papers, articles, and other published material dealing with the critical problems of the environment.

It would be impracticable to attempt a summary of this voluminous data in this report. Drawing upon the testimony presented to this and other committees, however, the committee believes that the following basic propositions summarize the situation of contemporary America and the Federal Government regarding the management of the environment:

⁵ Proposed Resources and Conservation Act of 1960, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 86th Cong., second sess. on S. 2549, Jan. 25, 26, 28, and 29, 1960. Ecological Research and Surveys, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 89th Cong., second sess., April 27, 1966, on S. 2282.

⁶ For a detailed listing of these documents see App. A, entitled "A Documentation on Environmental Problems," p. 25, in *A National Policy for the Environment*, committee print, Senate Interior and Insular Affairs Committee, July 11, 1968; see also the "Bibliography on Environmental Issues," pp. 192-204 in *National Environmental Policy*, hearing before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong. on S. 1075, S. 237, and S. 1752, Apr. 16, 1969.

⁷ In the closing days of the 90th Cong., the Legislative Reference Service tabulated over 100 bills which were directly concerned with environmental issues, covering a broad area of interest—cleaning up the Nation's rivers and better approaches to smog control, improving the use of open space and prevention of disorderly encroachment by superhighways, factories and other developments, improved protection of areas of high fertility, wiser application of pesticides, whose residues affect both man and wildlife, and the control of urban sprawl, unsightly junkyards, billboards, and power facilities that lower the amenities of landscape.

In the present Congress, an initial tabulation indicates that over 40 bills have been introduced which are concerned either with a national policy for the environment or the establishment of machinery to study the overall problems of the human environment. Of the 16 standing committees of the Senate, eight have broad jurisdiction of this type of legislation. Of the 21 House standing committees, 11 are similarly involved. See "A National Policy for the Environment," app. B, p. 29, committee print of the Senate Interior and Insular Affairs Committee, July 11, 1968; "Congressional White Paper on A National Policy for the Environment," app. p. 17, Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics, October 1968; and Legislative Reference Service Multilith, TP 450, SP 170 entitled "Environmental Quality: Selected Bills and Resolutions," June 20, 1969.

⁸ See, for example, "Selected Excerpts on Environmental Management Policy," in the Congressional Record, Feb. 6, 1968, by Senator Jackson, and the committee publications cited in previous footnotes.

1. Population growth and increasing per capita material demands are placing unprecedented pressures upon a finite resource base.

2. Advancing scientific knowledge and technology have vastly enlarged man's ability to alter the physical environment.

3. The combination of the foregoing conditions presents a serious threat to the Nation's life support system. The pursuit of greater material wealth and increased productivity, the quest for scientific knowledge, and the requirements of worldwide responsibilities have had unplanned and often unforeseen consequences in the form of resource depletion, pollution, ill conceived urbanization, and other aspects of environmental degradation.

4. The attainment of effective national environmental management requires the Nation's endorsement of a set of resource management values which are in the long-range public interest and which merit the support of all social institutions. The Federal role will involve in some measure nearly every Federal agency. Successful Federal leadership in environmental management must be based upon the best possible information and analyses concerning the status and trends of environmental conditions. Federal action must rest upon a clear statement of the values and goals which we seek; in short, a national environmental policy.

There is no general agreement as to how critical the Nation's present environmental situation has become. Some respected scholars insist that a number of crises already exist. Others maintain that there is yet time to prevent them. There is nearly unanimous agreement, however, that action is needed and that, at least in some instances, dangerous conditions exist.

The Senate Interior and Insular Affairs Committee has not concluded that the complex environmental problems we face are susceptible of easy solution. It is however, clear that the Congress cannot disavow its responsibility to establish basic policies and to exercise supervisory powers over the agencies it has created. The Senate Committee on the Judiciary stated this responsibility clearly:

Policy-making is not a function that can be performed properly by a small group of appointed officials, no matter how able or well intentioned. Only in Congress, where the Members are directly answerable to the electorate, can competing political interests be adequately represented and properly accommodated.

In gathering testimony on various aspects of national environmental policy over the past decade, the Senate Interior Committee has received broad support and encouragement from diverse segments of American society—from the scientific community, the universities, business and labor, and from public affairs groups. The committee believes that it is necessary to move ahead to define the “environmental” desires of the American people in operational terms that the President, Government agencies at all levels, the courts, private enterprise, and the public can consider and act upon.

RELATIONSHIP OF S. 1075 TO EXISTING POLICIES AND INSTITUTIONS

Existing policies

Congress over the past decade has passed a procession of landmark conservation measures on behalf of recreation and wilderness, national

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recreational planning, national water planning and research, wilderness preservation, review of public land policies, establishment of a system of national trails and a system of national scenic rivers, air and water pollution control, noise abatement, preservation of endangered wildlife, urban planning for open space, oceanography, beautification of highways, protection of shorelines and estuaries, and other related areas. Many of these measures originated in the Senate Interior and Insular Affairs Committee.⁹ Others originated in other committees of both the Senate and House. All of them, in specific and specialized ways, constitute congressional mandates on various aspects of environmental policy. Taken together, these measures provide an impressive record of congressional action and concern.

Nevertheless, on the basis of recent hearings, seminars, colloquia, and staff studies conducted by the committee, it is clear that there is very real reason for concern for those areas in which no policies have been established or in which the conflicting operational policies of different agencies are frustrating and complicating the achievement of environmental quality objectives which are in the interest of all. Many older operating agencies of the Federal Government, for example, do not at present have a mandate within the body of their enabling laws to allow them to give adequate attention to environmental values. In other agencies, especially when the expenditure of funds is involved, an official's

latitude to deviate from narrow policies or the “most economical alternative” to achieve an environmental goal may be strictly circumscribed by congressional authorizations which have overlooked existing or potential environmental problems or the limitations of agency procedures. There is also reason for serious concern over the activities of those agencies which do not feel they have sufficient authority to undertake needed research and action to enhance, preserve, and maintain the qualitative side of the environment in connection with development activities.

S. 1075, as reported by the committee, would provide all agencies and all Federal officials with a legislative mandate and a responsibility to consider the consequences of their actions on the environment. This would be true of the licensing functions of independent agencies as well as the ongoing activities of the regular Federal agencies.

In addition, by providing a statement of national environmental goals, policies, and procedures, S. 1075 would give renewed and vigorous emphasis to the importance of existing environmental programs and legislation.

The problem of providing for better Federal environmental management practices is not totally caused by the lack of a policy. As noted earlier, there are many specific and specialized legislative policies on some aspects of the environment. The present problem also involves the need to rationalize and better coordinate existing policies and to provide means by which they may be continuously reviewed to determine whether they meet the overall goal of a quality life in a quality environment for all Americans.

⁹ See for example, “A Brief Presentation of the Committee’s History and Jurisdiction, and A Summary of its Accomplishments During the 90th Congress,” committee print, Committee on Interior and Insular Affairs, U.S. Senate, 90th Cong., 2d Sess.

See, also the existing legislation which affects coordination of Federal, air quality, water quality, solid waste disposal, and related public works projects cited in S. 2391, introduced by Senator Muskie and others on June 12, 1969.

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Titles II and III of S. 1075 provide coordinating and oversight measures which are designed to insure that a coordinated Federal response to the problems of environmental management is prepared.

Existing institutions

The Federal Government, at present, is not well structured for the administration of complex environmental issues or to offer meaningful alternatives to past methods of coping with environmental problems.¹⁰ Compensatory measures have been sought

through interagency agreements and understandings which require joint consultation and planning in specified cases of natural resources administration.¹¹

While this represents an improvement in some areas of environmental administration and policymaking, the compensatory measures are more in the nature of palliatives than basic reforms, more in the nature of administrative statesmanship rather than basic policy determinations. In effect, they treat the symptoms rather than the basic problems.

Functions of oversight and assessment, insofar as they are presently fulfilled, are vested with a number of committees of the Congress and with the Bureau of the Budget. Budget's concern has proven to be more fiscal than policy oriented. The segmented committee structure of Congress, coupled with inadequate time and staff to survey the broad range of environmental quality problems, make it improbable that all of the committees of Congress will, or can be expected to, provide a continuous and informed substitute for legislation through which a comprehensive environmental public policy can be developed and applied.¹²

The present administration has recognized that dealing with complex environmental questions requires the establishment of a focal point for the consideration of environmental values within the Federal Government. On June 3, 1969, President Nixon established by Executive Order 11472 an interagency Environmental Quality Council to be composed of six Cabinet officers and to be chaired by himself. The Executive order also established a Citizens' Advisory Committee on Environmental Quality, revoked a number of prior Executive orders, and delegated certain staff functions to the Director of the Office of Science and Technology.

During the April 16 hearings on S. 1075, members of the Committee expressed approval of the announcement by the Secretary of the Interior and the President's science adviser of the President's intent to establish this interagency Council on the environment. There was general agreement that the Council could be effective in dealing with environmental problems which were of concern to more than one Department of the Federal Government and which required "action."

Many members of the Committee did, however, question whether an interagency council alone could provide the objective and impartial advice and adversary support the President needs in dealing with environmental problems.

¹⁰ This deficiency has been thoroughly discussed in two documents of the National Academy of Sciences: Paul Weiss, "Renewable Resources: A Report to the Committee on Natural

Resources" (NAS-NRC Publ. No. 100A, 1962; "Resources and Man," NAS-NRC. (In press.) Also see Lynton K. Caldwell, "Administrative Possibilities for Environmental Control," in *The Future Environments of North America* (Natural History Press, 1966), and the hearings on S. 1075.

¹¹ The inadequacies of such compensatory measures are discussed in the following: Stephen K. Bailey, "Managing the Federal Government," in *Agenda for the Nation* (Brookings Institution, 1968).

¹² This fundamental issue was fully discussed in the "Congressional White Paper on a National Policy for the Environment," *op. cit.*

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Senator Jackson, in a dialog with Dr. DuBridge, noted that—

* * * the advice, with all due respect, that the President would receive from the departments will be advice that will not be adverse to them. It will be compromised advice. This has been the history of the agencies. It is hard for the President to get objective advice. This is why the Bureau of the Budget plays such an important role. This is why your office [Office of Science and Technology] plays an important role. You have science in every department of the Government, and the President really needs to be armed with information with which he can effectively deal with the Cabinet departments. He needs to be armed with impartial advice, even advice of an adversary nature which will place the options for decision before the President.

What I am concerned about, you see, is whether or not the President is going to be presented with a series of options that stem from an impartial source. This is casting no reflection on any department, but every Cabinet officer gets pressures right from the bottom on up.

Concern was also expressed by other members of the Committee over whether the President and the Cabinet officers involved would have the time and energy to provide the continuity of effort required. Concern was voiced over the level of staff support which the Office of Science and Technology would be able to make available to assist the President's Council.

Based upon a review of the strengths and weaknesses of both the President's Council and an independent board of environmental advisers as proposed in S. 1075, the Committee believes that both are needed. Their functions and activities as expressed in the Executive order and in title III of S. 1075 are not in conflict. They are complementary bodies: one action-oriented and composed of those Cabinet officers chiefly concerned with environmental matters, and the other providing objective and impartial advice as well as a long-range overview and problem identification function.

SUMMARY

Although historically the Nation has had no considered policy for its environment, the unprecedented pressures of population and the impact of science and technology make a policy necessary today. The expression "environmental quality" symbolizes the complex and interrelated aspects of man's dependence upon his environment. Most Americans now understand, far better than our forebears could, the nature of man-environment relationships. The evidence requiring timely public action is clear. The Nation has in many areas overdrawn its bank account in life-sustaining natural elements. For these elements—air, water, soil, and living space—technology at present provides no substitutes. Past neglect and carelessness are now costing us dearly, not merely in opportunities forgone, in impairment of health, and in discomfort and inconvenience, but also in a demand upon tax dollars upon personal incomes, and upon corporate earnings. The longer we delay meeting our environmental responsibilities, the longer the growing list of "interest charges" in environmental deteriora-

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tion will run. The cost of remedial action and of getting on to a sound basis for the future will never again be less than it is today.¹³

Natural beauty, increased recreational opportunity, urban esthetics and other amenities would be important byproducts of a national environmental policy. They are worthy and important public objectives in their own right. But the compelling reasons for a national policy are more deeply based. The survival of man, in a world in which decency and dignity are possible, is the basic reason for bringing man's impact on his environment under informed and responsible control. The economic costs of maintaining a life-sustaining environment are unavoidable. We have not understood the necessity for respecting the limited capacities of nature in accommodating itself to man's exactions, nor have we properly calculated the cost of adaptation to deteriorating conditions. In our management of the environment we have exceeded its adaptive and recuperative powers, and in one form or another we must now pay directly the costs of maintaining air, water, soil, and living space in quantities and qualities sufficient to our needs. Economic good sense requires the declaration of a policy and the establishment of a comprehensive environmental quality program now. Today we have the option of channeling some of our wealth into the protection of our future. If we fail to do this in an adequate and timely manner, we may find ourselves confronted, even in this

generation, with an environmental catastrophe that could render our wealth meaningless and which no amount of money could ever cure.

SECTION-BY-SECTION ANALYSIS

Section 1

This section provides that this act may be cited as the National Environmental Policy Act of 1969.

Section 2

This section sets forth the purposes of the act. The purposes of the act are to declare a national environmental policy; to promote efforts to prevent environmental damage and to better the health and welfare of man; to enlarge and enrich man's understanding of the ecological systems and natural resources important to the Nation; and to establish in the Executive Office of the President a Board of Environmental Quality Advisers.

TITLE I

Section 101 (a)

This section is a declaration by the Congress of a national environmental policy. The declaration is based upon a congressional recognition of mankind's dependence upon his physical and biological surroundings for material goods and cultural enrichment. It is further based upon a recognition of the increasing pressures exerted upon the environment as a result of population growth, urbanization, industrial expansion, resource exploitation, and technological development.

The continuing policy and responsibility of the Federal Government is declared to be that, consistent with other essential considerations of national policy, the activities and resources of the Federal Government shall be improved and coordinated to the end that the Nation may

¹³ For a discussion of the economic and social costs of continuing past environmental management practices see page 5, "A National Policy for the Environment," Committee Print, Senate Interior and Insular Affairs Committee, July 11, 1968.

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attain certain broad national goals in the management of the environment. The broad national goals are as follows:

(1) Fulfill the responsibilities of each generation as trustee of the environment for future generations. It is recognized in this

statement that each generation has a responsibility to improve, enhance, and maintain the quality of the environment to the greatest extent possible for the continued benefit of future generations.

(2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings. The Federal Government, in its planning and programs, shall strive to protect and improve the quality of each citizen's surroundings both in regard to the preservation of the natural environment as well as in the planning, design, and construction of manmade structures. Each individual should be assured of safe, healthful, and productive surroundings in which to live and work and should be afforded the maximum possible opportunity to derive physical, esthetic, and cultural satisfaction from his environs.

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences. The resources of the United States must be capable of supporting the larger populations and the increased demands upon limited resources which are inevitable in the future. To do so, it is essential that the widest and most efficient use of the environment be made to provide both the necessities and the amenities of life. In seeking intensified beneficial utilization of the earth's resources, the Federal Government must take care to avoid degradation and misuse of resources, risk to man's continued health and safety, and other undesirable and unintended consequences.

(4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible an environment which supports diversity and variety of individual choice. The pace of urbanization coupled with population growth and man's increasing ability to work unprecedented change in the natural environment makes it clear that one essential goal in a national environmental policy is the preservation of important aspects of our national heritage. There are existing programs which are designed to achieve these goals, but many are single-purpose in nature and most are viewed as being within the province of a particular agency of Government. This subsection would make it clear that all agencies, in all of their activities, are to carry out their programs with a full appreciation of the importance of maintaining important aspects of our national heritage.

This subsection also emphasizes that an important aspect of national environmental policy is the maintenance of physical surroundings which provide present and future generations of American people with the widest possible opportunities for diversity

and variety of experience and choice in cultural pursuits, in recreational endeavors, in esthetics and in living styles.

(5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities. This subsection recognizes that population increases underlie many of the resource and environmental problems which are being experienced in America. If the Nation's present high standards of living are to be made available to all of our citizens and if the general and growing desire of our people for greater participation in the

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physical and material benefits, in the amenities, and in the esthetic enjoyment afforded by a quality environment are to be satisfied, the Federal Government must strive to maintain magnitude and distribution of population which will not exceed the environment's capability to provide such benefits.

(6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. In recent years a great deal of the emphasis of legislative and executive action regarding environmental matters has concentrated upon the protection and improvement of quality of the Nation's renewable resources such as air and water. It is vital that these efforts be continued and intensified because they are among the most visible, pressing, and immediate concerns of environmental management.

It is also essential that means be sought and utilized to improve the effectiveness of recycling of depletable resources such as fiber, chemicals, and metallic minerals. Improved material standards of living for greater numbers of people will place increased demands upon limited raw materials. Furthermore, the disposal of wastes from the nonconsumptive single use of manufactured goods is among our most critical pollution problems. Emphasis must be placed upon seeking innovative solutions through technology, management, and, if necessary, governmental regulation.

Section 101 (b)

This subsection asserts congressional recognition of each person's fundamental and inalienable right to a healthful environment. It is apparent that the guarantee of the continued enjoyment of any individual right is dependent upon individual health and safety. It is further apparent that deprivation of an individual's right to a healthful environment will result in the degradation or elimination of all of his rights.

The subsection also asserts congressional recognition of each individual's responsibility to contribute to the preservation and enhancement of the environment. The enjoyment of individual rights requires respect and protection of the rights of others. The cumulative influence of each individual upon the environment is of such great significance that every effort to preserve environmental quality must depend upon the strong support and participation of the public.

Section 102

The policies and goals set forth in section 101 can be implemented if they are incorporated into the ongoing activities of the Federal Government in carrying out its other responsibilities to the public. In many areas of Federal action there is no body of experience or precedent for substantial and consistent consideration of environmental factors in decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority for the consideration of environmental factors which conflict with other objectives.

To remedy present shortcomings in the legislative foundation of existing programs, and to establish action-forcing procedures which will help to insure that the policies enunciated in section 101 are implemented, section 102 authorizes and directs that the existing body of Federal law, regulation, and policy be interpreted and administered to the fullest extent possible in accordance with the policies set forth

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in this act. It further establishes a number of operating procedures to be followed by all Federal agencies as follows:

(a) Wherever planning is done or decisions are made which may have an impact on the quality of man's environment, the responsible agency or agencies are directed to utilize to the fullest extent possible a systematic, interdisciplinary, team approach. Such planning and decisions should draw upon the broadest possible range of social and natural scientific knowledge and design arts. Many of the environmental controversies of recent years have, in large measure, been caused by the failure to consider all relevant points of view in the planning and conduct of Federal activities. Using an interdisciplinary approach that brought together the skills of the landscape architect, the engineer, the ecologist, the economist, and other relevant disciplines would result in better planning and better projects. Too often planning is the exclusive province of the engineer and cost analyst.

(b) All agencies which undertake activities relating to environmental values, particularly those values relating to amenities and aesthetic considerations, are authorized and directed to make efforts to develop methods and procedures to incorporate those values in official planning and decisionmaking. In the past, environmental factors have frequently been ignored and omitted from consideration in the early stages of planning because of the difficulty of evaluating them in comparison with economic and technical factors. As a result, unless the results of planning are radically revised at the policy level—and this often means the Congress—environmental enhancement opportunities may be forgone and unnecessary degradation incurred. A vital requisite of environmental management is the development of adequate methodology for evaluating the full environmental impacts and the full costs of Federal actions.

(c) Each agency which proposes any major actions, such as project proposals, proposals for new legislation, regulations, policy statements, or expansion or revision of ongoing programs, shall make a determination as to whether the proposal would have a significant effect upon the quality of the human environment. If the proposal is considered to have such an effect, then the recommendation or report supporting the proposal must include statements by the responsible official of certain findings as follows:

(i) A finding shall be made that the environmental impact of the proposed action has been studied and that the results of the studies have been given consideration in the decisions leading to the proposal.

(ii) Wherever adverse environmental effects are found to be involved, a finding must be made that those effects cannot be avoided by following reasonable alternatives which will achieve the intended purposes of the proposal. Furthermore, a finding must be made that the action leading to the adverse environmental effects is justified by other considerations of national policy and those other considerations must be stated in the finding.

(iii) Wherever local, short-term uses of the resources of man's environment are being proposed, a finding must be made that such uses are consistent with the maintenance and enhancement of the long-term productivity of the environment.

(iv) Wherever proposals involve significant commitments of resources and those commitments are irreversible and irretrievable under conditions of known technology and reasonable economics, a finding must be made that such commitments are warranted.

(d) Wherever agencies of the Federal Government recommend courses of action which are known to involve unresolved conflicts over competing and incompatible uses of land, water, or air resources, it shall be the agency's responsibility to study, develop, and describe appropriate alternatives to the recommended course of action. The agency shall develop information and provide descriptions of the alternatives in adequate detail for subsequent reviewers and decisionmakers, both within the executive branch and in the Congress, to consider the alternatives along with the principal recommendation.

(e) In recognition of the fact that environmental problems are not confined by political boundaries, all agencies of the Federal Government which have international responsibilities are authorized and directed to lend support to appropriate international efforts to anticipate and prevent a decline in the quality of the worldwide environment.

(f) All agencies of the Federal Government are directed to review their existing statutory authority, administrative regulations, policies, and procedures. The agencies are to propose to the President and to the Congress new executive or legislative authority which they find to be necessary to make their authority consistent with the provisions and purposes of this act.

The committee expects that each agency will diligently pursue this review and that appropriate legislative recommendations will be prepared for presentation to the Congress within 1 year's time. The committee recognizes, however, that there is a wide difference in the complexity of legislation dealing with the activities of the various executive agencies and that a specific deadline might prove unreasonably burdensome on some agencies.

Section 103

This section provides that the policies and goals set forth in this act are supplementary to the existing mandates and authorizations of Federal agencies. They are not considered to repeal the existing authorizations. Where conflicts occur, they will be resolved under the procedure prescribed in section 102(f).

TITLE II

Section 201

This section provides authorization for the Federal agencies to include, as a part of their existing programs and their ongoing activities, certain environmental management functions which will be necessary to support the policies established by this act. No specific authorization of appropriations is provided for these activities. The committee believes that the agencies can perform the functions authorized as a part of the general administration and operation of their existing programs. To the extent that agencies are pursuing activities with environmental management implications, the costs of the functions authorized in this section are appropriate costs of their work. The functions authorized for each Federal agency are as follows:

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(a) To conduct investigations and research relating to ecological systems and environmental quality. It is intended that such activities will be undertaken by each agency when its activities would have an adverse impact on an ecological system or on the quality of the environment.

(b) To collect and document information relating to changes or trends in environmental conditions including ecological systems. It is intended that each agency perform this function in its area of expertise and operation.

(c) To evaluate and publish environmental and ecological data which it has collected.

(d) To make available advice and information at its disposal relating to environmental management.

(e) To utilize ecological information in the planning and development of resource-oriented projects. Each agency which studies, proposes, constructs, or operates projects having resource management implications is authorized and directed to consider the effects upon ecological systems to be a part of the analyses governing its actions and to study such effects as a part of its data collection.

(f) To conduct ecological research and studies within the Federal lands under its jurisdiction.

(g) To assist to the fullest extent possible the Board of Environmental Quality Advisers established by this act and any environmental council or committee established by the President.

Section 202 (a)

This section authorizes the President to designate an agency or agencies to carry out the following functions regarding environmental management:

- (1) Administer a program of grants, contracts and cooperative agreements, training and research to further the programs of ecological study authorized by title II and to accept and utilize donations for this purpose.
- (2) Develop and maintain an inventory of Federal projects and programs, existing and contemplated, which have made or will make significant modifications in the environment.
- (3) Establish an information collection and retrieval system for ecological research materials.
- (4) Assist and advise State and local governments and private enterprise in developing policies and procedures to enhance the quality of the environment.

Section 202 (b)

Appropriations in the amounts of \$500,000 annually for fiscal years 1971 and 1972 and \$1 million annually for 1973 and each fiscal year thereafter are authorized for the purposes of this section. The funds appropriated would be allotted to the designated agencies as the President recommends.

Section 203

This section establishes in the Office of Science and Technology an additional Deputy Director to be compensated at the rate provided for level IV of the executive schedule pay rates.

The Office of Science and Technology (OST) was established by Reorganization Plan No. 2 of 1962 to provide a permanent staff in

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the Executive Office of the President to advise and assist the President on matters pertaining to or affected by science and technology. It is also directed to take on such other assignments as the President may request. The Director of OST, appointed by the President with the advice and consent of the Senate, also serves as the science adviser to the President.

Since it was provided statutory authority in 1962, the OST has broadened the range and scope of its activities extending beyond the province of research or policy for science and technology to the interrelations of science to broad national policies and pro-

grams. In this sense, the OST is concerned with assuring the most effective and beneficial use of technology in our society.

Thus, the OST deals with broad problems facing the country in health, education, the urban environment, energy policy and environmental quality.

The President's recent Executive order establishing an Environmental Quality Council directed the OST to provide the staff support and assistance to the work of the Council. The President's science adviser was named Executive Secretary of the Council.

In view of the importance of environmental management problems and the important role which the President's Council will have in resolving interagency conflict concerning environmental issues, and in coordinating the ongoing environmental programs of the Federal Government, a significant increase is expected in the already demanding work load of the OST.

The committee feels that the addition of a second Deputy Director as recommended by the Bureau of the Budget in its July 7, 1969 letter to the chairman, will be of great value in strengthening OST's capacity to contribute to effective environmental management.

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COMMITTEE RECOMMENDATIONS

The Interior and Insular Affairs Committee, after long and careful consideration, unanimously recommends that S. 1075, as amended, be enacted.

EXECUTIVE COMMUNICATIONS

On July 7, the Interior Committee received communications from the Bureau of the Budget on the amended version of S. 1075 which was unanimously reported out of committee on June 18. The full text of this communication, together with a marked-up copy of S. 1075 which includes the Bureau's suggested amendments, is set forth in full below.

Additional communications from the Bureau of the Budget dated June 14, 1969 as well as the Office of Science and Technology dated May 29, 1969 are also set forth in full. These communications were received subsequent to the inclusion of a national environmental policy statement in S. 1075, following the April 16 hearing on this measure.

Further communications from the Bureau of the Budget, the National Science Foundation, and the Departments of Interior,

Agriculture, State, and Health, Education, and Welfare, on S. 1075, prior to amendment, are also set forth in full.

EXECUTIVE OFFICE OF THE PRESIDENT,

BUREAU OF THE BUDGET,
Washington, D.C., July 7, 1969.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: We have reviewed carefully the provisions of your bill, S. 1075, which are designed to strengthen Federal capabilities to respond to problems of environmental quality.

The President certainly shares the concern of the Congress and the public as to the need for improved environmental management. The President's serious concern over the problems of environmental quality is reflected in his establishment by Executive Order 11472 of the Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality. He has assigned to the Office of Science and Technology the responsibility for providing advice, assistance, and staff support to the President and the Environmental Quality Council. He has further directed that the Office of Science and Technology be strengthened to provide the diverse professional capabilities needed for objective assessments of a wide range of environmental quality problems. This staff capability in the Executive Office of the President is to provide for assessing environmental problems, analyzing long term trends in the environment, evaluating the adequacy of Federal programs, and assuring that environmental considerations are adequately taken into account in proposed Federal programs and actions.

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Establishment of the Environmental Quality Council, chaired by the President, the highest possible level of attention of departments and agencies to problems of the environment and provides the framework within which to improve coordination among agencies in their environmental programs.

Establishment of the Citizens' Advisory Committee provides a clear channel for getting independent information and advice from the non-Government community and for relationships with the many voluntary organizations that have an interest and stake in the improved management of the environment. In addition, the

assignment of responsibility to the Office of Science and Technology provides a ready access through the President's Science Advisory Committee to many experts in a variety of fields in the universities, industry, and other sectors who can assist in addressing environmental problems.

S. 1075 as amended would establish a national environmental policy, authorize studies and research related to environmental quality, require an annual report from the President, and establish a Board of Environmental Quality Advisers in the Executive Office of the President. With respect to the policy statement, Mr. Hughes' June 13, 1969, letter noted that there is already a large body of policy with respect to the environment, that a comprehensive statutory statement of policy in this area could be helpful to the President and the Environmental Quality Council, and that the Council will take up the question of a national policy at one of its earliest meetings. The proposed statement in title II of general functions that operating agencies are authorized to carry out with respect to the environment appears to be a useful reaffirmation of authorizations in this important area. An annual report on the environment, along the lines provided for in title III, would appear to be a useful periodic assessment of important problems which could be made available to the Congress and the public. We believe a number of changes should be made in titles I and II. The attachment reflects the changes that appear to be essential if legislation along the lines of S. 1075 is to be enacted at this time.

With respect to title III we believe that establishment of the proposed Board of Environmental Quality Advisers would be undesirable. Such action would further complicate the organization and functioning of the Executive Office of the President. Furthermore, the establishment in the Federal Government of an additional body to deal with overall environmental problems would diffuse responsibility rather than provide the sharp focus now required and now provided for in the President's actions. These actions represent the President's best judgment as to the mechanisms that are required at this point in time for addressing environmental problems. It is recognized that additional changes may be required after there has been experience with the newly established mechanisms.

If the Congress wishes to legislate in support of these actions we would have no objection to providing a statutory basis for assignment of appropriate responsibilities to the Office of Science and Technology. This action could be accompanied by provision of

an additional position of presidentially appointed Deputy Director in OST who could devote full time to environmental quality problems if the committee deemed it useful. These steps would make very clear congressional support for the President's action while, at the same time, avoiding the undesirable consequences of establishing a new organization.

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It should be emphasized that the arrangements established by the President are designed to preserve the flexibility in the organization and staffing of the Executive Office that is necessary if the President is to have an opportunity to use the resources available to him for effective action. As you are well aware, this basic principle with respect to organization of the Executive Office has been endorsed by knowledgeable and thoughtful persons in the Congress and elsewhere.

The attached copy of S. 1075 has been marked up to reflect the essential changes discussed above. If the bill were modified in this way, we believe it could provide useful assistance for the President.

Sincerely,

ROBERT P. MAYO, *Director*.

Enclosure.

[Bureau of the Budget suggested additions are printed in italic; deletions in brackets]

A BILL To authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the under-

standing of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings, and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

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(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States *to the fullest extent possible*, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation [or] *and* other [significant] *major* Federal actions *significantly* affecting the quality of the human environment, a finding by the responsible official that—

(i) the environmental impact of the proposed action has been studied and considered;

(ii) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by other stated considerations of national policy;

(iii) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and that

(iv) any irreversible and irretrievable commitments of resources are warranted.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water, or air;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initia-

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tives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the

President and to the Congress [within one year after the date of enactment] such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. The policies and goals set forth in this Act are supplementary to, but shall not be considered to repeal the existing mandates and authorizations of Federal agencies.

TITLE II

SEC. 201. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(d) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(e) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(f) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(g) to assist [the Board of Environmental Quality Advisers established under title III of this Act and] any council or committee established by the President to deal with environmental problems.

SEC. 202. In carrying out the provisions of this title, the [Secretaries of Interior and Agriculture are empowered to] *President is authorized to designate an agency or agencies to—*

(a) make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and

use donations of funds, property, personal services, or facilities to carry out the purposes of this Act.

[(b) There are hereby authorized to be appropriated \$500,000 annually for fiscal years 1971 and 1972, and \$1,000,000 for each fiscal year thereafter.

[SEC. 203. The Director of the Office of Science and Technology (hereinafter referred to as the "Director") in order to carry out the purposes of this title, is authorized and directed—

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[(a) to review, appraise, and coordinate the investigations, studies, surveys, and research relating to ecological systems and environmental quality carried on by agencies of the Federal Government;]

(b) to develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(c) to establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

(d) to assist and advise State and local government, and private enterprise in bringing their activities into conformity with the purposes of this Act and other Acts designed to enhance the quality of the environment.

[SEC. 204. The Director shall consult with and provide technical assistance to other Federal agencies, and he is authorized to obtain from such departments and agencies such information, data, reports, advice, and assistance as he deems necessary or appropriate and which can reasonably be furnished by such departments and agencies in carrying out the purposes of this Act. Any Federal agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement by the Director.]

Sec. 203. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

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**1.2a(2) HOUSE COMMITTEE ON MERCHANT MARINE AND
FISHERIES****H.R. REP. No. 91-378 (Part 2), 91st Cong., 1st Sess. (1969)****COUNCIL ON ENVIRONMENTAL QUALITY**

JULY 19, 1969.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GARMATZ, from the Committee on Merchant Marine and Fisheries, submitted the following

SUPPLEMENTAL REPORT

[To accompany H.R. 12549]

Since the filing of Report No. 91-378 on July 1, 1969, to accompany H.R. 12549, it has been noted that the report mentioned does not accurately show changes in existing law, as required in clause 3 of rule XIII of the Rules of the House of Representatives. The House, at the request of Mr. Dingell on July 17, 1969, gave the committee permission to file a supplemental report.

In compliance with the rule mentioned, therefore, the provisions of existing law proposed to be changed by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

FISH AND WILDLIFE COORDINATION ACT

ACT OF MARCH 10, 1934, AS AMENDED (48 STAT. 401; 16 U.S.C. 661-666c)

For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies

and organizations in the development, protection, rearing, and stocking of all species of wildlife,

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resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of this Act; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of this Act.

SEC. 2. (a) Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

(b) In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction

of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this Act applies. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and

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measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

(c) Federal agencies authorized to construct or operate water-control projects are hereby authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Fish and Wildlife Coordination Act, and to acquire lands in accordance with section 3 of this Act, in order to accommodate the means and measures for such conservation of wildlife resources as an integral part of such projects: *Provided*, That for projects authorized by a specific Act of Congress before the date of enactment of the Fish and Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

(d) The cost of planning for and the construction or installa-

tion and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: *Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource projects reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.

(e) In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

(f) In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division of such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

(g) The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein,

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or any unit of such project authorized before or after the date of enactment of the Fish and Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Fish and Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when sixty percent or more of the estimated construction cost has been obligated for expenditure.

(h) The provisions of this Act shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than ten acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

SEC. 3. (a) Subject to the exceptions prescribed in section 2 (h) of this Act, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this Act.

(b) The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: *Provided*, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

(c) When consistent with the purposes of this Act and the reports and findings of the Secretary of the Interior prepared in accordance with section 2, land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife conservation and development purposes of this Act in connection with

a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: *Provided*, That before properties are acquired for this purpose, the probable extent

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of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

(d) Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.

(e) Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with this Act, notwithstanding other provisions of law.

(f) Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.

SEC. 4. Such areas as are made available to the Secretary of the Interior for the purposes of this Act, pursuant to sections 1 and 3 or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of the first section of this Act and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: *Provided*, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is

situated (16 U. S. C., sec. 664): *Provided further*, That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: *And provided further*, That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration.

SEC. 5. The Secretary of the Interior, through the Fish and Wildlife Service and the Bureau of Mines, is authorized to make such investigations as he deems necessary to determine the effects of domestic sewage, mine, petroleum, and industrial wastes, erosion silt, and other polluting substances on wildlife, and to make reports to the Congress concerning such investigations and of recommenda-

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tions for alleviating dangerous and undesirable effects of such pollution. These investigations shall include (1) the determination of standards of water quality for the maintenance of wildlife; (2) the study of methods of abating and preventing pollution, including methods for the recovery of useful or marketable products and byproducts of wastes; and (3) the collation and distribution of data on the progress and results of such investigations for the use of Federal, State, municipal, and private agencies, individuals, organizations, or enterprises.

Sec. 5A. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the

social, economic, and other requirements of present and future generations of Americans.

(b) The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; and (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(c) (1) There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national policy to promote the improvement of our environmental quality.

(2) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(3) It shall be the duty and function of the Council—

(A) to assist and advise the President in the preparation of the Environmental Quality Report;

(B) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and

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prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends

are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

(C) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(D) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

(E) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

(4) The Council shall make an annual report to the President in May of each year.

(5) In exercising its powers, functions, and duties under this section—

(A) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

(B) the Council shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided.

[SEC. 5A.] *Sec. 5B.* In the management of existing facilities (including locks, dams, and pools) in the Mississippi River between Rock Island, Illinois, and Minneapolis, Minnesota, administered by the United States Corps of Engineers of the Department of the Army, that Department is hereby directed to give full consideration and recognition to the needs of fish and other wildlife resources and their habitat dependent on such waters, without increasing additional liability to the Government, and, to the maximum extent possible without causing damage to levee and drainage districts, adjacent railroads and highways, farm lands, and dam structures, shall generally operate and maintain pool levels as though navigation was carried on throughout the year.

SEC. 6. There is authorized to be appropriated from time to

time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act and regulations made pursuant thereto, including the construction of such facilities, buildings, and other improvements necessary for economical administration of areas made available to the Secretary of the Interior under this Act, and the employment in the city of Washington and elsewhere of such persons and means as the Secretary of the Interior may deem necessary for such purposes.

SEC. 7. Any person who shall violate any rule or regulation promulgated in accordance with this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both.

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SEC. 8. The terms "wildlife" and "wildlife resources" as used herein include birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

SEC. 9. The provisions of this Act shall not apply to the Tennessee Valley Authority.

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1.2a(3) COMMITTEE OF CONFERENCE

H.R. REP. No. 91-765, 91st Cong., 1st Sess. (1969)

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

DECEMBER 17, 1969.—Ordered to be printed

Mr. GARMATZ, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 1075]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075), to establish a national policy for the environment; to authorize stud-

ies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: That this Act may be cited as the "National Environmental Policy Act of 1969".

Purpose

Sec. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

Declaration of National Environmental Policy

Sec. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density

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urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) *In order to carry out the policy set forth in this Act; it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—*

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) *The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.*

Sec. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on propos-

als for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

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- (i) the environmental impact of the proposed action,*
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,*
- (iii) alternatives to the proposed action,*
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and*
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.*

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

Sec. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

Sec. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Sec. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

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TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

Sec. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development

and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Sec. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

Sec. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are inter-

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fering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing

to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

Sec. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments, and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Sec. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

Sec. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year

1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same with an amendment as follows:

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In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes."

And the House agree to the same.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
WAYNE N. ASPINALL,
W. S. MAILLIARD,
JOHN P. SAYLOR,

Managers on the Part of the House.

HENRY M. JACKSON,
FRANK CHURCH,
GAYLORD NELSON,
GORDON ALLOTT,
LEN B. JORDAN,

Managers on the Part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for technical clarifying, and conforming changes, the following statement explains the differences

between the House amendment and the substitute agreed to in conference.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

First section and section 2

Section 1 of the Senate bill provided that the bill may be cited as the "National Environmental Policy Act of 1969". Section 2 of the Senate bill contained a statement of the purpose of the bill. There were no similar provisions in the House amendment. The conference substitute conforms to the Senate bill with respect to these two sections.

TITLE I—NATIONAL ENVIRONMENTAL POLICY

Section 101

The Senate bill contained a recognition by Congress of (1) the critical dependency of man on his environment, (2) the profound influences which the factors of contemporary life have had and will have on the environment, and (3) certain specified goals in the management of the environment which the Federal Government should, as a matter of national policy, attain by use of all possible means, consistent with other essential considerations of national policy. The House amendment (in the first section thereof) contained a general statement of national environmental policy, but did not include specified policy goals. The first section of the House amendment also stated that the Federal Government should achieve the general policy in cooperation with State and local governments and certain specified public and private organizations and that financial and technical assistance should be among the means and measures used by the Federal Government to achieve the policy. Under the conference agreement, the language of the House amendment is substantially retained in section 101(a) of the conference substitute; the language

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setting forth the specified organizations with which the Government should cooperate was dropped in favor of "other concerned public and private agencies."

The national goals of environmental policy specified in the Senate bill are set forth in section 101(b) of the conference substitute.

Section 101(c) of the conference substitute states that "Congress recognizes that each person should enjoy a healthful envi-

ronment and that each person has a responsibility to contribute to the preservation and enhancement of the environment". The language of the conference substitute reflects a compromise by the conferees with respect to a provision in the Senate bill (but which was not in the House amendment) which stated that the Congress recognizes that "each person has a fundamental and inalienable right to a healthful environment * * *". The compromise language was adopted because of doubt on the part of the House conferees with respect to the legal scope of the original Senate provision.

Section 102

This section of the conference substitute is based on section 102 of the Senate bill. There was no comparable provision in the House amendment. Under the conference substitute, the Congress authorizes and directs that, *to the fullest extent possible*: (1) the Federal laws, regulations, and policies be administered in accordance with the policies set forth in the bill; and (2) all Federal agencies shall—

(A) utilize a systematic, interdisciplinary approach to insure integrated use of the sciences and arts in any official planning or decisionmaking which may have an impact on the environment;

(B) in consultation with the Council on Environmental Quality, identify and develop methods and procedures to insure that unquantified environmental amenities will be considered in the agency decisionmaking process, along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation or other major Federal actions a detailed statement by the responsible official on the environmental impact of the proposed action, any adverse environmental effects which can not be avoided should the proposal be adopted, alternatives to the proposed action, the relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved. Under the conference substitute, the responsible Federal official, prior to making any such detailed statement, shall consult with and obtain the comments of any Federal agency having jurisdiction by law or special expertise with respect to any environmental impact involved and the comments of any such agency, together with the comments and

views of appropriate State and local agencies shall thereafter be made available to the President, the Council on Environmental Quality, and the public under the provisions of section 552 of title 5, United States Code, and shall accompany the proposal through the subsequent review process. The conferees do not intend that the requirements for comment by other agencies should unreasonably delay the processing of Federal proposals and anticipate that the President will promptly prepare and establish by Executive

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order a list of those agencies which have "jurisdiction by law" or "special expertise" in various environmental matters. With regard to State and local agencies, it is not the intention of the conferees that those local agencies with only a remote interest and which are not primarily responsible for development and enforcement of environmental standards be included.

The conferees believe that in most cases the requirement for State and local review may be satisfied by notice of proposed action in the Federal Register and by providing supplementary information upon request of the State and local agencies. (To prevent undue delay in the processing of Federal proposals, the conferees recommend that the President establish a time limitation for the receipt of comments from Federal, State, and local agencies similar to the 90-day review period presently established for comment upon certain Federal proposals.) ;

(D) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend support to programs and other ventures designed to maximize international cooperation in anticipating and preventing a decline in the world environment;

(F) make available to State and local governments and individuals and organizations advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality.

As noted above, the conference substitute provides that the phrase “to the fullest extent possible” applies with respect to those actions which Congress authorizes and directs to be done under both clauses (1) and (2) of section 102 (in the Senate bill, the phrase applied only to the directive in clause (1)). In accepting this change to section 102 (and also to the provisions of section 103), the House conferees agreed to delete section 9 of the House amendment from the conference substitute. Section 9 of the House amendment provided that “nothing in this Act shall increase, decrease or change any responsibility or authority of any Federal official or agency created by other provision of law.” In receding from this House provision in favor of the less restrictive provision “to the fullest extent possible,” the House conferees are of the view that the new language does not in any way limit the congressional authorization and directive to all agencies of the Federal Government set out in subparagraphs (A) through (H) of clause (2) of section 102. The purpose of the new language is to make it clear that each agency of the Federal Government shall comply with the directives set out in such subparagraphs (A) through (H) unless the existing law applicable to such agency’s operations expressly prohibits or makes full compliance with one of the directives impossible. If such is found to be the case, then compliance with the particular directive is not immediately required. However, as to other activities of that agency, compliance is required. Thus, it is the intent of the conferees that the provision “to the

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fullest extent possible” shall not be used by any Federal agency as a means of avoiding compliance with the directives set out in section 102. Rather, the language in section 102 is intended to assure that all agencies of the Federal Government shall comply with the directives set out in said section “to the fullest extent possible” under their statutory authorizations and that no agency shall utilize an excessively narrow construction of its existing statutory authorizations to avoid compliance.

Section 103

This section is based upon a provision of the Senate bill (section 102(f)) not in the House amendment. This section, as agreed to by the conferees, provides that all agencies of the Federal Government shall review their “present statutory authority, administrative regulations, and current policies and procedures to determine whether there are any deficiencies and inconsistencies therein

whether there are any deficiencies and inconsistencies therein which prohibit full compliance with the purpose and provisions" of the bill. If an agency finds such deficiencies or inconsistencies, it is required under this section to propose to the President not later than July 1, 1971, such measures as may be necessary to bring its authority and policies into conformity with the intent, purposes, and procedures of the bill. Section 103 thereby provides a mechanism which shall be utilized by all Federal agencies (1) to ascertain whether there is any provision of their statutory authority which clearly precludes full compliance with the bill and (2) if such is found, to recommend changes in their statutory authority which will enable full compliance with the bill. In conducting the review noted above, it is the understanding of the conferees that an agency shall not construe its existing authority in an unduly narrow manner. Rather, the intent of the conferees is that all Federal agencies shall comply with the provisions of section 102 "to the fullest extent possible," unless, of course, there is found to be a clear conflict between its existing statutory authority and the bill.

Section 104

This section, which was not in the House amendment and which is corollary to the actions taken by the conferees with respect to sections 102 and 103 of the conference substitute, provides that nothing in such sections 102 or 103 shall affect the specific statutory obligations of any Federal agency—

- (1) to comply with criteria and standards of environmental quality;
- (2) to coordinate or consult with any Federal or State agency; or
- (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Section 105

This section declares that the policies and goals set forth in the bill are supplementary to those set forth in existing authorities of Federal agencies. The effect of this section, which is a slightly revised version of section 103 of the Senate bill, is to give recognition to the fact that the bill does not repeal existing law. This section does not, however, obviate the requirement that the Federal agencies conduct their activities in accordance with the provi-

sions of this bill unless to do so would clearly violate their existing statutory authorizations.

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TITLE II—COUNCIL ON ENVIRONMENTAL QUALITY

Section 201

Section 201 of the conference substitute, which conforms, except for a date change, with the language of section 2 of the House amendment, requires the President to submit to the Congress annually, beginning July 1, 1970, an environmental quality report which will set forth an up-to-date inventory of the American environment, broadly and generally identified, together with an estimate of the impact of visible future trends upon the environment. Such report shall also include a review of the programs and activities of the Federal, State, and local governments, as well as those of nongovernmental groups, with respect to environmental conditions, together with recommendations for remedying the deficiencies of existing programs, including legislative recommendations.

Section 202

This section of the conference substitute establishes in the Executive Office of the President a Council on Environmental Quality composed of three members appointed by the President by and with the advice and consent of the Senate. One of the members shall be designated by the President as the Chairman of the Council. The Senate bill would have created a three-member Board of Environmental Quality Advisers in the Executive Office of the President. (The Senate bill would also have provided for an additional officer, a Deputy Director, in the Office of Science and Technology to assist with environmental problems. The establishment of this additional office is not retained in the conference substitute.) Section 3 of the House amendment would have established a Council on Environmental Quality with five members. The conference substitute provision is basically the House provision but with the membership of the Council reduced to three.

Section 203

The provisions of section 203 of the conference substitute (which were contained in both the Senate bill and the House amendment) permit the Council to hire such officers and employees as are necessary to carry out the purposes of the act and also

permit the Council to hire such experts and consultants as may be appropriate.

Section 204

The House amendment set forth the following duties and functions of the Council on Environmental Quality—

(1) to assist the President in the preparation of the environmental quality report;

(2) to gather information on the short- and long-term problems that merit Council attention, together with a continuing analysis of these problems as they may affect the policies stated in section 101;

(3) to maintain a continuing review of Federal programs and activities as they may affect the policies declared in section 101, and to keep the President informed on the degree to which those programs and activities may be consistent with those policies;

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(4) to develop and to recommend policies to the President, on the basis of its activities, whereby the quality of our environment may be enhanced, consistent with our social, economic and other requirements;

(5) to make studies and recommendations relating to environmental considerations, as the President may direct; and

(6) to report at least once each year to the President.

The conference substitute contains the functions and duties listed above and also adds the following functions and duties (which, under the Senate bill, would have been the responsibilities of other Federal agencies) —

(1) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality; and

(2) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes.

Section 205

Section 205 of the conference substitute sets forth those public and private organizations with which the Council on Environmental Quality shall consult in carrying out its functions and duties under the Act and states that the Council should utilize, to the

fullest extent possible, the services, facilities, and information of public and private organizations and individuals in carrying out such functions and duties. Section 205 conforms to the language in section 7 of the House amendment, with the exception that the conference substitute provision specifies that the Council shall consult with the Citizen's Advisory Committee on Environmental Quality which was established in May 1969, by Executive order.

Section 206

This section provides that the Chairman of the Council on Environmental Quality shall be compensated at the rate provided for at level II of the Executive Schedule Pay Rates, and that the other members of the Council shall be compensated at the rate provided for in level IV of such rates. This section conforms with the rates of compensation provided for in both the Senate bill and House amendment.

Section 207

This section of the conference substitute authorizes the appropriation of not to exceed \$300,000 in fiscal year 1970, \$700,000 in fiscal year 1971, and \$1 million in each fiscal year thereafter, to carry out the purposes of the act. Under the House amendment, the same amounts were authorized to be appropriated except with respect to fiscal year 1971, for which \$500,000 was authorized. The Senate bill authorized \$1 million to be appropriated annually.

EDWARD A. GARMATZ,

JOHN D. DINGELL,

W. S. MAILLIARD,

JOHN P. SAYLOR,

Managers on the Part of the House.

[p. 12]

1.2a(4) CONGRESSIONAL RECORD, VOL. 115 (1969)

1.2a(4)(a) July 10: Considered and passed Senate, pp. 19008–19009, 19013

NATIONAL ENVIRONMENTAL POLICY
ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 287, S. 1075.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1075) to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating

to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, to strike out all after the enacting clause and insert:

SHORT TITLE

SEC. 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degrada-

tion, risk to health or safety, or other undesirable and unintended consequences.

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a widesharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a finding by the responsible official that—

(i) the environmental impact of the proposed action has been studied and considered;

(ii) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by other stated considerations of national policy;

(iii) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and that

(iv) any irreversible and irretrievable commitments of resources are warranted.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water, or air;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. The policies and goals set forth in this Act are supplementary to, but shall not be considered to repeal the existing mandates and authorizations of Federal agencies.

TITLE II

SEC. 201. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(d) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(e) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(f) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(g) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

SEC. 202. (a) In carrying out the provisions of this title, the President is authorized to designate an agency or agencies to—

(1) make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property,

personal services, or facilities to carry out the purposes of this Act;

(2) develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(3) establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

(4) assist and advise State and local government, and private enterprise in bringing their activities into conformity with the purposes of this Act and other Acts designed to enhance the quality of the environment.

(b) There are hereby authorized to be appropriated \$500,000 annually for fiscal years 1971 and 1972, and \$1,000,000 for each fiscal year thereafter.

SEC. 203. In recognition of the additional duties which the President may assign to the Office of Science and Technology to support any council or committee established by the President to deal with environmental problems and in furtherance of the policies established by this Act, there is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office

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of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

Mr. JACKSON. Mr. President, the bill was reported unanimously from the Senate Committee on Interior and Insular Affairs. The ranking minority member of the committee, the Senator from Colorado (Mr. ALLOTT), is here. He will concur that the committee went into this matter in great detail. We have had it under consideration for some time, and the bill was given the unanimous support of the committee.

Mr. ALLOTT. Mr. President, that is entirely correct. I add that I concur in the statement which I believe

the distinguished chairman of the committee is going to make for the RECORD.

Mr. JACKSON. Mr. President, S. 1075, the National Environmental Policy Act of 1969, as amended and as reported by the Senate Interior and Insular Affairs Committee on July 8, 1969, is in my judgment the most significant and important measure in the area of long-range domestic policy-making that will come before the 91st Congress. Without question, it is the most significant measure in the area of natural resource policy ever considered by the Congress.

As reported by the committee, S. 1075 provides a considered congressional statement of national goals and purposes for the management and preservation of the quality of America's future environment. The bill directs that all Federal agencies conduct their activities in accordance with these goals, and provides "action-forcing" procedures to insure that these goals and principles are observed. The bill specifically provides that its provisions are supplemental to the existing mandates and authorizations of all Federal agencies. This constitutes a statutory enlargement of the responsibilities and the concerns of all instrumentalities of the Federal Government.

Title II grants new authority to agencies of the Federal Government to engage in research and to incorporate the results of this ecological and environmental quality research into all of their planning and development activities. In addition, title II strengthens the Office of Science and Technology's capabilities in the area of coordinating Federal environmental management activities by adding the new position of Deputy Director.

Title III of the measure creates a Board of Environmental Quality Advisers in the Executive Office of the President. Both the Board of Environ-

mental Advisers and the Office of Science and Technology are to carry out their duties under the bill at the direction of the President.

The Board is directed to provide a continuing study and analysis of environmental trends, the factors which affect these trends, and to relate each area of study and analysis to the conservation, social, economic, and health goals of the Nation.

* * * * *

In many respects, the only precedent and parallel to what is proposed in S. 1075 is in the Full Employment Act of 1946, which declared an historic national policy on management of the economy and established the Council of Economic Advisers. It is my view that S. 1075 will provide an equally important national policy for the management of America's future environment.

Mr. President, a statement of environmental policy is more than a statement of what we believe as a people and as a Nation. It establishes priorities and gives expression to our national goals and aspirations. It serves a constitutional function in that administrators may refer to it for guidance in making decisions which find environmental values in conflict with other values.

What is involved is a congressional declaration that we do not intend, as a government or as a people, to initiate actions which endanger the continued existence or the health of mankind. That we will not intentionally initiate actions which will do irreparable damage to the air, land, and water which support life on earth.

An environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's rela-

tionships to his physical surroundings. If there are to be departures from the standard, they will be exceptions to the rule and the policy. And as exceptions, they will have to be justified in the light of public scrutiny. * * *

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The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to

read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I express my thanks to the distinguished senior Senator from Florida for making time available.

Mr. HOLLAND. Mr. President, I thank my friend, the Senator from Washington. I was happy to yield, and I support the measure which he has just carried through to passage.

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1.2a(4)(b) Sept. 23: Amended and passed House, pp. 26569-26591

COUNCIL ON ENVIRONMENTAL QUALITY

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 544

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12549) to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fish-

eries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 12549, it shall be in order in the House to take from the Speaker's table the bill S. 1075 and to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof of provisions contained in H.R. 12549 as passed by the House.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 544 provides an open rule with 1 hour of general debate for the consideration of H.R. 12549 to amend the Fish and Wildlife Coordination Act to establish a Council on Environmental Quality. The resolution also provides that, after the passage of H.R. 12549, it shall be in order to take S. 1075 from the Speaker's table, move to strike all after the enacting clause and amend the Senate bill with the House-passed language.

The purpose of H.R. 12549 is to create a Council on Environmental Quality, consisting of five members appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as Chairman.

The Council may employ such officers and employees as necessary and may employ and fix compensation of such experts and consultants as necessary.

The duty and function of the Council shall be to assist the President in the preparation of an environmental quality report, which he shall transmit to the Congress annually beginning June 30, 1970; to gather, analyze, and interpret information concerning conditions and trends in environmental qualities; to appraise the various programs and activities of the Government in this area; to develop and recommend policies to promote improvement of environmental quality; to make and furnish studies and make recommendations thereon.

Cost of the legislation is estimated at approximately \$1 million per year. In view of the rapidly deteriorating environment of ours, Mr. Speaker, this cost must be considered an investment, rather than an added expense to the taxpayer.

Time is not on our side and unless we take this action today we will have failed in our responsibility as the trustees of the welfare of the people we represent in Congress.

Mr. Speaker, I urge the adoption of House Resolution 544 in order that H.R. 12549 may be considered.

Mr. Speaker, I yield now to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I agree with all the statements just made by my friend, the gentleman from Hawaii, on this resolution.

I want to point out that the Rules Committee has had this resolution under consideration since July for the reason that there was a jurisdictional question which arose concerning a matter between the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs. It is our understanding now that the difficulties have been resolved and that, by an agreement between the two committees, when this matter goes to conference two members of the Committee on Interior and Insular Affairs will be on the conference committee.

Mr. Speaker, the purpose of the bill is to create a Council on Environmental Quality which shall have a broad and independent overview of current and long-term needs and programs to improve the quality of the national environment. The Council is to advise the President and, through him, the Congress on what steps should be taken to improve and upgrade the national environment.

The Council will be responsible directly to the President rather than to any governmental agency or body. It is to be composed of five members selected by the President, with the advice and consent of the Senate, one of whom the President shall designate as Chairman. All members of the Council are to be persons with expertise, training, and attainments which qualify them to analyze and interpret environmental information of all kinds and to formulate and recommend policies to improve the quality of our national environment.

The President is required to trans-

mit to the Congress annually, beginning on June 30, 1970, an environmental quality report. The Council shall assist the President in the preparation of this report. It shall also carry on a continuing program of collecting and analyzing environmental information, conditions, and trends and shall interpret such information in order to advise the President in this field. The Council shall also evaluate existing Government programs

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and make recommendations thereon to the President. It shall make an annual report to the President in May of each year.

Testimony received by the committee indicates that in order to staff the Council to the needed degree approximately 55 professional employees and 20 to 30 clerical employees will be needed. Based upon these figures, it is estimated that the cost of this legislation would be \$1 million per year. The Chairman of the Council is to be paid \$30,000 per year and the four other members of the Council will receive \$27,000 per year. No operational funds are authorized in the bill.

There are no minority views. A number of departments and agencies have submitted reports on the legislation as originally introduced (H.R. 6750) which is very similar to the reported bill. Generally, they support the aims of the legislation but point out that the President, on May 29, by Executive Order 11472, established an Environmental Quality Council and a Citizens Advisory Committee to the Council with broad responsibilities for advising and assisting the President with respect to environmental quality matters. Several departments and agencies question whether this Presidential action does not do all that is necessary now.

Mr. Speaker, I have no objection to the granting of this rule, and I yield back the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. MADDEN).

(Mr. MADDEN asked and was given permission to revise and extend his remarks and to include a tabulation.)

(By unanimous consent, Mr. MADDEN was allowed to speak out of order.)

TAX REFORM, NOW—WATER AND AIR
POLLUTION LEGISLATION, THIS SESSION

Mr. MADDEN. Mr. Speaker, I was startled to read in Saturday's Washington Post, the headline, "Nixon Aides Do Not Expect Tax Bill To Pass This Year." An Associated Press dispatch also quoted a prominent member of the Senate Finance Committee, that he "could not see action this year on the 'proposed revision' of the Nation's tax system."

Almost 7 years ago, after 4 months of hearings by the congressional tax writing House Ways and Means Committee, and also a week's debate on the floor of the House, the tax reform bill was passed. It has been juggled, postponed, and filibustered for weeks in the Finance Committee of the other body. Now we read that the White House seems to extend silent aid and comfort to the painstaking stalling and filibustering which the tax reform bill will undergo in the other body.

In this morning's mail I received 30 letters from my district, which has been the average daily mail I have been receiving, protesting the administration's recommendations that the promised appropriation of \$1 billion toward cleaning up the pollution should be cut to \$214 million. This proposed weakening of the battle to preserve the health of millions of Americans against the drinking of contaminated and occasionally poisonous water in the urban areas of the Nation is beyond belief. The message

which I am receiving from citizens, not only from my own district, but other parts of Indiana and the Midwest, is that they feel that this cut will be a major setback to cities and States and all citizens in their fight against water pollution and an effort to preserve the health of millions.

A great number of Members of the House, including myself, are sponsoring a bill and working for legislation to restore the \$1 billion in the 1970 budget which was set up to support the Clean Water Restoration Act.

The House and Senate both must take the initiative to provide the necessary matching funds to aid the States and cities to purify the Nation's water supply in our rivers and lakes. Our Government must give full support to compel the mammoth industries to install the proper machinery to terminate air pollution in our congested urban areas.

It is no excuse for the Government or the Congress to protest lack of sufficient funds to combat this water and air pollution scourge on the present and future health of millions of American families. The tax reform legislation if enacted this year will provide an additional \$8 billion to amply supply funds for water and air pollution, education, housing, poverty, health, and so forth.

The tax reform bill, it appears now, is receiving the old legislative trick of postponement and stalling with the hope that public interest for tax reform will subside. The bill passed by the House is now apparently dormant for this session in the other body, judging from the Associated Press dispatches in the papers yesterday. The postponing of this tax reform bill until next session of Congress will mean that the Federal Treasury will not only suffer a loss of many billions of Federal tax dollars from large tax loopholers, but it will afford a better opportunity for the continuation of

the unnecessary 10-percent surtax for another year, running it into 1971.

A year ago last June I opposed and voted against the 10-percent surtax for the simple reason that had the Ways and Means Committee taken the tax reform bill up at that time and enacted the same a year ago, there would be no excuse whatsoever for the administration to extend the surtax and curtail needed money for air and water pollution, education, housing, poverty programs, health, and so forth. Now is the time for the American people to become aroused and notify their Senators and the executive department that money for these great domestic programs should not be curtailed, and insist that the President exercise his terrific power toward passing the tax reform bill which the House enacted almost 2 months ago. All segments of our economy should equally share the huge expenses to finance necessary Federal programs.

A number of Members of Congress and almost 90 percent of the wage and salary earning public have no comprehension of the stupendous amount of taxes our U.S. Treasury loses by reason of the fabulous, and in most cases fraudulent, tax loopholes which will be partially outlawed in the pending tax reform bill.

In the September edition of the CWA newspaper a breakdown of some of the major tax loopholes was set out estimating the 1968 revenue loss as a result of the major tax loopholes. I include the tabulation with my remarks.

1968 revenue loss as a result of major tax loopholes (estimated by U.S. Treasury)

[In millions]

Nontaxed interest on tax-free bonds	---	\$1,800
Depletion deductions (corporations included)	-----	1,500
Intangible drilling deductions (oil and gas)	-----	750
Travel and entertainment deductions (estimated excesses)	-----	400

The 50 percent of capital gains not reported on tax returns	5,000
Capital gains that escape tax at death	2,000
Unreported dividends and interest	1,000
Total loophole revenue loss in 1968	12,450

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes. I yield to the gentleman from Iowa.

Mr. KYL. Can the gentleman from Indiana tell us if the tax bill, as it left the House, calls for increased or decreased revenue for the Federal Government in toto?

Mr. MADDEN. If the loopholes are closed and not changed over in the other body, it will bring in several billion dollars, especially in the field of the oil depletion allowance, reducing it from 27½ percent down to 20 percent, when it should have been wiped out entirely. It is estimated that the oil depletion allowance alone, if that 27½ percent were wiped out, would bring in something like \$3 billion into the Treasury, including exemptions on imported oil, gas, and so forth.

Mr. KYL. Will the gentleman yield further?

Mr. MADDEN. I yield to the gentleman.

Mr. KYL. Is it not a fact that as the bill left the House there is a loss of revenue?

Mr. MADDEN. No, there is not a loss of revenue. There would be an increase in revenue. Just the 7½ percent reduction from the oil-depletion allowance would bring in over \$1 billion or more.

Mr. LATTA. Mr. Speaker, I had no requests for time on this side, and I yielded back my time. I would like to ask unanimous consent that my time be reinstated, as I do have a request.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I was very much interested in the remarks of the gentleman from Indiana (Mr. MADDEN) with respect to water and air pollution. I have driven the Indiana Turnpike a good many times since I have had the honor to be a Member of this body, and going west on the Indiana Turnpike you are made aware many, many miles east of Gary, Ind., that you are approaching that city. I wonder what the State of Indiana or the city of Gary, Ind., has done

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or proposes to do about the terrible pollution that fills the air over Gary, Ind., and east of it when the wind is in the west.

Also, traveling by plane to Chicago, and crossing the lower end of Lake Michigan, there is no trouble at all in locating the pollution of Lake Michigan as supplied in part by the steel mills of Gary, and other industries.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to the gentleman from Indiana.

Mr. MADDEN. The Indiana State Legislature and the mayors of Gary and East Chicago and Whiting, Ind., as well as the city of Chicago, have been fighting this water pollution for a number of years. We have been trying to get help.

You must bear in mind that 90 percent of the pollution that comes about in that area comes from the terrific amount of industry—oil refineries and other industries. Automobiles traveling from the east going into Chicago and the automobiles from the west, out of Chicago and passing through our area. That contributes a great deal to the pollution problem. It is a problem that the Federal Government will have to commence

to extend aid on in order to protect the health of the millions of people living in the Chicago and northern Indiana area. The chances are that the gentleman from Iowa drives through there and by doing so he perhaps contributes a little to the pollution problem.

Mr. GROSS. Thank you very much for my contribution to the pollution problem. But if those steel mills were not operating, you would not know there was an automobile in the vicinity insofar as air pollution is concerned.

There is usually a huge cloud of fumes and smoke over Gary, Ind., and the gentleman knows—since he lives there—that when you drive west on the Indiana Turnpike into Gary, Ind., within 25 or 30 miles of the city, if the wind is from the west, this pollution situation exists.

I would ask the gentleman from Indiana, When does the State of Indiana and the city of Gary propose to do something about it? I have been driving over that highway for more than 20 years, and I have noticed little improvement.

Mr. MADDEN. Mr. Speaker, if the gentleman will yield further, every city in the Calumet area, as the gentleman from Iowa knows, including the steel mills, are trying to work together in order to clean up this water and air pollution situation, but we will need some Federal assistance.

Mr. GROSS. Now you have gotten down to paydirt. That is what I thought this was all about.

Mr. MADDEN. But we have been working on these programs—

* * * * *

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12549) to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on En-

vironmental Quality, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 12549, with Mr. McCARTHY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. DINGELL) will be recognized for 30 minutes, and the gentleman from Washington (Mr. PELLY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for centuries now, man has exploited and freely used the resources provided by his natural environment secure in his belief that nature's bounty would last forever, heedless of any consequences in his headlong rush toward greater power and prosperity.

More recently, Western man's attitude toward his environment has been characterized by an emphasis on economic motives. The industrial revolution which has provided us with the gift of technology has inaugurated specialization and division of labor as prerequisites for production for profit. In fact, our Nation's wealth was founded on technological progress spurred on by the profit motive.

However, mankind is playing an extremely dangerous game with his environment. Unless we change our ways, mankind faces the very real possibility of extinction from misuse

of environment. We have been warned by scientists, citizens' organizations, public officials, and Government agencies of the dangers and consequences of such upsetting agents as air pollution, water pollution, explosion, and overenthusiastic use of pesticides. We have not yet learned that we must consider the natural environment as a whole and assess its quality continuously if we really wish to make strides in improving and preserving it.

Mr. Chairman, H.R. 12549 clearly expresses my conviction that we need the vigorous involvement of the Executive Office of the President of the United States in this problem. This concept of an independent advisory council to the President on environmental matters is

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not new. It was the principal recommendation of a task force report to the Secretary of Health, Education, and Welfare by June of 1967. I—as well as several other Members of the House—introduced legislation to accomplish this purpose in the 90th Congress. However, no action—other than hearings—was taken on any of these bills.

In February of this year I again introduced legislation to carry out this concept.

After holding 7 full days of hearings, and hearing from a wide range of witnesses including scientists, engineers, ecologists, statisticians, economists, anthropologists, conservationists, and various departmental witnesses, my Subcommittee on Fisheries and Wildlife Conservation unanimously reported to the full Committee on Merchant Marine and Fisheries a clean bill in the form of H.R. 12549. H.R. 12549 was cosponsored by all of the members of my subcommittee, except one, and it was unanimously reported by our full Committee on Merchant Marine and Fisheries.

Mr. Chairman, briefly explained

section 1 of the bill would amend the Fish and Wildlife Coordination Act by inserting a new section in the act designated as section 5A.

Subsection (a) of the new section would recognize the impact of man's activities upon his environment and the critical importance of making that impact less adverse to his welfare. Accordingly, it states a basic and continuing policy that the Federal Government, in cooperation with all other interested parties, shall use all practicable means and measures, including financial and technical assistance, to assure that man's capacity to change his environment is devoted to making that change one for the better, while remaining consistent with his future social, economic, and other needs.

Subsection (b) of the new section would direct the President to transmit to the Congress at the close of each fiscal year an annual report setting forth an inventory of the American environment, broadly and generally identified, together with an estimate of the impact of visible future trends upon our future environment. This report would follow the report submitted by the Council in May of each year.

Subsection (c) (1) of the new section would create a five-man Council on Environmental Quality in the Office of the President. Although the original bills before the committee provided for a three-man Council, the committee felt that there was a clear need for a slightly larger Council with more personal resources available to it, and yet not so large as to be unwieldy; the Chairman of the Council would be designated by the President, since he would be acting as a major adviser to the President in this area. The qualifications of the Council members are stated broadly, since generalists are what the Council will require, and since it is impossible to define generalists adequately except in terms of their overall experience and com-

petence. Most critical in the selection of the Council members will be their commitment to an understanding and resolution of the environmental problems which we confront as a society.

Subsection (c) (2) would authorize the Council to employ the necessary staff to assist it in carrying out its duties. The importance of attracting and holding an extremely high caliber staff is of great importance. This subsection would give the Council broad authority to obtain the services of experts and consultants, including advisory committees and task forces on specific environmental problems.

Subsection (c) (3) would specify the duties and functions of the Council. These include—

First, assisting the President in the preparation of the annual report;

Second, gathering information on the short- and long-term problems that merit Council attention, together with a constant analysis of these problems as they may affect the policies stated in subsection (a), and a constant inflow of information to the President on the significance of these problems;

Third, maintaining a constant review of Federal programs and activities as they may affect the policies declared in subsection (a), and keeping the President informed on the degree to which those programs and activities may be consistent with those policies;

Fourth, requiring the Council to review and to recommend policies to the President, on the basis of its activities, whereby the quality of our environment may be enhanced, consistent with our social, economic, and other requirements; and

Fifth, authorizing the Council to make studies and recommendations relating to environmental considerations, as the President may direct.

Subsection (c) (4) would direct the Council to make an annual report on its activities to the President.

Subsection (c) (5) would require the Council to maintain open lines of communication with all affected segments of society, and would instruct it to avoid duplication of work that has already been done by others, wherever that can be done. This will be of particular significance as the Council acts to set up the data bank referred to in (3) (B) of this subsection; certainly most of the information flowing into that bank will have to be derived from sources outside the Council, and it will become vital that the Council assure itself that this information continue to be available to it.

Section 2 of the bill would amend title 5 of the United States Code to add the Chairman of the Council to level II of the Executive pay schedule, and the balance of the Council members to level IV. Since this is the same compensation received by the Chairman and members of the Council of Economic Advisers, who devote their full time to carrying out their duties, likewise it would be expected that the Chairman and members of the Council on Environmental Quality will devote their full time in carrying out the work of this high-level Council.

Mr. Chairman, our Committee on Merchant Marine and Fisheries was impressed by the wide range of witnesses testifying at the hearings in support of the legislation. In the main, all witnesses were in favor of the legislation. In fact, it is worthy to note that out of approximately 100 witnesses heard at the hearings there developed no substantive opposition on the part of the public to the legislation, and that the slight resistance on the part of witnesses for the departments stemmed from a feeling that the Council might in some way conflict with the interdepartmental Council on Environmental Quality established by Executive order of the President on May 29 of this year. It should also be noted that while the departments did not recommend en-

actment of the legislation, neither did they recommend against it. Witnesses from several agencies spoke highly of the potential of the Council contemplated by the legislation as complementary to the excellent steps already taken by the President. The only opposition to the legislation came from the Office of Science and Technology, which was based on the premise that the Council established by Executive order would accomplish the same purpose as the Council to be established by the legislation.

Mr. Chairman, our entire membership of the Merchant Marine and Fisheries Committee applauds the President on creating a Cabinet-level Council on Environmental Quality. However, we do not believe the Cabinet-level Council can devote a major proportion of their attention to the problems in the depth required. The problems are of several magnitudes larger than those which can be dealt with by this interdepartmental organization and its six staff members. On the other hand, we do realize that the interdepartmental Council can fill a clear and observed need of coordinating and resolving internal policy disputes between different executive agencies of the Government.

The purpose of this bill is to create by legislative action, standing outside the programs that can be done and undone by unilateral executive action, a council which can provide a consistent and expert source of review of national policies, environmental problems and trends, both long term and short term. Such a council would act entirely independently of the executive, mission-oriented agencies.

The President, the Congress, and the American people stand in need of this type of assistance. No organization, in existence or contemplated, except as provided for in this bill, shows any sign of meeting that need. It is for this reason that I strongly recom-

mend the creation of such a council, through enactment of H.R. 12549.

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Mr. PELLY. * * *

Mr. Chairman, I wholeheartedly support the remarks of the distinguished chairman of the Fisheries and Wildlife Conservation Subcommittee, the gentleman from Michigan (Mr. DINGELL), who has worked very hard to bring this important legislation to the floor. H.R. 12549, the clean bill to establish a Council on Environmental Quality, was unanimously reported by the Committee on Merchant Marine and Fisheries and has the bipartisan support of the members of that committee.

I have been asked, "Do we need another Presidential Commission or Council? Have we not enough experts in and out of Government concerned with the quality of our environment?" The answer to the second question explains the need. There are many experts within Government, industry and academic institutions concerned with various aspects of improving our daily life. We have experts in the field of transportation coping with the problem of moving people from one city to another in the least possible time with the greatest degree of safety. We have constructed a vast system of interstate highways to accomplish this. Yet at the same time, we have created serious problems of soil erosion, stream pollution and urban displacement. We have other experts concerned with assuring an adequate food supply for our ever-growing population. In conjunction with private industry, they have developed powerful chemicals to control pests and diseases that would otherwise destroy a substantial portion of the harvest, but these chemicals pollute our streams and lakes, and their residue is building up in our bodies. We have other experts who build dams to control floods and at the same time de-

stroy irreplaceable stretches of wilderness.

Progress in transportation, agriculture, the prevention of natural disasters, and developments in many other areas where we have applied modern technology are essential in a country of over 200 million people. The experts have, by and large, done their job well, but we must remember that their job is building highways, increasing our food production, preventing floods, and so on. Their primary concern is not the quality of our environment considered as a totality. That is not to say, of course, that the Federal Government is not concerned about the impact of such programs upon the quality of life as a whole. There is a growing awareness on the part of the principal executive departments that they must look beyond the narrow confines of their particular responsibility. We must recognize, however, that there is a natural inclination to foster and promote programs. Rarely will we find a department head urging the curtailment of a program because of its long-range adverse impact upon the environment as a whole. Thus, within the Federal Government we have many groups working to improve our lives, frequently at cross purposes.

The President on May 29, 1969, issued an Executive order establishing an Environmental Quality Council composed of the Vice President and six Cabinet Secretaries. The Science Advisor to the President was appointed Executive Secretary of the Council and assists the

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President in directing its affairs. The Office of the President's Science Advisor will furnish administrative and staff support for the Council. This is an extremely important development within our Federal Government in that it provides the machinery whereby the heads of principal departments will be able to interchange ideas con-

cerning the impact of their programs and the goals of their agencies.

Again, however, we must bear in mind that the primary function of our Cabinet Secretaries is to administer and promote the efforts of their respective departments. I would not expect a Cabinet officer who is vigorously pursuing the mandate of his department to lay aside a program to which his department is committed simply because another department head raised doubts about its long-range impact upon the environment so long as there are *short-run benefits* to be gained. I believe, therefore, that while the President's Council on Environmental Quality will be a useful tool for the interchange of information and for some degree of coordination, we cannot expect that the parochial views of the respective departments will be entirely divorced from its deliberations and decisions.

Beyond the Federal Government, there is the vast area of State and local activity, which has an equal if not greater impact upon our environment. The fields of waste disposal, industrial pollution control, intelligent land use, and so forth, are primarily in the hands of our State and local governments. While the Federal Government through a variety of programs gives assistance, the ultimate responsibility rests at the State and local level, and the goal of an improved environment rests ultimately on the success achieved by our States and municipalities.

The third major area concerned with our environment is private industry encompassing large corporations, which are too frequently large polluters of our environment as well, all the way down to the smallest business entity that produces some form of refuse. The problems of industrial pollution are infinitely complex. Virtually every industrial process requires a different form of pollution control depending upon the raw ma-

terials employed and the end product of the process. In this regard, our committee received testimony from an official of one of our largest industrial corporations who outlined the tremendous complexity of pollution control and the great financial investment required, both to build pollution control into new plants as well as add it to existing, often old, economically marginal plants.

The problem that we face in the field of environmental quality is greatly complicated by the fact that no one of these groups alone can bring about any change for the better. Whatever is done will require the highest degree of coordination of programs and interchange of knowledge. The continued appropriation of money by Congress for pollution abatement programs administered by a variety of Federal agencies, often employing conflicting standards, will not of itself produce much return.

What is needed today is an organization devoted exclusively to the problem of reconciling the needs of a large industrial society with the desire for quality in our environment. By quality, I mean, among other things, air that is just air, not air diluted with lead and other industrial wastes—water that is just water, not fortified with DDT—wildlife flourishing in its natural habitat rather than recorded in a book of extinct species—and cities where people can satisfy their desire for economic prosperity without paying a heavy price in terms of physical and spiritual deterioration.

The President's Council on Environmental Quality cannot accomplish the task of coordinating the activities and often conflicting interests of our Federal agencies, State and local governments, and private industry. The responsibilities of our Cabinet officers are already too varied—the demands on their time too great.

Assuming, however, that the Cabinet Secretaries do have the time to get

together and engage in a meaningful exchange of information and ideas, who will provide the groundwork for their deliberations? According to the President's Executive order, the Science Adviser and his staff will furnish the needed expert assistance on environmental matters. However, in testimony before our committee, Dr. Lee DuBridge, the President's Science Adviser, stated that the President has requested an appropriation for only six additional staff members to support the Environmental Quality Council, and there is no assurance that even these six would devote themselves exclusively to the Council.

The budget item covering these positions was included in the request for the Bureau of Outdoor Recreation of the Department of the Interior. However, the Appropriations Committee refused to act upon this request, and the bill as passed by the House did not include these funds. I understand that the other body agreed with our action yesterday. The report of the Appropriations Committee expressed the committee's concern for the environmental problems facing the Nation, but stated that the patchwork approach such as envisioned by the Executive order would be little better than nothing. The report further stated that the committee would be receptive and sympathetic to the funding requirements necessary to achieve the objectives stated in the various bills now pending in the Congress for the creation of a Council on Environmental Quality.

Mr. Chairman, the essential element of this legislation is the creation of an expert body whose members will devote their full time and attention to the difficult task of analyzing and interpreting environmental information, and who will be in a position to formulate and recommend to the President national policies to promote the betterment of our environment. Of equal importance is the requirement

that the Council annually report to the President and the President, in turn, report to the Congress regarding the status of our environment. Only in this way can we gather the facts upon which to make intelligent decisions.

The Council will complement rather than conflict with the interagency council established by the President's Executive order. Hopefully, it will have a staff well versed in all aspects of our environmental problems. In my opinion, this staff will augment and be of great benefit to the office of the Science Adviser.

I have not attempted to discuss in any detail the great number of environmental problems facing the Nation today. These problems have been discussed at great length by many distinguished Members. Even a casual examination of the CONGRESSIONAL RECORD will illustrate the attention which our colleagues have given these problems. I have stressed the organizational aspects of our fight for environmental quality rather than simply catalog the many crises we are facing. The technological know-how exists today to produce clean air and water and to generally upgrade the quality of our environment. A recent report of the American Chemical Society entitled "Cleaning our Environment—the Chemical Basis for Action," stressed the fact that this country can take enormous strides now toward a cleaner environment if it is willing to devote sufficient energy and financial support to the task. We have identified many of the problems, we have the technical know-how to solve them. This legislation will establish a much-needed focal point to set priorities and channel the efforts of Government and industry in a coordinated program. I therefore strongly urge its passage.

Mr. DINGELL. Mr. Chairman, I am happy to yield 2 minutes to the distinguished chairman of the Com-

mittee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, as chairman of the House Committee on Merchant Marine and Fisheries, I am naturally concerned about all phases of the environment which affect fish, wildlife and our natural resources. The ugly and devastating disease of pollution has contaminated every aspect of our environment—air, land, and water.

The massive pollution that now stalks our Nation is a very real and dangerous threat. It constitutes a problem so vast and so inter-related, one segment of the environment cannot be separated from another. Since man's manifold activities are affecting all components of the natural environment, the only logical approach is a broad-ranging, coordinated Federal program.

Mr. Chairman, H.R. 12549 is designed to initiate such a program. This legislation proposes to create a Council on Environmental Quality. This Council, which would be composed of outstanding and qualified leaders of the scientific, industrial and business community, would oversee and review all national policies relating to our environment; it would report directly to the President and recommend national programs to foster and promote the improvement of the Nation's total environmental quality.

One of the vital functions of this council would be to consult with State and local governments and other interested groups and individuals, and to utilize the services, facilities and information of

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these agencies and organizations. I consider this to be an extremely important and significant function, since, for the first time, it would establish

an effective liaison between the Federal Government and individual States, thereby creating a long-needed central clearinghouse of information.

Establishing such a council will not immediately solve all our massive pollution problems. It will, however, constitute the most significant step yet taken because it will represent the very first concerted congressional attack upon all forms of abuse upon our natural resources.

Mr. Chairman, I urge passage of this legislation, and I hope it will be enacted as rapidly as possible.

Mr. PELLY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I shall not take very much time. I simply want to say that as the ranking minority member on the committee I support this bill.

In recent years, scientists—and in turn the public—have become increasingly aware that technological progress is a mixed blessing. This can perhaps be compared to the injection of a newly-developed drug into the human body. All too often while curing the disease, the drug will produce undesirable side effects. In some instances, these effects may prove fatal. Short of that, the drug must be administered with caution and the body's reactions carefully monitored. Fortunately, the average human body can tolerate a high degree of foreign substances intended to ward off or cure certain ills. Within a certain range, the body simply throws off anything in excess of its needs.

Our planet, earth, has demonstrated a similar ability to absorb the side effects of increased population and industrial development.

We did not begin polluting our environment in earnest until the 19th century. Birmingham and other English cities where iron and coal were brought together to form the basis of an industrial society first witnessed

the intolerance of our atmosphere. The grime was an unmistakable sign that man was injecting far more than nature could absorb.

But this was a purely local condition—a very small raw spot. Annoying in the immediate area but hardly of much concern to the world as a whole. Generally, our ancestors stood in awe and marveled at the scientific and technical progress of the 1800's. The water became a bit murky and a smell began to pervade the air, but few noticed.

Some years after England first tasted—and smelled—the benefits of industrial progress the United States began the rapid development of a great industrial society. Our realization of its unpleasant side effects has been slow in coming, however.

In 1695, a man named Thomas Beverly wrote a book in London in which he described the end of the world in 1697. He wrote a second book in 1698 claiming that the world had indeed ended but nobody had noticed.

Probably nobody will notice the day the earth begins to produce less oxygen than is consumed. Nor will anyone be aware of the precise moment when the accumulation of pesticides produces irreversible physical changes in all animal life including man.

The side effects of progress are difficult to monitor. We know so little about the fundamental processes of nature and even less about the impact of our interference with these processes.

To most laymen like myself these problems seem remote indeed. While there is some evidence, for example, that we are using up the world's oxygen supply, it is difficult to relate these questions to here and now. Yet someone must. We do not have the right to exploit the world's resources or apply our scientific knowledge without some regard for those who will inherit this world and this Nation.

Fortunately, this globe has a high degree of natural resistance to man's injections of progress. We have not yet exceeded its level of tolerance. We must, however, begin to monitor it and modify our activities when danger signals appear. This cannot be done haphazardly. It will require expert advice in all scientific and technical disciplines and coordinated action at all levels of government and economic activity.

I believe the Council on Environmental Quality as envisioned by this legislation can fulfill this vital role and I support its enactment.

Mr. PELLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SCHADEBERG).

Mr. SCHADEBERG. Mr. Chairman, I rise in support of the bill, H.R. 12549.

Mr. Chairman, I participated in many hearings at which experts in their respective fields of knowledge warned against action in making progress without regard to its ultimate effect on the quality of our environment and which causes irreparable damage to our streams and lakes and atmosphere. The fact is that the various segments of society working each in its own field has resulted in a situation in which the right hand of government does not know what the left hand is doing. It is certainly not in the best interests of the citizens of our country either as citizens desiring improved environment in which to live and as taxpayers to spend millions to build dams to provide flood control or recreational areas when such a project might add to the pollution of the streams and lakes through tampering with the natural flow of the stream that cleanses it. It is imperative that our efforts to make progress and to improve our environment be coordinated. This legislation is a step in the right direction.

Mr. Chairman, man has been able to progress to his present state of development by controlling his environment instead of having to adjust to its changing conditions. He has harnessed streams and rivers to provide power and transportation. He has dug deep into the earth to mine the minerals that provide energy, heat, and light. He has built himself protection from the natural elements by using nature's natural products. But in so doing, he has upset the natural balance of the earth that has provided him with his wealth. If man is to survive, he must learn to work with, instead of against, this natural balance. Man is rapidly running headlong into disaster as a society as he desecrates the water, air, and land. Action is needed now.

Mr. Chairman, the general quality of the environment relates to the general welfare of the people of the United States and must, therefore, be a main priority of Congress. As we consider more and more legislation to combat the problems of environmental imbalance, Congress needs to have at hand an understanding of how to create and maintain conditions under which man and nature can exist in productive harmony, thereby fulfilling the social, economic, and other requirements of present and future generations. The Council proposed by the legislation now under consideration is necessary in order to provide this understanding. If such a council existed at the time of the invention of the automobile, perhaps we would have been able to realize the threat that would be presented to our atmosphere by the internal combustion of hydrocarbons before it was too late.

The great advantage in the council approach is that the findings will be shared by all agencies of the Federal Government, enabling them to develop meaningful environmental policies at the lower decisionmaking levels, and by the local and State governments.

Mr. Chairman, as I work with my district to preserve beautiful southern Wisconsin, I find the greatest problem is that there are many studies on particular problems, but there is no information available on the interrelatedness of all the proposed solutions. I support this legislation with the hopes that the Council on Environmental Quality can meet the needs of the American people. By providing a consistent review of national policies and environmental problems so that the present threat to our future can be approached in a comprehensive fashion.

Mr. PELLY. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. MACGREGOR).

Mr. MACGREGOR. Mr. Chairman, I strongly favor the adoption by the committee of the bill to provide for the establishment of a Council on Environmental Quality. We badly need to create a Council with a broad and independent overview of current and long-term trends in the quality of our national environment, to advise the President, and through him the Congress and the American people on steps which may and should be taken to improve the quality of that environment.

I note from the hearings that the slight resistance on the part of witnesses for the executive departments stemmed from a feeling that the Council might in some way conflict with the Interdepartmental Council on Environmental Quality established by Executive order of the President on May 29 of this year. But witnesses from several agencies spoke.

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highly of the potential of the Council contemplated by the legislation as complementary to the excellent steps already taken by the President to achieve concurrent and coherent environmental pollution within the ex-

ecutive agencies through the interdepartmental Council.

The Departments of Transportation and the Interior were of the opinion that should the Congress feel that establishment of a separate environmental advisory body in the Executive Office of the President along the lines contemplated by this legislation was desirable to assist the efforts of the President's Council, they would not object to such action. The Department of Health, Education, and Welfare stated that if the legislation were enacted into law, it stood ready to cooperate to the fullest in carrying out its praiseworthy purposes.

The testimony at the hearing also stressed the importance of the international aspects of the environmental problem. It is an unfortunate fact that many and perhaps most forms of environmental pollution cross international boundaries as easily as they cross State lines. Contamination of the oceans, with insufficient attention paid to its long-term consequences, appears to be a major problem to which far too little attention has been spent in the past. The international aspects are clearly a major part of the questions which the Council would have to confront, and I feel confident that these would receive early attention by the Council.

Several members of the scientific community have stressed the need for the development of an adequate information collection and retrieval system. There is today a 5- to 10-year gap between the development of basic research information and its technological implementation. Much of this basic research has significant implications for both improvement and degradation of man's environment, and activities in this area should more than repay the initial investment, to the extent that the Council could assist in making this information more ac-

cessible to the public and to the Federal Government.

State and local governments have a large stake in the common problem; it is also true that by no means all of the environmental problems which we see are caused, even indirectly, by the Federal Government alone. Witnesses at the hearings stressed the need for a continuing interchange between the Council and other agencies, including private citizens' groups, as a significant part of the environmental problems. There should be clear and open lines of communication between the Council and the public. The Council should also consider the impact of its activities upon the educational system, together with ways and means of continuing the growing trend toward public enlightenment on and concern with the important environmental issues that we confront.

Mr. REID of New York (at the request of Mr. PELLY) was granted permission to extend his remarks at this point in the RECORD.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 12549, to provide for the establishment of a Council on Environmental Quality.

This legislation is, if anything, long overdue, but greatly needed nonetheless. The dangers of polluting ourselves off the planet within a decade are not exaggerated, and unless we act without further delay to combat air and water pollution, we will find ourselves smothered and choked by our own lack of action and existing, inadvertent weather modification. I applaud this urgently needed legislation, but the existence of this Council must in no way be an excuse for lack of action by the interdepartmental Council on Environmental Quality established by Executive order of the President on May 29 of this year. I would hope in addition to annual reports that interim reports from both coun-

cils would be forthcoming in the near future as we can tolerate no further delay in national action.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of the bill, H.R. 12549, to amend the Fish and Wildlife Coordination Act to establish with the Executive Office of the President a Council on Environmental Quality.

I was pleased to join with my distinguished colleague from Michigan (Mr. DINGELL) and the other members of the Subcommittee on Fish and Wildlife Conservation in sponsoring this legislation, and I am confident that the House will recognize the import of this legislation and quickly voice its approval.

Time is of the essence, Mr. Chairman, in our struggle to restore our environment. Man simply does not have an eternity to right the wrongs he has done to the land, sea and air. Indeed, he may only have a generation. We must correct these wrongs and chart new directions which will guarantee that history does not repeat itself in the wanton and reckless use of the environment that God has provided for us.

This legislation would enable such new direction to be charted by providing the President and the Congress with annual environmental quality reports. The bill would also require the five-man Council to maintain a continuing review of Federal policies and activities with environmental implications. This is necessary because the various agencies and departments of the Federal government do not always act harmoniously in their concept and utilization of the land, sea and air upon which we must rely for our very existence.

Above all, this legislation would provide the first independent source

of review of the total environmental situation, and this is most necessary in view of the fact that we are spending more and more each fiscal year to combat pollution and to restore our environment, and we will be spending more in the years to come if we are to successfully win the battle.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to my distinguished friend the gentleman from Minnesota (Mr. KARTH).

Mr. KARTH. Mr. Chairman, I would like to begin by saying that I endorse the remarks just made by the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation and wholeheartedly support his request for passage of H.R. 12549.

As one of the cosponsors of H.R. 12549, it is needless to say that I support H.R. 12549. However, I would like to emphasize several points which I think justify the establishment of an independent council on environmental quality.

First. The President's Cabinet level Environmental Quality Council can carry out decisions but has a built-in conflict of interest in arriving at proper conclusions due to statutory obligations for various operating programs.

Second. Environmental decision-making requires independent, consistent, and expert advice.

Third. No such capability exists today for the President, the Congress or the public.

Fourth. The Office of Science and Technology has a great number of important duties for a limited staff. Funding of additional environmental staff services in this office is therefore complicated and unlikely to produce the required level of effort.

Fifth. While science and technology can bring important facts to environmental decisionmaking, this information is only a part of what is nec-

essary. Therefore, the emphasis on science, which the announced role of Office of Science and Technology suggests, is misleading and could decrease the availability of non-science inputs to the President.

Sixth. The present Citizen's Advisory Committee is a renaming of a former group established for recreation and natural beauty. Its membership is not chosen—and is therefore not adequate—for the task of environmental quality and productivity studies. Support for this group has been meager—via the Bureau of Outdoor Recreation of the Department of the Interior—and is likely to be curtailed further because of the unwillingness of the Congress to sustain such indirect funding.

Seventh. An independent advisory body established by statute as proposed in this bill, would command the funding support of the Congress, thus enabling the establishment of an adequate, highly competent staff.

Eighth. A mandate of independent review would attract persons of the highest character and expertise to serve as Council members. The goal of complete and objective structuring of the available facts and ideas would bring outstanding scholars to the staff. The stature of the Council and its staff would stimulate improved performance of all organizations concerned with the environment.

Thus, Mr. Chairman, passage of this legislation would add a complementary step to that taken by the President. Both the legislative and executive branches are well agreed on a national policy for the environment. The electorate has the will power and the purse power to accept decisions for an improved management of our natural surroundings. Let us now

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construct the institutional arrangements which will put policy into practice.

Mr. Chairman, I join my colleagues in urging prompt passage of H.R. 12549.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I echo the sentiments of those who have spoken heretofore this afternoon in connection with the dire need for legislation of this type. I am particularly interested in the pollution of the air which is caused by the emissions from automobile engines. I do hope that sufficient time and attention will be given to this question.

This legislation, H.R. 12549, to establish a Council on Environmental Quality is long overdue.

For too long, we have stressed technological progress, assuming that our environment could take care of itself. We have found that unfortunately it could not, and the result of our neglect is that our environment is becoming increasingly unlivable. Schoolchildren in Los Angeles cannot exercise outdoors on certain days because the smog level is too high. Street corners in Tokyo now must come equipped with pure oxygen so that motorists can prevent themselves from becoming asphyxiated.

I support this legislation today for the same reasons I introduced H.R. 12265, legislation to accomplish the same objective, last June. I believe a new set of priorities is needed in national policy emphasizing the creation, restoration, and maintenance of a habitat in which people can live more healthful lives and better enjoy their physical surroundings.

The American Chemical Society has recently put out an excellent report entitled "Cleaning Our Environment: the Chemical Basis for Action." This

report examines our technological capabilities for doing something about pollution and comes to the conclusion that willingness to act, and not technological capability, is the major obstacle to action. What it points out is particularly true of automotive pollution. The report suggests that there are a number of practical alternatives which could be utilized now to lower the pollution level from automobiles if only the auto industry would act. The auto industry, like most of the rest of society, will act, however, only when compelled.

The individual acts against pollution, if he acts at all, in accordance with his own self-interest. This is fully as true of the man in the street as it is of the legal person called the corporation or of any Government agency. Companies may rail at the actions of pollution control officials, but how many companies have acted to abate pollution without some inducement in addition to the simple desire not to pollute, be it improved public relations, the possibility of profit, or threat of legal action? Self-interest is, of course, old to the affairs of men, and society deals with it generally, in the larger goods, by striking a balance called the law.

Since I introduced legislation to ban the internal combustion engine in July I have come into contact with numerous technological improvements which could be employed by the auto and oil industries to lower the emission levels of automobiles. Among these are alternatives to the internal combustion engine itself. The auto industry tells us that steam and electric engines are not practical, yet we find backyard inventors and smaller companies with little capital and few facilities able to develop working, and in many cases inexpensive, steam and electric engines. A recent article in the Los Angeles Times documents one

such engine, developed for the State of California:

RETURN OF STEAM AGE? NEW CAR ENGINE
COULD CUT AIR POLLUTION

(By Irving S. Bengelsdorf, Ph. D.)

You get into the car, insert the key into the ignition, turn the key, wait about 7 seconds, press down on the accelerator and drive off smoothly and noiselessly. You are driving an automobile equipped with a simple, powerful, inexpensive, lightweight, compact, fast-starting and non-air-polluting steam engine.

Is there such a steam engine? Indeed, there is. Using the latest technological developments in combustion, air flow, metallurgy, measuring instruments and control devices, General Steam Corp., Newport Beach—formerly Thermodynamic Systems, Inc.—has solved the difficult engineering problems that have plagued steam engines in the past. GSC has designed and constructed a steam engine that shortly will be installed for testing in a California Highway Patrol car.

The modern steam engine offers many advantages over the internal combustion engine. Consider air pollution. Don. E. Johnson, GSC executive vice president and general manager, points out, "In testing during 1967, a 1963 car with no smog controlling device produced 596 parts per million of unburned hydrocarbons to pollute the air, even after a tune-up. A 1967 automobile, equipped with California smog devices, cut its production of air pollutants to 267 ppm. However, a 1960 steam car, with no smog device and no tune-up, produced only 20 ppm hydrocarbons."

Or, consider simplicity. Lift the hood of a steam engine and there are few parts—no carburetor, distributor, set of spark plugs or smog devices. Unlike an internal combustion engine that operates by a series of timed, discrete, high-pressure explosions that take place within individual cylinders, a steam engine burns fuel smoothly and continuously at low pressures.

So, steam engine combustion is more complete, tosses out less carbon monoxide and nitrogen oxides and fewer unburned hydrocarbons, and does not require leaded fuel.

Thus, the use of steam engines to propel automobiles would not only help to purify our air, but it also would permit us to use a cheaper fuel (kerosene is easier and less expensive to produce than gasoline), and it would eliminate the need for toxic lead additives that ultimately pollute the landscape and ourselves.

Nor is this all. The GSC steam engine needs no internal "motor oil." New advances

in metallurgy have made it self-lubricating. And, there is no need for a bulky, massive air conditioner. Use of steam pressure with a small, solid-state device about one-half the size of a pack of cigarettes cools the car pleasingly in hot weather. If the temperature outside is below freezing, a small pilot light keeps the steam generator warm, preventing the water from freezing.

The water that is used to be changed into steam to drive the GSC-steam engine is in a sealed, recirculating system. Once the water is added, additional water should not have to be added for the original water should stay in and be used over and over again to make steam. And the car is explosion-safe. At any given moment, only a pint of water, at the most, is being changed into steam. There is no evidence that any steam-powered car in the past had an explosion due to its steam system.

GSC steam engines can be made in the form of reciprocating engines, turbines or rotary engines. The new steam engine technology opens up a great deal of versatility and flexibility to engineers involved in the design and construction of engines for cars, ships, helicopters, pumps and the generation of small amounts of electrical power.

So, unlike some previously publicized steam engines, an excellent alternative to the increasingly complex internal combustion engine is just around the corner. The modern steam engine can play a key role in the cleansing of our air.

But, a mass-transit system operated by steam not only would clear out skies, it also would solve the traffic congestion problem at the same time. For as long as we depend exclusively on personal automobiles—one person to a car—to move from A to B, there will be horrendous traffic jams, regardless of what kind of power plant is under the hood.

I hope the Council on Environmental Quality will thus not just examine the problems of nature as they apply to the wilderness, but will face up to environmental problems like air and water pollution, which affect our cities, and serve as a lobby for action.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to my distinguished friend, the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, I rise in support of H.R. 12549 to establish a Council on Environmental Quality to advise the President and,

through him, the Congress on steps that should be taken to improve the quality of the American environment. The Council would also submit a report on foreseeable trends affecting the status of the environment in an attempt to forestall future devastation of man's most valuable commodity—his natural surroundings.

At a crucial juncture in the future development of our great Nation, we cannot afford to ignore the deplorable condition of many of our natural resources, the building blocks on which our future greatness depends. While steps have been taken to improve and preserve the quality of the environment, both by the public and private sectors, there is a distinct need for the proposed Council to coordinate these sometimes haphazard efforts and to plan for the future. The commitment, in view of the vast amount of work to be done, cannot be part time. The problems demand full-time expertise and attention.

As the representative and citizen of a district which has the dubious distinction of claiming within its boundaries a river that periodically catches fire and which borders on a lake referred to as the "Dead Sea," I am particularly concerned with measures which would improve the condition of these and similarly afflicted areas. Water pollution, however, is far from our sole environmental problem. The state of the air in Cleveland is at times barely breathable at best. This unfortunate situation exists in virtually all

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our large industrialized metropolitan complexes.

The residents of Cleveland are calling for the amelioration of conditions, as are concerned citizens throughout our Nation. These interested individuals may make strides privately or may appeal to local and State govern-

ments, but access to sophisticated research and development techniques are limited. In addition, their goals, in general, are specifically related to immediate conditions. The formation of the Council on Environmental Quality would function to coordinate these efforts, lending their expertise with a broad and independent overview of current and long-term trends, saving local interest groups duplication of mistakes and apprising them of success in other regions.

Last week 6,000 public works experts held meetings in Cleveland, pooling ideas on how to cope with America's environmental problems. Much more needs to be done, however. An annual meeting of this nature does not lend itself to the free and efficient flow of information.

I believe if we had had the annual report on the status of the environment which this bill will produce, a much greater understanding of the problems would exist. And public understanding is basic to obtaining the expenditures to restore and maintain environmental quality. Our legislative efforts in air, water, and solid waste control, in land use planning, recreation, and natural beauty, and other environmental affairs have given us a good start. The bill today will add another powerful tool in the very difficult task of improving our surroundings while continuing to extract a high standard of living.

I feel that the establishment of this Council is essential and urge support of H.R. 12549. The success of this type of organization is everyone's success in a world in which man can be his own worst enemy.

Mr. PELLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, I rise in support of H.R. 12549, to es-

establish a Council on Environmental Quality.

We of the 20th century have leaped technology barriers which for thousands of years baffled and blockaded mankind's progress. But in our haste to expand and modernize our cities, exploit our highways, airways, and waterways, and to wrest from the earth its crops and minerals, we have forgotten the immutable law of nature. All things must remain in balance or the harmony which makes life not only tolerable but possible will be destroyed.

Lake Erie is a tragic example of the mindless abuse men have heaped upon nature in the name of progress. Many of you in this House who remember this lake from your youth know that it was a productive, beautiful body of water. Today it is near death, its harvest of fish reduced only to perch, its waters unfit for swimming, and even when chemically salted so that it is potable, so unappetizing in color and aroma as to be scarcely drinkable. It—and thousands of lakes, streams, and rivers across the Nation—are victims of "techno-illogical" advance: The dumping of sewage, industrial waste, dredging and the runoff of nitrogen fertilizers. Miles of Erie are so choked with algae that all other marine life is strangled. Ecologists tell us the lake is doomed if immediate, massive help is not forthcoming.

Water pollution continues to be one of the Nation's most critical problems, yet we are failing to meet the crisis.

And it is only one of the environmental tragedies threatening our country. While algae and waste products choke life from our waters, automobile and industrial fumes are choking life from the air we breathe. Management of a knowledge of how contaminants flow, disperse and are converted into other physical and chemical forms, and how they can be contained.

Our knowledge is woefully scant in this field but we do know that air pollution is literally poisoning the lungs of millions of urban dwellers.

We only are beginning to realize the deadly dangers of pesticides and their residual effects on the food we consume. And we just are beginning to recognize the long-term consequences of the destruction of topsoil in strip mining.

These problems demand the sort of legislation we are acting on today, if we are to reverse the collision course with catastrophe we are following. I am particularly impressed by the scope of the proposed Council—to set forth "the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, land, range, urban, suburban and rural environment."

I endorse this legislation wholeheartedly and urge the House to give H.R. 12549 its unanimous support.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Connecticut (Mr. DADDARIO).

Mr. DADDARIO. Mr. Chairman, I would like to ask the gentleman from Michigan a question.

The gentleman in his earlier remarks referred to a bill in the Senate which I presume was unanimously passed and which I further presume was the bill submitted by Senator JACKSON.

Mr. DINGELL. The gentleman is correct and that bill is now on the Speaker's desk.

Mr. DADDARIO. I had the impression that the gentleman referred to that bill as being identical to the bill now under consideration.

Mr. DINGELL. I said "substan-

tially identical," or "substantially the same."

Mr. DADDARIO. In being substantially identical, would the gentleman indicate whether or not this bill includes in it title I of the bill which was passed by the other body?

Mr. DINGELL. The bill now before this body, I will say to my good friend, the gentleman from Connecticut, does not include the same policy statement, but H.R. 12549 does include a policy statement which the subcommittee and the committee regarded as being extremely valuable in accomplishing the thoughts set out in the policy statement in the Senate bill.

Mr. DADDARIO. Mr. Chairman, it is my feeling that the policy statement which is included in the Senate bill is an extremely important part of that legislation, and that it ought to be included in the legislation which is passed here in the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGELL. Mr. Chairman, I yield 30 additional seconds to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, it is my intention to offer an amendment for that purpose, and I intend to do so unless I could have assurances here that the committee in conference on this particular matter would take into serious consideration an adjustment to the Senate position in this regard.

Mr. DINGELL. I have to say in response to the inquiry of my good friend, the gentleman from Connecticut, that the conferees are not yet constituted. If I happen to be a conferee I certainly will look with sympathy with regard to the statement of policy in the Senate version. But I am sure the gentleman from Connecticut is aware of the fact that the managers on the part of the House cannot go forward without specific instructions from this body.

Mr. PELLY. Mr. Chairman, I yield

such time as he may consume to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman for yielding.

It seems to me, Mr. Chairman, that far too infrequently do we have measures which come before us which are both important in concept and also urgent in concept. Sometimes we deal with important matters that do not appear urgent, and sometimes we deal with urgent matters which on a broad measure may not be truly important. But I think in this measure today we have a measure which is both truly important to the future of this nation and which is also urgent.

In addition to that, if you will, we have an issue about which many of the people of this Nation are becoming, I think understandably and properly, deeply concerned.

When we deal with this basic concept of the environment we have something that we still can control in America, and do something about, and yet we have delayed in some areas of this Nation far too long in doing what we ought to be doing. We have a hodgepodge of information. We have a hodgepodge of tradition. We have a hodgepodge of laws which sometimes conflict with each other, and do not go about dealing properly and effectively with this problem which is a nationwide problem, and not a problem of isolated areas. We do not deal with it on a constant basis.

The bill that is before us dealing with providing a Council on Environmental Quality is an attempt to make order out of chaos. I believe that we in the House of Representatives would be derelict if we did not view this problem in its importance and in its urgency, and pass this bill today.

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As a member of the subcommittee, and as one of the cosponsors of the bill, I urge my colleagues in the House to join today in fast action by approving H.R. 12549.

Mr. DELLENBACK. Mr. Chairman, I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I do not want to appear as a wet blanket to what appears to be more or less of a love feast going on in the debate on the very important matter before the Committee at this time.

I doubt if anybody can really take exception to trying to protect our environment and at the same time trying to get man to realize his responsibility in protecting his environment and, also, at the same time to fit man into the necessary environment of this world.

This is a very complex matter on which we are spending a very limited amount of time today. I think it is only fair that the RECORD show how it developed.

By Executive order of May 4, 1966, the then President established the President's Council on Recreation and Natural Beauty, and at the same time he established the Citizens' Advisory Committee on Recreation and Natural Beauty of which the distinguished citizen of New York, Laurance Rockefeller, was appointed as Chairman.

Then by Executive order of May 29, 1969, the present President saw fit to abolish the then existing Council and Advisory Committee and established the Environmental Quality Council, and at the same time he established the Citizens' Advisory Committee on Environmental Quality and at such time the President appointed the distinguished gentleman from New

York, Mr. Laurance Rockefeller, as its Chairman.

Several of our colleagues in the Congress, one of whom is our distinguished colleague from Michigan, Mr. DINGELL, introduced bills in both Houses seeking to have the Congress of the United States assume some responsibility in this matter.

It so happens that the matter of jurisdiction is all wrapped up with the five or six very important standing committees of the House of Representatives. The same situation exists in the other body. We find in this body that the Committee on Interior and Insular Affairs was given the legislation having to do with legislation that was presented in the other body, and the Committee in the other body on Interior and Insular Affairs handled its own legislation and received the approval of the other body.

But before they sent it over to the House they struck the title of the bill and inserted a new title which left it open generally to all the committees in the House having jurisdiction on the subject of environment.

The distinguished Committee on Merchant Marine and Fisheries of the House sent their own bill. They got to work on it very effectively and it is now before this committee for consideration.

Because of various, I think, inadequacies and some controversy concerning the legislation, I shall seek to offer some amendments, only two or three of which are of substantial importance. The rest of them are clarifying amendments.

But I do think it is important to be advised that the legislation is not substantially identical as my good friend, the gentleman from Michigan states, to the Senate bill; that there is quite a bit of variance between them. But the differences between the two are, in my opinion, such that they can be ironed out by a conference commit-

tee between the two Houses. I am relying on that conference committee to help to take care of these differences. I would ask my distinguished friend, the gentleman from Michigan, if he considers after we have passed this legislation—let us say that we do—and the President of the United States approves it, will there be any need at that time for the existence of a President's Environmental Council or a Citizens' Advisory Committee or Council on Environmental Quality?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. DINGELL. This matter was discussed in considerable detail with Dr. DuBridge, the President's Science Adviser. At that time Dr. DuBridge said there are two different functions, and his full quotation will appear at the bottom of page 4 and the top of page 5 of the committee report, wherein he pointed out that the function of a Cabinet-level advisory committee was one which could iron out difficulties and differences within the Cabinet, whereas the agency before us now has a much broader function, that is, one of establishing the whole national policy in this area, reporting to the Congress and providing an interplay by and between the Congress, the people, the President, and, of course, the agency itself. I would have to defer to the President as to the matter of judgment as to whether that particular agency should continue to exist or not. I think this is a matter that will have to be taken care of in conference, it so happens.

To date this body, the House of Representatives of our Federal Congress, has failed this year to provide any funds for the continuance of the activities of the President's own Environmental Quality Council, and the Citizens' Advisory Committee on Environmental Quality headed by Mr.

Rockefeller. The reason we find ourselves in this particular situation is because there seems to be no authorizing legislation which would directly authorize the appropriation.

I am sure the Subcommittee on Appropriations of the House Committee on Appropriations would like to make the appropriation if they had some method of doing so. If there is this need, we should take care of it in conference.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Chairman, I reserve the balance of my time.

Mr. PELLY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. SAYLOR).

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I strongly support H.R. 12549, to establish a Presidential Council on Environmental Quality. It will be a most useful step in focusing the people's attention on the urgent need to stem the steadily deteriorating physical birthright of this generation of Americans and generations to come. The fact that our environment is really an interacting ecological system of dependent parts must be acknowledged and our efforts to restore it must be immediate and thorough.

We can and must restore the integrity of our natural environment. I would therefore hope that the Council on Environmental Quality, when created, will act as an ardent advocate of the need to protect our besieged natural resources, and not merely as a study group.

The establishment of a Council by the President will give Mr. Nixon the opportunity to seize the initiative in restoring the quality of our environment.

He must not fail this important

responsibility, so that there will be a commitment to the establishment of a livable, decent environment by other political leaders, by scientists, and private citizens. The progress of technology must take into consideration the needs of the community.

The Ninth Congressional District of Illinois, which I represent, is in many respects a cross-section of urban America. It stretches along Lake Michigan from the Chicago River to the northern city limits containing a rich mixture of ethnic and cultural communities, teeming with life and a desire to make things better. There are industries, factories, universities, elegant stores on Michigan Avenue and small shopping areas. All in all, the Ninth Congressional District is one of America's unique places.

But my constituents, as the price they pay for living in a thriving industrial center like Chicago, are forced to breathe air that is little less than poisonous. In the United States only New York's air, if one can so designate its envelope of pollution, is dirtier. There are Federal, State and local air pollution statutes, but so far, in spite of these, the situation is only beginning to be checked. Unclean air takes its toll in respiratory diseases, in cleaning and laundry bills, in building exteriors which are covered with layer upon layer of industrial grime and soot.

Invasion of our part of the lake from the north and the south has been threatening for some time. This summer that part of the Lake Michigan shoreline which forms the eastern limit of the ninth district was suitable for swimming. But to the north and to the south along that same shoreline a dip in the lake involved the risk of bacterial infection. Unless some action is taken soon to reverse the spread of pollution in the southern end

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of Lake Michigan, my constituents

will be subjected to that risk which is a shocking and unacceptable development. The invading contamination must be hurled back no matter what the cost for the lake as a national as well as our local treasure. Industrial polluters must be held to their responsibilities for a prompt cleanup.

But air and water pollution are only two environmental problems with which urban Americans are faced. It is up to us to make our cities cleaner, quieter, less crowded, and more human. We have some basic rethinking to do if we are even going to have a chance of making it all work.

For instance, we are going to have to learn how to recycle our industrial waste products instead of pouring them into the air or into our water supplies where they act as pollutants. To cite a single example, we vent into the atmosphere each year approximately 12 million tons of sulfur worth half a billion dollars. During that same year we extract 16 million tons of sulfur from the earth to support our modern civilization. The reasoning behind that paradox is that it is less expensive to mine new sulfur than it is to recover the old sulfur from industrial wastes. But somehow nobody mentions that pollution costs this Nation more than \$20 billion annually in strictly economic terms. Its human costs are incalculable.

We have to recognize the uselessness of passing new air pollution legislation on the one hand and building new highways into the city on the other. What is accomplished if a new air pollution law cuts down the hydrocarbon content of automobile exhaust by 10 percent while new highways concentrate 10 percent more vehicles in the cities?

In the past we have always assumed that our water resources should be used to absorb industrial wastes, and in many instances the result has

been to make them useless for any other function. The situation has reached the point now in the area of water quality that we must demand that nondegradation standards be adopted nationwide. A nondegradation standard means quite simply that any further degrading of the present state of water quality anywhere in the country is against the law.

Mr. Bertram C. Raynes, vice president of the Rand Development Corp., says of industrial polluters:

The only sensible policy now is to force them to take care of their wastes properly. Simply to require that the water they dump be pure, regardless of its condition when they receive it. That the gases they vent be free of pollution. That their spoil doesn't in turn despoil other property or remain ugly, regardless of how poor the area might have been when they undertook their operations. Instead of comforting the public with statements to the effect that "there is no evidence that these pollutants have unfavorable effects upon humans," let's see some evidence that they are definitely not harmful.

When Congressmen brought up the inadequacy of technology to combat pollution in some cases, and asked Mr. Raynes whether he thought the laws should be passed anyway, he answered simply:

Necessity has always been the father of technology.

But no matter how much we do to make our cities more livable, they will remain cities. Hopefully, they will be a little cleaner and a little quieter—but they will still be crowded centers of activity. Cities will still have more cultural than rural areas—more diversity, more dissension—more people, and more pressure.

Thus, in addition to improving the quality of urban life we must provide an alternative to it for those times when a man's spirit demands respite from the rigors and frustration of city living. More areas will have to be set aside within and near urban areas where a man can take his family

for an afternoon or a weekend or a camping trip during the summer. As our population grows, more recreation areas and parks will be required so that every American child will have the opportunity to see a duck take flight from a pond and learn the difference between an oak and a maple.

And, finally, we have to develop a new respect for our wilderness areas. As Americans, we should remember that our Nation was conceived in the wilderness and was shaped in character by the interaction of civilization and the natural frontier. Thus far in our history we have too often looked on the wilderness areas of our country—the vast stands of primeval woodlands, the powerful rivers and clear streams, the mountains and the valleys—as places where nature can be converted into profits. We have been trading away chunks of our natural heritage for short-term economic advantage.

We have forgotten that wilderness is to be valued for its own sake, as a place where man can learn about his world and his place in it. Many of our remaining wilderness areas are unique ecological systems whose balance of interaction between various animal and plant species and the physical environment can never be restored once it is impaired by a new road, a new airport, a mine, or a logging operation. There are many wilderness areas in the United States—the Everglades, the Great Swamp in New Jersey, the Cascades, the Indiana Dunes, to mention just a few. We must protect them all.

We must reject the conventional wisdom that there is something inevitable about the whittling away of nature's wonders. Instead, as David Brower has urged:

We shall seek a renewed stirring of love for the earth; we shall urge that what man is capable of doing to the earth is not always

what he ought to do; and we shall plead that all Americans, here, now, determine that a wide spacious, untrammelled freedom shall remain in the midst of the American earth as living testimony that this generation, our own, had love for the next.

Mr. SAYLOR. Mr. Chairman and members of the Committee, our distinguished colleague, the gentleman from Colorado, has explained one of the difficulties which has arisen with regard to this bill. I am satisfied that one of the responsibilities of the Congress is to establish whatever national commissions are in order. We have established others, and the mere fact that the President and prior Presidents have established councils or commissions on environmental quality should not deter this body from properly passing legislation granting congressional sanctions. I believe it is the responsibility of the Congress to legislate and the Executive to carry out the mandates of the Congress.

The bill before us was so drafted that it amended the Fish and Wildlife Coordination Act, and as such, went to the House Committee on Merchant Marine and Fisheries. The bill, S. 1075, which passed the other body and is now on the Speaker's desk, and that bill which has been supported by other Members of this body, merely authorizes the Secretary of the Interior to conduct these investigations relative to the Nation's ecology, its ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality, and called for reports by that Council to the Congress.

As a result of meetings between the members of the Merchant Marine and Fisheries Committee and the House Interior and Insular Affairs Committee, practically all the difficulties between these two bills have been worked out, and as Mr. ASPINALL explained he has a series of perfecting amendments which will, in substance, change the bill so that it will become,

rather than an amendment to the Fish and Wildlife Coordination Act, a substantive piece of legislation in and of itself, establishing a Council on Environmental Quality.

This Council on Environmental Quality will, I believe, be of great importance. I shall tell Members just a few of the reasons why. Its work will be absolutely necessary if mankind is to survive, and we are to be informed by some of the outstanding ecologists in this country and in the world on how to establish a balance in our environment between our exploding population and the depletion of our natural resources in order to permit a continued high standard of living and the ability to share many of life's amenities. Up until this point we have not tried to have any schedule or any program to consider the total environment of this country or even how it relates to other countries of the world.

I think it is necessary because in this country we are also exhausting some of our depletable resources, and I think it is necessary for a Council on Environmental Quality to study these depletions to determine what is the right manner in which various resources should be depleted—some faster than others probably.

These are the kinds of problems that this Council can and must solve, and must report on to the Congress, because the Founding Fathers intended this body of the Capitol to legislate on matters affecting the people.

For these reasons, and, with the amendments which will be proposed by the chairman of the House Committee on Interior and Insular Affairs, I support this legislation and ask that it have the united support of all Members of this body.

Mr. PELLY. Mr. Chairman, I yield

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such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I rise in support of this bill.

Conserving our natural resources is becoming our No. 1 domestic problem. When we destroy our environment, we destroy everything.

While various agencies may be working on this problem, we hope the Council, authorized under this bill, will be able to coordinate all work in this most important field.

I urge the passage of H.R. 12549.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I rise in support of H.R. 12549, to provide for the establishment of a Council on Environmental Quality.

It is because of my conviction that a Council of this type is necessary that I authored a proposal identical to the one by the gentleman from Michigan (Mr. DINGELL) and others that we are debating today. I do not believe that we can any longer afford to give our environment little more than passing attention. There are those who already feel that because of population pressures, new technology and an inadequate public and private desire, we are, in fact, already overwhelmed by the problem.

Last week, Col. Edwin Aldrin stood before us in this very Chamber and stated:

The Apollo lesson is that national goals can be met where there is a strong enough will to do so.

The passage of this legislation should signal that we do have the will to preserve our environment.

It would establish a Council whose sole purpose is to consider implications for our environment when decisions are made by the private sector of our economy and by other departments and units of Government.

For too long we have given economic considerations greater weight than environmental considerations and the result is surely becoming obvious for even the most shortsighted among us—a tasteless environment and an injured one.

Some questions have been raised about this proposal on the grounds that this new Council will conflict with the Interagency Environmental Council recently established by the President. They say that there is no real difference between the tasks or the organizations of the two. I do not believe this is true.

One difference concerns the composition of the President's Council. That Cabinet-level Council is composed of very busy men with vast governmental agencies to run. That committee cannot be expected to do the long-range planning and does not have the training and expertise needed to delve into the complex problems of the environment.

The other difference is one which any legislator who has ever dealt with a bureaucratic department should understand. Any department of Government is concerned first of all with the programs within its jurisdiction and only secondarily with the implications which the carrying out of its programs have on other areas of concern. The great danger presented by an interagency Council of the type proposed by the President is that when you get people from various Government departments sitting down at the same table they will be tempted to say to each other, "you stay out of my bureaucratic backyard, and I will stay out of yours."

As a consequence of that attitude, environmental considerations will be given little weight. The main goal of each of the participants is likely to be the protection of his jurisdiction from outside interference rather than the preservation of our environment.

This problem is not necessarily unique to the question of environment. In Wisconsin several years ago we faced the same argument in the field of mental health.

When considering whether to have an interagency committee on mental health or a coordinating committee on mental health with outside experts as members, the Wisconsin legislative committee which recommended the creation of the advisory committee said:

It is apparent that *stimulation* and *coordination* in the field of mental health is imperative; this stimulation and coordination cannot be expected from one of the departments engaged in mental health activities nor from a commission composed exclusively of representatives from the departments involved.

In addition to the need for stimulation and coordination, there is a need for *constant evaluation* and *research* of all mental health activities and programs.

These words are as true for a consideration of the environment as for the consideration of mental health problems.

Stimulation into new avenues of research can only come from the outside because it is impossible for those who are involved with departmental programs to evaluate them without bias. It would be unlikely, to say the least, to expect an individual to engage in a critical review of another department or policy if that person knows he will be subject to the same critical review by his colleagues a few days later. Evaluation of government programs is a sensitive job and one which cannot be carried out effectively solely by those who have a special stake in the outcome. For these reasons, while I commend the President for his initial action, I feel the Congress must take further steps.

This bill would minimize bureaucratic back scratching. For that reason, I strongly support the measure before us today. I congratulate the

gentleman from Michigan (Mr. DINGELL) and the other authors of the legislation, and I would like to especially commend the members of the Merchant Marine and Fisheries Committee and its able chairman, the gentleman from Maryland (Mr. GARMATZ).

There is more that can be done in environmental quality and I would like to see a stronger bill. But this legislation will be a good first step in our newly found willingness to attack the environmental problems before it is too late.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to my good friend the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, this bill, H.R. 12549, is another valuable contribution from the Congress to the array of administrative forces against pollution and other threats to the continued quality and productivity of our environment. These two concepts are the essence of the issue. Quality—because we must restore and maintain the diversity and vitality of all the living landscape. Productivity—because we are a burgeoning technological society with great dependence on natural resources. If we cannot harmonize our civilization with the principle of ecology then nature, and not mankind, will ultimately dictate the course of events.

I have been proud of the leadership shown by the Congress in environmental affairs. The Air Quality Act and the Water Quality Act were developed over a decade of legislation. Scenic rivers and scenic trails laws have originated in this branch of Government. Modern agricultural practice, mining and forestry laws, and natural beauty protection have evolved from the hearings and debates of various committees.

Thus, the Council on Environmental Quality is one more necessary

governmental institution, the need for which has been recognized by the Congress. This is not to disparage in any way the efforts of the President and his Cabinet coordinating group. The support of the executive agencies is essential if action programs are to be carried out in consonance with a natural policy for environmental enhancement.

But an advisory council such as provided by this bill, with a statutory link to the Congress and an independence from Federal departments, will fill a unique role. It will collect, evaluate, and present authoritative data in an annual report on the status of the environment. It will serve as a channel of information from State and local governments, private industry, and citizens groups. It will take a long-range view with no need to sacrifice our natural heritage to political or economic expediency.

I strongly endorse the Council on Environmental Quality and urge the adoption of this measure.

Mr. MINISH. Mr. Chairman, I am pleased to support H.R. 12549, a bill providing for the establishment of a Council on Environmental Quality within the Executive Office of the President.

Not only is pollution worsening, but so far we have not done anything to insure the ecology problems are carefully studied. It is not enough to dip cleansing agents into a stream, or try to swish the air clear with a spray. To achieve the desirable result, the eventual affects of such actions upon living organisms must be studied. I believe H.R. 12549 makes a good start in this direction.

The Committee on Merchant Marine and Fisheries, which reported out H.R. 12549, says:

The problem is deep and it touches on practically every aspect of everyday life, economic, scientific, technological, legal and even interpersonal . . . it is a problem which

we can no longer afford to treat as of secondary importance . . . if we are to reverse what seems to be a clear and intensifying trend toward environmental degradation.

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These significant facts must be acknowledged.

The administration has recently established an Inter-Cabinet Environmental Quality Control Council. However, it is presently clear that the Secretaries of the Interior, Agriculture, Health, Education, and Welfare, Transportation, Housing and Urban Development, and Commerce, together with the Vice President and the President, all of whom will serve on the Council, will have little enough time to devote to the subject of a stable and healthful environment.

Science Advisor Dr. Lee A. DuBridge has testified that he hopes to have a staff of six professionals and an equal number of supporting clerical staff assigned to this Council. The Committee on Merchant Marine and Fisheries has suggested 55 professionals and 20 to 30 clericals as a workable number of members for the Council on Environmental Quality set up under H.R. 12549. Although it is good to know that the administration is interested in this overriding issue, I would be set more to ease were I to know that the Congress had shown its intent by setting up a Council with its complement of staff. The staff under this Act would entirely devote itself to the problems at hand.

At recent hearings on H.R. 12549, Dr. David M. Gates, director of the Missouri Botanical Gardens and chairman of the board of advisers to the Ad Hoc Committee on the Environment, said:

It is not unlikely that our generation or the next one or perhaps the one after will have reached the pinnacle of quality and after that it will be a downhill slide. There is a finite amount of energy to be consumed. There are a finite number of resources.

Something must be done. That is why I support H.R. 12549 unreservedly. Too much is at stake.

Mr. DOWNING. Mr. Chairman, I am one of the sponsors of this bill and I enthusiastically support the purposes and the goal which it seeks to achieve.

Very simply, the bill creates a Council of five members appointed by the President, who will analyze environmental information and recommend national policy to promote the improvement of our environmental quality. The Council will report directly to the President and he, in turn, will report the findings and recommendations to the Congress.

I have no doubt that such a Council is necessary. The President has many advisers available to him with knowledgeable experience in all fields. He does not, however, have a panel of advisers whose main concern is the environmental problems of our Nation and the world. For the sake of our Nation's health, it is imperative that he have this advice.

As has been stated previously, mankind is playing an extremely dangerous game with his environment. Unless he stops, unless he changes his ways, he faces a strong possibility of extinction. Our industrial revolution has given us a significant technological progress that staggers the imagination. But along with benefits it has brought detriments and we must realize this.

Jamestown Island, the site of the first landing of the colonists in America, lies within my district. Several years ago, a well-known artist was commissioned to paint the scene of the three small ships at anchor in the James River as it appeared over 350 years ago. He did so, executing a beautiful painting showing the tiny ships on a blue James River. I am told the local committee questioned accepting it because, as every one

knows, the James River is grayish in color—not blue. When the artist was questioned, he sincerely answered, "It was blue then." We shall not see a blue James River again but hopefully it will not get any grayer.

Man must learn to live in harmony with his changing environment. This bill is a step in the right direction.

Mr. BENNETT. Mr. Chairman, I am pleased to support H.R. 12549, a bill to create a Council on Environmental Quality, and I congratulate the chairman and committee for reporting it to the House. This legislation will provide for a permanent agency in the Executive Office of the President to work toward a national policy to relate man and his work to the total environment.

This is an important first step in defining protected areas where Americans can live and enjoy happy and productive lives. The five-member Council will be charged with insuring our citizens of open and naturally attractive areas they and their children and future generations can enjoy.

The population explosion, the movement from the towns to the cities, natural changes and industrialization have transformed our Nation into an environmental hobgoblin.

We are now living a nonquality life because our builders and leaders have moved too fast with brick and mortar with little regard to what changes have been made in our living space.

It is primarily a matter of how fast or how long one wishes to live at certain quality.

Dr. David M. Gates, director of the Missouri Botanical Gardens, said in the hearings on the bill—

One can live high and short or slow and long. Civilization cannot do both.

It is obvious we are living high and short. We are doing this with little planning and thinking about the quality of our lives. I like what Don Marquis wrote:

If the world were not so full of people, and most of them did not have to work so hard, there would be more time for them to get out and lie on the grass, and there would be more grass for them to lie on.

What we are considering today is where the grass will be in another generation. I believe this bill, which is similar to one I introduced in the 89th, 90th and 91st Congresses—to provide for a study of our ecology—will develop the type of program and national policy to make sure we will live in “America the Beautiful.”

Mr. DADDARIO. Mr. Chairman, the bill under consideration reflects the broad concern of the public and of the Congress over the quality and productivity of our natural environment. It seems quite probable to me that we will pass some version of this legislation. I intend to vote for it.

However, there is a serious deficiency in the bill as reported out of the committee in that it lacks a statement of national environmental policy as presently interpreted by the Congress. Not to include such a statement would be to miss a great opportunity to lead this Nation out of the complex of program objectives which bring about present environmental degradation. The resolution of conflicting agency activities cannot be accomplished easily unless there is a commonly accepted policy guideline.

If the House does not endorse a policy position today, I am sure we will be faced with such a requirement when this bill goes to conference with the Senate. It is unnecessary and improper that we be put in that position since the diverse hearings of the past few years before several House committees have established the basic principles of environmental policy.

When we held hearings on Environmental Council bills before our Science Research and Development Subcommittee in 1968, we deferred action at that time because it was not

clear as to what organizational changes would be made in the executive branch. Last summer, in the Joint House-Senate Colloquium on a National Policy for the Environment, it became apparent that, regardless of organization, a strong policy statement was desirable and that it was the responsibility of the Congress to take the lead in formulating this policy.

The report from the colloquium suggested elements of national policy and these were forwarded by me for comment to the administration. On April 24, 1969, I received a detailed reply from the Executive Office of the President endorsing the congressional policy suggestions and adding several important elements. I inserted this correspondence in the CONGRESSIONAL RECORD on May 20, 1969, page 13148.

The general agreement on these elements of policy was further evidenced by the language in title I of S. 1075, passed by the Senate and sent to the House in July 1969. Believing that particular words are unimportant as long as the principles are the same, I adopted title I of S. 1075 as title I of my bill, H.R. 13272, the Environmental Quality and Productivity Act of 1969, introduced for myself and the gentleman from Ohio (Mr. MOSHER) on August 1, 1969. On that date I documented in detail the 3-year history of our committee work in environmental affairs—CONGRESSIONAL RECORD, August 1, 1969, page 12828.

The Members of this House must recognize the great interdependence of man and his environment and the ultimate requirement for harmony between his actions and ecological principles. We should recognize a human right to a healthful environment and a personal responsibility for preservation and enhancement of these values.

We must call on all agencies to conform their activities to these policy statements. This directive should pro-

vide an administrative route for redress of grievances by citizens groups who now

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must go to court in order to bring the rights for environmental quality into balance with Federal or private operations.

The original of national policy for the environment can be traced back over the past several years. There was apparent a growing concern of citizens everywhere that the earlier guidelines of economic exploitation were yielding byproducts of determination, pollution, and esthetic offense. Many organizations in government and the private sector began studies and programs to describe the cause and effect relationships between society's actions and environmental quality. At the same time, increased productivity from the landscape was demanded by a growing world population and desire for higher living standards. These studies found that environmental quality and productivity go hand in hand. In fact, in the long run the most productive environment is one which is kept at a high state of quality.

Therefore I call on the sponsors of the subject bill to include a strong policy statement when this bill comes back to the House from the conference committee. In doing so, the House will stand with the Senate in a position of leadership, serving notice on the executive agencies which come before our various committees that the entire Congress has agreed to restore, maintain, and enhance the quality of air, water, and land resources for continued productivity and enjoyment of our society far into the future.

Mr. Chairman, the bill being considered under the rule would authorize the President to appoint a five-

man Council on Environmental Quality. The amendment offered by the gentleman from Colorado (Mr. ASPINALL) would omit the necessity of the President seeking the advice and consent of the Senate for these appointments.

In my opinion, the amended bill would also leave the President free to appoint at least five members of his present Citizen's Advisory Committee on Environmental Quality to the newly established Council on Environmental Quality. Such flexibility would satisfy, to a degree, the provisions in my bill, H.R. 13272, which would have provided a statutory base for the Citizen's Advisory Committee on Environmental Quality. My purpose was to preserve the momentum of executive branch activities recently initiated by the existing cabinet council and the citizens advisory group. I have been concerned that the congressional action under discussion might be viewed as confusing, duplicative, and unnecessary. However, if my interpretation is acceptable, the valuable talents in the group headed by Mr. Laurance Rockefeller could continue to serve as a channel for public and congressional inputs. The bill would provide staff services, just as was intended in my proposal.

Adequate help in gathering and interpreting the factual data base for environmental management decisions is essential. I would agree that the Office of Science and Technology, with its present limited budget must be augmented. This is not to say that Dr. Lee DuBridge, Dr. John Buckley, and other staff members involved are not extremely valuable in this role. They are doing excellent work and we must give them more assistance.

There is a question in my mind as to whether full-time service on the Council established by this bill is necessary. The role of the Council is in long-range planning and to act as

a watchdog for the public and the Congress on the activities of the Federal departments. The best persons for these tasks may not be available to serve full time but would be willing and able to contribute on a part-time basis as does the present advisory committee. As I read the bill there is no requirement that the Council members serve full time, having no other employment.

Another minor problem in this bill is that the President has named his Cabinet group the Environmental Quality Council. This bill creates an independent Council on Environmental Quality. The obvious confusion in names for these groups with distinctly different duties is unfortunate. I would hope that the sponsors of the bill would in conference rename the congressionally established group as something other than a council.

Mr. DONOHUE. Mr. Chairman, because it is unquestionably in the immediate and long range urgent national interest I am supporting this bill before us, H.R. 12459, to create a Council on Environmental Quality and I hope the House will overwhelmingly approve it without extended delay. This measure recognizes and responds to the imperative necessity to legislatively initiate a strong, independent review of our total environment, the causes by which that environment has become increasingly dangerous to human life from pollution and poison and the means through which we may begin to meet these dangers in order to prevent our own unwitting self-extinction.

Let us emphasize that, at present, there is no unit or commission or other body in existence that can provide this Nation and our Government with an abstract, critical appraisal of various Federal programs and activities related to the environment and from which we could receive broad policies and recommendations for ex-

pedient improvement of our environment.

Mr. Chairman, it is universally recognized and admitted that our complex environmental issues and answers require legal, economic, social, management and systems analysis as well as scientific study in order to be of realistic value and effect.

Every school child and adult in this country is well aware that the advance of modern technology, however great its material benefits, has been unrestrained in its accompanying afflictions upon us through byproducts that increasingly poison our air and pollute our waters. The Federal Government has spent vast sums of money on different aspects of and approaches to this critical national problem. Yet there is no independent source of review of the total environmental situation nor any agency to provide the President and the Congress with an estimation of the priorities that should be assigned and the activities that should be coordinated to meet and overcome this problem.

In considering this measure before us, the House is demonstrating its interest and concern that every American has a fundamental and inalienable right to a healthful environment. In approving this bill the House will be fulfilling its legislative duty of insuring that this right will become a reality in the most prudent manner at the earliest date. I most earnestly urge my colleagues therefore to speedily adopt this measure which I believe is imperative to the public interest and our national survival.

Mr. COHELAN. Mr. Chairman, it is a pleasure to rise in support of H.R. 12549, the bill to establish an Environmental Quality Council.

I think we are all pretty much in agreement in this House on the need for such a Council. All we need to do is pick up the newspapers or take a good look around us and we read or

we see deterioration of our environment. For the most part, it is a deterioration caused by man.

We are only now beginning to feel the impact of overpopulation. We know that the effects of this problem place great stress on our existing institutions and facilities. Our real problem is trying to produce goods and services sufficient and suitable to man's needs.

We read of smog-filled cities and of polluted waters, a serious danger not only to mankind, but also to all wildlife and plantlife. We continue, almost unchecked to mar and deface our landscape and to ruin and destroy the few remnants of natural beauty remaining. We know the dangers of radioactivity and nuclear testing; dredging and filling of productive estuaries; drainage of wetlands; deforestation and soil erosion; defacing of land through stripmining; and ground water depletion.

Such development must no longer be allowed to go unchecked. We are fast becoming a victim of our own technology and progress. Man and his environment are vital to each other; the development and protection of one is dependent on the development and protection of the other.

The proposed five-man Council would provide a broad and independent overview of existing and potential problems that affect the quality of our environment. The bill would also require the Council to report annually to the President on the status of various aspects of the American environment. The President is required by this act to submit an annual report to Congress on the condition of the environment, current and long-range trends, utilizing the environment, and an evaluation of the impact on these trends on national requirements. The Council itself would maintain a continuous review of Federal policies and activities that influence environ-

mental quality and will have the authority to conduct studies that are deemed necessary to carry out its mandate. I feel that the establishment of an independent Council will also assist in the coordination of various Federal programs and provide a means in assisting in resolving internal policy disputes. The Council, in short, will provide additional [p. 26583]

assistance for both the President and Congress in meeting the environmental problems that have been created by advancing technology.

Mr. Chairman, I submit that this bill to establish an Environmental Quality Council is a most valuable addition to attempt to solve the most serious problems of environmental pollution. I urge the adoption of this measure by this Chamber.

Mr. FREY. Mr. Chairman, even as we gather here today, the quality of man's environment on earth is slowly decreasing. While such ecological disasters as the ruptured oil well off the Santa Barbara coast make the headlines and bring about a national concern, we must also be concerned about the environment on a long-range basis. The deterioration of the various facets of man's environment is becoming more and more noticeable. The coastal zone which surrounds so much of Florida is a prime example of this deterioration. Pollution of outlying regions and its effect on inland waterways, the washing away of literally hundreds of feet of beautiful beaches by waves, hurricane damage and the incorrect utilization of the delicately balanced ecology which forms the habitat of important fish and wildlife are only a few examples.

Marine environmental problems and their solutions will become even greater as private industry more and more realizes the wealth which lies beneath the ocean floor. And this is

only one of our environments. One of the more important general questions relative to man's environment is whether or not the world's population will have enough to eat in the 21st century and beyond.

Our Federal, State, and local governments have spent great amounts of money in efforts to define the various problems in the environment and then arrive at workable solutions. This bill, H.R. 12549, will provide us for the first time with a council which will make an independent review of the total environmental situation and provide both the President and Congress with an estimation of the priorities which should be assigned to the various aspects of the problem. I urge your support of the legislation.

Mr. MONAGAN. Mr. Chairman, I am supporting the bill (H.R. 12549) to provide for the establishment of a permanent Presidential Council on Environmental Quality. This bill is an important first step in formulating a national policy for environmental quality.

The Council on Environmental Quality would oversee Federal, State, and local programs aimed at improving the environment and would assist the President in the preparation of an annual message to the Congress on the state of the environment, just as the Council of Economic Advisers assists the President with his annual message on the state of the economy.

We welcome these legislative steps toward the creation of a national policy for environmental quality and a governmental capability to implement that policy. I am especially gratified that this bill under consideration includes essential provisions of my own bill, H.R. 13826, for environmental quality improvement. A permanent Presidential Council on Environmental Quality, as recommended both in my bill and in the one now

under consideration, must be established to oversee and coordinate the multiple and often conflicting programs pursued by the different levels of government to improve different aspects of the environment.

We need to develop on the part of Government an anticipatory capability; we need to go beyond reacting to specific crisis situations in the environmental field. It is far cheaper in human, social, and economic terms to anticipate these problems at an early stage and to find alternatives before they require the massive expenditures which we are now obligated to make to control water, air and land pollution.

My own bill was tailored to begin developing this anticipatory capability and I would hope that future legislation in this field would follow this route. To achieve this anticipatory capability I recommended that the Secretary of the Interior be authorized to conduct studies of natural environmental systems in the United States, to document and define changes in these systems, and to develop and maintain an inventory of natural resource development projects which may make significant modifications in the natural environment.

Further, I recommended that the Secretary of the Interior be directed to establish a clearinghouse for information on ecological problems and to disseminate information about programs related to those problems.

Also, I recommended that the Secretary of Health, Education, and Welfare be authorized to establish a comprehensive solid waste management program which would coordinate all such research now being done under a number of different Federal programs. Another recommendation of mine directed the Secretary of Health, Education, and Welfare to compile a national inventory of solid waste management needs and problems and

of solid waste management technology.

In addition, I recommended that the Secretary of Health, Education, and Welfare establish a clearinghouse for information on all aspects of air, water and soil pollution and solid waste disposal. This information would be made available to business, industry and municipalities, and the general public. These are the kind of provisions which would help to develop an anticipatory capability and I would hope that future legislation in the environmental field would include them.

Mr. LEGGETT. Mr. Chairman, the ever-increasing expanse of mankind and man's undirected use of technology pose a direct and definite threat to man's very existence.

The tragedy of Lake Erie and the Potomac River are but limited examples of man's shortsighted use of technology. Technology that was implemented for the betterment of man's condition and quality of life has created problems of air, land, and water use that threaten to cause irreparable harm to his environment.

The Federal Government has spent vast sums of money in recent years in an effort to meet a limited number of these problems and will likely increase its efforts in the future. However, at present, there is not an independent agency or review board that can review the total environmental situation or provide the President or Congress with an estimation of the priorities which must be assigned to different aspects of the problem.

There are numerous instances, such as the Peripheral Canal project in California, where a Federal project designed to deal with the need for an expanded water supply in the southern California region may not have fully taken into consideration the effect of the water removal on the Sacramento River Basin.

This bill would require the President to transmit to the Congress an annual environmental quality report concerning the status of various aspects of the American environment and their impact on other national requirements.

The bill would also require the Council to maintain a continuing review of Federal policies and activities with environmental implications.

When a Federal project, such as the Peripheral Canal project, irreversibly changes the ecology of a vast region there needs to be in-depth study of the total environmental effects of such a program.

On May 29 of this year the President, by Executive order, created an interdepartmental Council on Environmental Quality. While there is a definite need for an interdepartmental Council to resolve internal policy conflicts between mission oriented executive agencies, that is not the purpose of this legislation.

There is a definite need for a consistent and expert source of review of national policies, environmental problems and trends, both long and short term. The problems that need to be solved are several times larger than those which can be adequately dealt with by this interdepartmental Council. In addition, they are problems which will require full-time expertise and attention—expertise and attention which ought not to be devoted to other problems.

An overwhelming need exists for action to be taken in this area. No other organization, in existence or contemplated shows any sign of meeting that need. It is for that reason that I urge immediate passage of this legislation, H.R. 12549.

Mr. BOLAND, Mr. Chairman, the bill which is before this House today, calling for the creation of a Council on Environmental Quality, is one which deserves the support and ap-

proval of every Member of Congress. Its purpose is one which has far too long been delayed. The issues it proposes to tackle are far too critical for the quality of life to allow us to further postpone this necessary first step toward effective control and improvement of our environment. We must act.

H.R. 12549 is not a complicated bill. Its primary purpose is the creation of a five-man council whose mission will be a continuing study and assessment of factors and trends affecting the quality of our environment. It will prepare and

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submit to the President an annual report on its activities, and assist him in the preparation of an annual President's report to the Congress on environmental quality, which is called for in the bill. The council will also maintain a continuing review of Federal activities and programs affecting the environment, and keep the President informed on its findings. Finally, it will recommend to the President policies to enhance the quality of our environment.

In a sense, the Council will be the President's main adviser on environmental matters, in much the same manner as the Council of Economic Advisers now assists him in matters relating to the economy. That Council has been in existence since 1946, and has proved of inestimable value to the President, the Congress, and the country.

Mr. Chairman, ours is a society that has succumbed to the bewitchment of technology, a process which has transformed the world around us. Technology is widely created with many of the good things of modern life; rising agricultural productivity, new sources of power, automation, accelerated travel, increased volume, and

speed of communication, spectacular improvements in medicine and surgery—and more. Technology has greatly increased the wealth produced by human labor; it has lengthened our lives and immeasurably improved the conditions under which most men live. Little wonder that there has been engendered in our society a firm faith in technology as an almost undiluted good.

There are now, however, a number of reasons to question this implicit faith, for there is a growing body of evidence that society is paying a high price in environmental pollution for the advantages that flow from the rapid spread of technology. We now know that the beneficiaries of the good that technology can do are also victims of the environmental disease that technology breeds.

Few Americans are untouched or unaware of the extent of water pollution. Many of our urban dwellers are conscious of the discomfort—even the danger—of air pollution. Few who traveled the highways of America or visited our public parks this past summer will be surprised, on reading an advertisement in *Time* magazine for September 19, to learn that each of us is producing some 5 pounds of trash every day. These are the more obvious signs of our deteriorating environment. There are other, more subtle—even exotic—examples of technology's encounters with our environment—the mysterious fishkills; the quieter, if not "silent" springs in some areas; the death of a herd of sheep in Utah; the depredations of the sea lamprey in the Great Lakes.

Our record to date is not bright. Hindsight tells us that what we are experiencing is a logical outcome of almost-unrestrained application of technology on the once magnificent resources of a rapidly-growing country. It may be that we will never be able to restore some of the despoiled re-

sources and the natural beauties of our country. Certainly, recovery will be a long and costly process. But if we remember that the future begins tomorrow, then the bill we are considering today offers a great opportunity to prepare for that future.

A common reference point for looking ahead these days is the year 2000. If we consider just one aspect of the predicted future—population growth which will boost our numbers to some 300 million—we know that these numbers will place almost unbearable demands on the resources and the institutions, some of which are barely able to serve today's society. If we add another dimension of the future—the impact of the predicted growth of science and technology—then the interaction of these two dimensions will surely shape a future beyond our comprehension.

We have become more aware in recent years of past and present insults to our environment. Our response has been piecemeal and often too late. Lake Erie's reputed death may be the most glaring example of our inability or unwillingness to act in a responsible manner. We have an opportunity today to prepare ourselves to deal with this kind of thing in the future.

We have more than an opportunity; we have a responsibility.

As representatives of a democratic society, we are committed to the development of policies which insure maximum individual freedom and human development. Neither of these goals can be achieved in a decaying and overburdened environment. We must devise policies that take full account of the impact of technological development on the environment, and we can achieve this only if we have a clearer knowledge of what that impact might be.

The Council which this bill would create is the vehicle which can pro-

vide the President and the Congress with the kind of information which can guide us in shaping programs consistent with society's needs. The Council will also provide a vitally needed source for reviewing the total environmental situation—an "early warning" system that warns us of the effect on the environment of a particular program. Finally, it will fill the need for an agency capable of providing the President and the Congress with estimates of the priorities which must be assigned to all of the different aspects of the interaction of man and his environment.

Mr. Chairman, I hope every Member of this House will support H.R. 12549.

Mr. ANNUNZIO. Mr. Chairman, I would like to join my colleagues in urging passage of the Environmental Quality Council bill, H.R. 12549.

The purpose of this legislation is to create in the Executive Office of the President an independent advisory group to advise the President and through him the Congress and the American people on steps which should be taken to improve the quality of our environment. Although the President is in the process of organizing his Cabinet-level Council, created by Executive Order No. 11472, May 29, 1969, the legislative branch still sees the need for a permanent type council and feels that creation of this independent council would serve to complement and supplement the President's efforts.

Mr. Chairman, the Cabinet-level Council is an excellent means of communicating Executive decisions to the departments and agencies which would carry them out, but it has no potential as a means of promoting new policies, or even of investigating them, which may conflict in any way with the status quo. If the President had the time to concern himself personally with the many and complex

issues with environmental implications, it is possible that the independent council that we propose might not be as important as it is. But he does not have that time, nor does his Science Adviser, and he needs a competent full-time group of advisers to assist him—men and women with commitments to no programs or missions, other than that of environmental protection.

Mr. Chairman, the problems of our environment are several magnitudes larger than those which can be adequately dealt with by the part-time council. They touch on practically every aspect of everyday life and require the full-time expertise and attention of a Council such as that envisioned by this bill. The Council closely parallels the Council of Economic Advisers, which was created by the Full Employment Act of 1946 and which has successfully proven its worth, and it is for this reason that I highly endorse H.R. 12549 and urge its prompt passage.

Mr. DINGELL. Mr. Chairman, in considering this bill today, I want to acknowledge a debt owed by our committee to an impartial and expert group of men and women who have provided us with excellent and timely assistance in our deliberations. Almost one-fourth of the membership of this House has joined the informal and unofficial Ad Hoc Committee on the Environment—a committee of concerned legislators who have expressed an interest in information relevant to the growing problem of environmental degradation. That committee now numbers 119: Democrats and Republicans, liberals and conservatives in the House as well as on the other side of the Capitol. I would particularly like to thank Mr. Frank Potter, the executive director of the ad hoc committee, who has worked closely with our committee and through his tireless efforts has made

the passage of this legislation possible.

Our committee is in regular contact with 126 distinguished scientists, educators, businessmen, and conservationists, who serve as a board of advisers to our ad hoc committee. This board, which usually communicates with members of the ad hoc committee through the Environmental Clearinghouse, Inc. (a local nonprofit corporation which provides staff assistance to the ad hoc committee) provided 21 witnesses for our hearings. If time had permitted, many more advisers who had offered to appear before us would have been heard. The testimony of these advisers was almost unanimously in favor of the bill, and that testimony was a very important factor in our being able to report the bill to the floor of the House as early and as strongly as we were able to.

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I cannot say whether or not we could have moved as surely or as rapidly as we have, without the assistance of these public-spirited men and women in the board of advisers. I can say, however, that they were of immeasurable assistance to us in putting the issue into proper perspective, and that much of the urgency with which we view the environmental crisis, and which we are attempting to communicate to our colleagues today stems directly from the urgency and concern expressed by this impressive body of experts.

As I say, this is a debt that I am happy to acknowledge, and I know that I speak for all my colleagues on the subcommittee as well. The only proper way that we could pay this debt would be to see that this bill, H.R.12549, is passed as quickly as possible, and that the Council on Environmental Quality begins to move.

Mr. Chairman, in closing, I also would like to bring to the attention of

the Members the recently established Environmental Policy Division in the Legislative Reference Service at the Library of Congress. Mr. Richard A. Carpenter, senior specialist in science and technology, has been appointed chief of the new division. Mr. Carpenter has been most helpful to the committee and I would like to take this opportunity to officially express my appreciation for his kind assistance and to congratulate him on his promotion. The Environmental Policy Division was established in response to increasing congressional concern for the quality and productivity of the physical environment.

Mr. PELLY. Mr. Chairman, I have no further requests for time.

Mr. DINGELL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Coordination Act is amended by redesignating section 5A as section 5B and by inserting immediately after section 5 the following new section:

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

Mr. GROSS. Mr. Chairman, reserving the right to object, I wish the gentleman from Michigan would withhold that request. I have no intention of asking the Committee of the Whole to read the entire bill, but I wish the gentleman would withhold that request for a minute or 2, or 3 or 4 or 5 minutes.

Mr. DINGELL. Mr. Chairman, I withdraw by unanimous-consent request.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

"SEC. 5A. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the general environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practical means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

"(b) The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the 'report') which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; and (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

"(c) (1) There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national policy to promote the improvement of our environmental quality.

"(2) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States

Code (but without regard to the last sentence thereof).

"(3) It shall be the duty and function of the Council—

"(A) to assist and advise the President in the preparation of the Environmental Quality Report;

"(B) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

"(C) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

"(D) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

"(E) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

"(4) The Council shall make an annual report to the President in May of each year.

"(5) In exercising its powers, functions, and duties under this section—

"(A) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

"(B) the Council shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided."

Mr. SAYLOR (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Chairman, I object to that.

The CHAIRMAN. Objection is heard.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that the section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

PARLIAMENTARY INQUIRY

Mr. ASPINALL. Mr. Chairman, reserving the right to object, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASPINALL. Where does section 1 end?

The CHAIRMAN. On page 5, line 11.

Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENTS OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I have amendments at the desk. I ask unanimous consent that my amendments be read down to No. 17, and that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

Amendments offered by Mr. Aspinall: On page 1, lines 3 to 6, strike out "Fish and Wildlife Coordination Act is amended by redesignating section 5A as section 5B and by inserting immediately after section 5 the following new section:

"SEC. 5A. (a) The".

On page 2, line 13, strike out "'(b)" and insert "SEC. 2."

On page 3, line 1, strike out "'(c) (1)" and insert "SEC. 3."

On page 3, line 5, strike out "by and with the advice and consent of the Senate."

On page 3, line 15, strike out "'(2)" and insert "SEC. 4."

On page 3, line 23, strike out "'(3)" and insert "SEC. 5."

On page 3, line 24, strike out "'(A)" and insert "(a)".

On page 4, line 1, strike out "'(B)" and insert "(b)".

On page 4, line 10, strike out "'(C)" and insert "(c)".

On page 4, line 17, strike out "'(D)" and insert "(d)".

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On page 4, line 21, strike out "'(E)" and insert "(e)".

On page 4, line 24, strike out "'(4)" and insert "SEC. 6."

On page 5, line 1, strike out "'(5)" and insert "SEC. 7."

On page 5, line 3, strike out "'(A)" and insert "(a)".

On page 5, line 7, strike out "'(B)" and insert "(b)".

On page 5, line 11, strike out "avoided." and insert "avoided."

Mr. ASPINALL. Mr. Chairman, it is my understand that these amendments are satisfactory to the committee having jurisdiction over this legislation. Most of them are technical. However, there are three or four amendments which are substantial in their effect.

The first amendment has reference to the Fish and Wildlife Coordination Act. This language is deleted in order that this new legislation can stand on its own and will not be tied to an existing program. The subject matter of the bill relates to all environmental classes, and therefore its enactment as an amendment to this act is not appropriate and should be changed.

The second important amendment has to do with the question of Senate confirmation. Requirements for Senate confirmation of members of the Council are deleted by my amendment. I see no reason for Senate confirmation of a Presidential council of this nature. In fact, I think it dilutes the importance of the council. I think it

means, if you take it as I read it, that this House is giving way to the Senate in the membership of the proposed council a great deal of its own prerogative in the establishment of the Council itself.

Another important change that I dislike is the language added to make it clear that nothing in this act changes the authority given to an existing agency created by provisions of existing law. We leave existing law as it is. In my opinion, if additional authority and direction to existing agencies is needed, it should be provided by additional legislation. Here is where we will find ourselves in conflict with the other body when our conferees go into conference with the other body, because they do not pay sufficient attention in my opinion to existing authority of agencies already created.

If I remember correctly, that is as far as these amendments to this section go.

Mr. DINGELL. Mr. Chairman, these amendments have been discussed by and between me and my good friend, the gentleman from Colorado.

I would like to ask my good friend from Colorado if these are the amendments that we discussed at a time earlier.

Mr. ASPINALL. The gentleman is correct, excepting that there are other amendments I have before the committee at this time and they will be added when we get to the reading of the next section.

Mr. DINGELL. Mr. Chairman, I have discussed these amendments with my good friend from Colorado, and on behalf of the committee I interpose no objection. We have agreed to accept these amendments on the floor.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, one of the previous speakers said that the people are deeply concerned about environmental quality. Let me add that the people of this country are more deeply concerned about the tax burdens that are being loaded onto them, the inflation, and the debt that is being piled up. I suggest that at this time a council on tax environment would be far more appropriate than still another Council on Environmental Quality.

I tried a few minutes ago to get some kind of a handle, some kind of information, on the number of councils already loose in this country dealing with various forms of environmental quality. I got exactly nowhere. There is one, as I tried to point out earlier, in Virginia occupying, I do not know how many acres of land. This is out by Dulles Airport in the Herndon, Va., area. It is called Environmental Sciences and apparently operated by the Department of Commerce. Is that not large enough to embrace all environments? What is the meaning of "sciences"? What is the meaning of "environment"?

There was established last spring by the President of the United States, an Environmental Quality Council. It is apparently functioning right now.

What is proposed to be done with this Council already in existence? How much money is it proposed to spend on organizations of this kind?

There is no question in my mind but what this pending bill is going to provide more duplication. When do we propose to start saving \$1 million around here? There is no limitation contained in this legislation except the estimated cost of \$1 million a year. It could be more.

When is it proposed to save \$1 million around this place? When is it proposed to give the taxpayers a break? When are we going to make some move toward stopping inflation

that is chewing the economy of this country to pieces?

I do not know how many consultants, how many supergrades it is proposed to hire in this deal. I do not know how many there are over at the White House backing up the Council that has already been established with the same title. How many supergrades are already employed for this purpose? There is no limitation on this bill except the report says, "We estimate \$1 million a year."

Is it not about time to apply the brakes around here? When? When? When do we stop the duplication and the extravagance?

Mr. Chairman, this bill ought to be put on the shelf at least until we are provided valid reasons for spending money for purposes of this kind.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I supported this legislation in the committee. However, I did support it with reservations, some reservations which I would like to point out to the Committee today.

No one can doubt that cleaning up our air and earth and water demands the best efforts of many people. Any attempt to control the environmental system, therefore, must involve not only the best efforts of science and technology, but the law, sociology, politics, and economics.

But when we join such diverse talents can we strike that precious balance to avoid self-interest—the greatest of all pollutants to man's progress. For in matters of the environment, the range of self-interests to be served is national in scope.

The environmental system, furthermore, is by nature thoroughly geopolitical. Air and water contaminants do not respect State and local political boundaries. And so it falls on the Federal Government—the Congress—to create the basic legislation that

applies equitably and effectively to all jurisdictions.

The purpose of the legislation before the Congress today—to provide for the establishment of a Council on Environmental Quality—is supposed to promote general welfare and create and maintain conditions under which man and nature can exist in productive harmony. It may not.

The problem of swill, garbage, rubbish, and trash is very close, if not near and dear, to the citizens of New York and in fact every major urban area and many less concentrated areas of population. These necessary but unwanted byproducts of our everyday life are politely termed solid waste. It is the disposal and even worse the failure to dispose of solid waste that is the constantly growing cause of major hazard to health and esthetics. When we seek to establish a Council on Environmental Quality with the goal of controlling our environmental system—our air and earth and water—we should strive to think in grand terms of accomplishment. In the case of solid waste, many communities have only one practical means of disposal and that is by burning. So we must consider solid waste then as a fuel and as a fuel we should use its energies for electric power, the control of water pollution, and the treatment of sewage. We should burn it cleanly so as not to pollute the air around us and we must develop new combustible technology for this purpose.

With considerable foresight I believe, the Department of Health, Education, and Welfare has been committed to research for this very objective for several years. This is a program that ought to vitally concern at least three Cabinet departments and five agencies within those departments: Health, Education, and Welfare, with its divisions of solid waste and air pollution; Interior, with its

Office of Salient Water and Federal Water Pollution Control Administration; and Housing and Urban Development, with its planning of model cities and its multitude of other responsibilities.

Now, not tomorrow, is the time for a crash program by all of these agencies to complete the research and put our solid waste disposal into a safe position and perhaps even one that actually contributes to, rather than detracts from the general well-being of all of our people.

This I would deem one of the major challenges that would concern the Council on Environmental Quality proposed in this legislation. However, the ubiquitous hand of a number of Federal agen-

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cies and vested interest groups, both implicitly and explicitly, has written this legislation for their own self-interest and for the general welfare.

I would like to emphasize here that the power of the Department of the Interior, in matters of conservation, seem to override almost all considerations for the public good. In fact, they affect public works on a national basis.

The Department has consistently hid behind the veil of conservation to overrule vitally needed public works projects.

On the one hand they screamed pollution to prevent a channel-dredging operation in New York Harbor. Yet they allowed the dirtiest type of coal-fired powerplant to be built in my district.

So what we are talking about now is control of the environment by Government agencies. We cannot build a road in my district. We cannot build a road because of environmental factors and conservation factors that completely override need, technology, and the public good.

The constant threat of power blackouts in New York City alone would be abated today if single-minded preservationists had not effectively thwarted efforts to build a hydroelectric powerplant outside of the city.

I am concerned about creating a commission that will be conservation oriented. If that were to happen, progress would be limited to what has taken place in past decades. I cannot support any measure that literally insures dominance of conservative elements that so overcome the desires and needs of the public that we lose sight of those everyday needs.

I want the record here today in the Congress to insure that this Commission does not act against the environment in our urban areas. That it consider balance in the creation of necessary public works to clean, as well as to preserve our land.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Colorado (Mr. ASPINALL).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: On page 2, line 22, strike out "and" immediately preceding "(2)".

On page 2, line 25, strike out the period and insert in lieu thereof a semicolon and the following: "(3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effects on the environment and on the conservation, development and utilization of natural resources and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation"

Mr. REUSS. Mr. Chairman, I first want to congratulate the members of

the committee for having brought forth this trailblazing piece of legislation to the floor this afternoon. It, in its day, when enacted, will be as much of a landmark in matters of the environment as the Employment Act of 1946 has been in matters of economics.

Mr. Chairman, this amendment I propose is a simple amendment. It relates to the annual report on environmental quality required of the President by the bill. As the bill now stands, it contains excellent language that the President shall report on the status and condition of the environment. My amendment goes on to say that he should also give a report on how we are doing to fulfill the environmental goals under existing measures and programs and, if we are not doing as well as we might, to recommend ways of remedying those deficiencies, including recommendations for legislation.

This language is modeled after the language which has proved workable for more than 20 years with respect to the Employment Act of 1946.

It was approved in testimony before the House Committee on Government Operations by the Presidential science adviser, Dr. DuBridge, and I have submitted it to the managers on both sides. I believe it is satisfactory to them.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. DINGELL. I have discussed with the members of the committee, with the able and distinguished chairman of the committee, the Honorable EDWARD GARMATZ, and with my distinguished friend and colleague, the gentleman from Washington (Mr. PELLY).

We find no objection to this language and I believe it would help the bill. On behalf of the committee, I am

happy to accept the language offered by the gentleman from Wisconsin. I do commend him for his labors in this regard and I thank him.

Mr. REUSS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DADDARIO

Mr. DADDARIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DADDARIO: On page 1, strike lines 3 through 6 and insert the following:

"That (a) This Act may be cited as The Environmental Quality and Productivity Act of 1969.

"SEC. (b)(1). The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practical means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

"(A) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

"(B) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

"(C) attain the widest range of beneficial uses of safety, or other undesirable and unintended consequences;

"(D) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

"(E) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

"(F) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

"(2) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

"SEC. (c). The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this act, and that all agencies of the Federal Government—

"(1) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment;

"(2) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

"(3) include in every recommendation or report on proposals for legislation and other Federal actions significantly affecting the quality of the human environment, a finding by the responsible official that—

"(A) the environmental impact of the proposed action has been studied and considered;

"(B) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by other stated considerations of national policy;

"(C) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and that

"(D) any irreversible and irretrievable commitments of resources are warranted.

"(4) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water, or air;

"(5) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

"(6) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress such measures as may be necessary to make their authority consistent with this Act.

"SEC. (d)(1). The Congress, recognizing the profound."

CONFORMING AMENDMENTS

On page 2, line 13, strike out "(b)" and insert "2".

On page 3, line 1, strike out "(c) (1)" and insert "3A".

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On page 3, line 5, strike out "by and with the advice and consent of the Senate,".

On page 3, line 15, strike out "(2)" and insert "B".

On page 3, line 23, strike out "(3)" and insert "C".

On page 3, line 24, strike out "(A)" and insert "(i)".

On page 4, line 1, strike out "(B)" and insert "(ii)".

On page 4, line 10, strike out "(C)" and insert "(iii)".

On page 4, line 17, strike out "(D)" and insert "(iv)".

On page 4, line 21, strike out "(E)" and insert "(v)".

On page 4, line 24, strike out "(4)" and insert "(D)".

On page 5, line 1, strike out "(5)" and insert "(E)".

On page 5, line 3, strike out "(A)" and insert "(i)".

On page 5, line 7, strike out "(B)" and insert "(ii)".

On page 5, line 11, strike out "avoided." and insert "avoided."

On page 5, line 12, strike out "SEC. 2(a)." and insert "SEC. (e) (1)."

On page 5, line 16, strike out "(b)" and insert "(2)".

On page 5, after line 19, insert new sections f, g, and h, as follows:

"SEC. f. The annual reports submitted to the Congress pursuant to section 2 of this Act shall be referred by the Speaker to each standing committee of the House of Representatives that has jurisdiction over any part of the subject matter of the reports.

"SEC. g. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

"SEC. h. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$500,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter."

PARLIAMENTARY INQUIRY

Mr. ASPINALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASPINALL. The amendment,

as it has been offered, would destroy the entire structure of section 1 as perfected by the so-called Aspinall amendment. I wish to know if the Chair would rule that that is correct.

The CHAIRMAN. The Chair is of the opinion that the amendment of the gentleman from Connecticut was offered in the nature of a substitute for section 1 of the bill, but the Chair will examine the amendment.

Mr. ASPINALL. I did not understand the gentleman from Connecticut to offer his amendment as an amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from Connecticut proposed to strike out lines 3 through 6 and insert substitute wording.

Mr. ASPINALL. Mr. Chairman, I make a point of order against the amendment on the ground that it comes too late. It comes after perfection of the original language and would destroy the so-called Aspinall amendment.

The CHAIRMAN. Does the gentleman make a point of order against the amendment?

Mr. ASPINALL. That is exactly correct. That is what I am doing.

The CHAIRMAN. Will the gentleman state his point of order again?

Mr. ASPINALL. After the bill has been perfected by the so-called Aspinall amendment, the amendment offered by the gentleman from Connecticut is offered as an amendment to that amendment as such, after it has been adopted by the House.

If the amendment were offered as a substitute, than I could not object to it, so far as that is concerned. But I object to it as purely an amendment.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard on the point of order?

Mr. DADDARIO. Mr. Chairman, the amendment which I offer as a substitute to the first section would

simply add language which would in no way interfere with the activity already taking place but which is in fact supplementary to it. The language is clear. It would have no effect on the action already taken, excepting to add language.

The CHAIRMAN (Mr. MCCARTHY). The Chair is prepared to rule. The Committee has agreed to the amendments offered by the gentleman from Colorado. His first amendment altered the language on page 1, lines 3 to 6.

The Chair upholds the point of order of the gentleman from Colorado that the amendment of the gentleman from Connecticut attempts to amend an amendment already agreed to and is not in order. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

SEC. 2. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Chairman, Council on Environmental Quality."

(b) Section 5315 of title 5, United States Code, is amended by adding, at the end thereof, the following:

"(92) Members, Council on Environmental Quality."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 14, delete "of" and insert in lieu thereof "on".

The committee amendment was agreed to.

AMENDMENTS OFFERED BY

MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. ASPINALL: On page 5, line 12, strike out "SEC. 2." and insert "SEC. 8."

On page 5, after line 19, insert new sections 9 and 10, as follows:

"SEC. 9. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

"SEC. 10. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$500,000 for fiscal year 1971 and \$1,000,000 for each fiscal year thereafter."

The CHAIRMAN. The gentleman from Colorado is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to ask my good friend, the gentleman from Colorado, are these the amendments the gentleman discussed with me earlier?

Mr. ASPINALL. Mr. Chairman, these are the amendments I discussed with my good friend, the gentleman from Michigan.

Mr. DINGELL. They are dealing with what?

Mr. ASPINALL. They deal with the proposed sections 9 and 10 and also a correcting amendment on page 5, line 12, because that section is to be renumbered, as it should be.

Mr. DINGELL. Mr. Chairman, if the gentleman will yield further, I have discussed these amendments with the able and distinguished chairman of the full committee, Mr. GARMATZ, and with my distinguished friend and colleague, the gentleman from Washington (Mr. PELLY). I am prepared to accept these amendments.

Mr. ASPINALL. Mr. Chairman, I wish to make two short statements. One, I thank my friend the gentleman from Michigan, for his statement that his committee accepts the amendments, but I do want the RECORD to show that what we propose in the language is to make clear that nothing in this act changes the authority and responsibility of existing

agencies created by other provisions of law. In my opinion, if additional authority is needed and direction to existing agencies is needed, they should be provided by separate legislation.

Finally, I wish to state that the House bill is open ended for the expenditure of money. The Senate bill is open ended in one place and closed in two other places, with larger amounts of money than is proposed here.

The language I have proposed, and on which I have received unanimous consent to have the amendments considered en bloc, places a ceiling on the amount authorized to be appropriated to carry out the provisions of this act.

Mr. Chairman, in regard to this legislation we are giving to Congress the oversight authority which it needs and which it should have on any environmental program that is proposed by the executive department or by Congress.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend, the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I congratulate the gentleman from Colorado for offering these amendments, particularly the amendment which is new section 10, because this places a limitation upon the expenditures that can be made by this Commission that will be appointed. This is in keeping with the policy which we have used in the Committee on Interior and Insular Affairs in all legislation we report to the Congress. I think other committees might do well to follow like procedure in such matters.

Mr. ASPINALL. Mr. Chairman, the chairman of the Committee on Interior and Insular Affairs, now in the well, suggests that this is the way

to see that our oversight authority is taken care of properly.

The CHAIRMAN. The question is on

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the amendments offered by the gentleman from Colorado (Mr. ASPINALL).

The amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCCARTHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12549) to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes, pursuant to House Resolution 544, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 372, nays 15, not voting 43, * * *

The result of the vote was announced as above recorded.

The doors were opened.

TITLE AMENDMENT OFFERED BY

MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. ASPINALL: Amend the title so as to read: "A bill to provide for the establishment of a Council on Environmental Quality, and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, pursuant to the provisions of House Resolution 544, I call up for immediate consideration the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. DINGELL: Strike out all after the enacting clause of S. 1075 and insert in lieu thereof the provisions of H.R. 12549, as passed, as follows:

"That the Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the

overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of Americans.

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"SEC. 2. The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the 'report') which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

"SEC. 3. There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national

policy to promote the improvement of the environmental quality.

"SEC. 4. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

"SEC. 5. It shall be the duty and function of the Council—

"(a) to assist and advise the President in the preparation of the Environmental Quality Report;

"(b) to gather timely and authoritative information concerning the conditions and trends in environmental quality both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

"(c) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

"(d) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

"(e) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

"SEC. 6. The Council shall make an annual report to the President in May of each year.

"SEC. 7. In exercising its powers, functions, and duties under this section—

"(a) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

"(b) the Council shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order

that duplication of effort and expense may be avoided.

"SEC. 8. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Chairman, Council on Environmental Quality."

"(b) Section 5315 of title 5, United States Code, is amended by adding, at the end thereof, the following:

"(92) Members, Council on Environmental Quality."

"SEC. 9. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

"SEC. 10. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$500,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

"Amend the title so as to read: 'An Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.'"

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the establishment of a Council on Environmental Quality, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12549) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1075

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill (S. 1075) and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees: MESSRS. GARMATZ, DINGELL, ASPINALL, PELLY, and SAYLOR.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

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1.2a(4)(c) Oct. 8: Senate disagrees to House amendments, agreed to conference, pp. 29066–29074, 29076–29089

ESTABLISHMENT OF A BOARD OF ENVIRONMENTAL QUALITY ADVISERS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1075.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, which was to strike out all after the enacting clause and insert:

That the Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

SEC. 2. The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (herein-

after referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 3. There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate the improvement of our environmental quality.

SEC. 4. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In

addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 5. It shall be the duty and function of the Council—

(a) to assist and advise the President in the preparation of the Environmental Quality Report;

(b) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

(c) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(d) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

(e) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 6. The Council shall make an annual report to the President in May of each year.

SEC. 7. In exercising its powers, functions, and duties under this section—

(a) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

(b) the Council, shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided.

SEC. 8. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Chairman, Council on Environmental Quality."

(b) Section 5315 of title 5, United States Code, is amended by adding, at the end thereof, the following:

"(32) Members, Council on Environmental Quality."

SEC. 9. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

SEC. 10. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$500,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

And, amend the title so as to read: "An act to provide for the establishment of a Council on Environmental Quality, and for other purposes."

Mr. JACKSON. Mr. President, on July 10, 1969, the Senate passed S. 1075, the Environmental Policy Act of 1969. On September 23 the House of Representatives passed H.R. 12549, "a bill to provide for the establishment of a Council on Environmental Quality, and for other purposes," by a vote of 372 to 15. Following adoption of H.R. 12549, a motion was offered to strike all after the enacting clause of S. 1075, and to substitute therefor the text of the House passed bill, H.R. 12549.

The motion was agreed to, the House insisted on its amendments to the Senate bill—S. 1075—and requested a conference on the disagreeing votes of the two Houses.

Mr. President, upon the conclusion of my remarks on the history and content of the House and Senate passed bills, and the important differences in the two measures, I intend to call up S. 1075, and move that the Senate disagree to the amendments of the House, agree to the conference requested by the House, and appoint the conferees for the Senate.

Mr. President, over the past decade there have been some very remarkable changes in public attitudes toward the manner in which the Nation's natural resources are adminis-

tered. In the past, the public was concerned about policies designated by the terms "conservation," "preservation," and "multiple use." Today, a new set of words and concepts have come into wide public use in discussing the Nation's irreplaceable natural resource base. These words and concepts include "ecology," "environment," and the "inter-relatedness" of all aspects of the physical environment.

These changes in public attitudes and the growing public awareness and concern over man's limited natural resource base were perhaps best articulated during the decade of the sixties by former Secretary of the Interior Stewart Udall. Secretary Udall made the inadequacy of the Nation's knowledge, policies, priorities and institutions for the administration of the public's resources and man's total environment an important public issue.

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The inadequacy of present knowledge, policies, and institutions is reflected in the Nation's history, in our national attitudes, and in our contemporary life, that touches every aspect of man's existence. It threatens, it degrades, and destroys the quality of life which all men need.

We see increasing evidence of this inadequacy all around us: haphazard urban and suburban growth; crowding, congestion, and conditions within our central cities which result in civil unrest and detract from man's social and psychological well-being; the loss of valuable open spaces; inconsistent and, often, incoherent rural and urban land-use policies; critical air and water pollution problems; diminishing recreational opportunity; continuing soil erosion; the degradation of unique ecosystems; needless deforestation; the decline and extinction of fish and wildlife species; poorly designed

transportation systems; poor architectural design and ugliness in public and private structures; rising levels of noise; the continued proliferation of pesticides and chemicals without adequate consideration of the consequences; radiation hazards; thermal pollution; an increasingly ugly landscape clustered with billboards, powerlines, and junkyards; growing scarcity of essential resources; and many, many other environmental quality problems.

LEGISLATIVE HISTORY

S. 1075

The need for a comprehensive national study on resource, conservation, and environmental administration has long been a matter of active concern to the Senate Interior and Insular Affairs Committee. This history of active concern is set out in the legislative history section of the committee's report on S. 1075.

Senate passage of S. 1075 in July of this year culminated 10 years of active consideration of legislation on conservation, resource, and environmental policy and the need for new governmental institutions in this important area of Federal responsibility.

During the 86th Congress 4 days of hearings were held on Senator Murray's bill, S. 2549, the Resources and Conservation Act, which was introduced in 1959. The concept that there is a need for a high-level Council of Conservation, Resource, or Environmental Advisers first found legislative expression in this measure. This measure also represented the first expression of need for a unified and comprehensive statement of conservation, resource, and environmental policy.

During the 87th Congress hearings were held on a similar measure sponsored by Senator Engle and others.

In subsequent sessions of Congress the same and related measures have

been introduced and referred to the Interior Committee for consideration.

In the 89th Congress hearings were held before the Interior Committee, Senator NELSON's Ecological Research and Surveys Act. The major programs of this measure were later incorporated into S. 2805, introduced by Senator Kuchel and myself in the 90th Congress. S. 2805 would have authorized a program of ecological and environmental research and established a Council of Environmental Advisers in the Executive Office of the President.

S. 2805 and other measures dealing with environmental and resource policy were discussed at a unique joint House-Senate colloquium to discuss a national policy for the environment, sponsored by the Senate Interior Committee and the House Science and Astronautics Committee in July 1968. All concerned Members of the Congress were invited and many attended.

Prior to the colloquium, a special report entitled a "National Policy for the Environment" was prepared for the Interior Committee as a background document on the need for a policy. After the hearings, a congressional white paper on "A National Policy for the Environment" was prepared. This paper summarized the colloquium proceedings, discussed alternatives for congressional action, and attempted to state the elements of a national policy.

During the 91st Congress, three separate major bills dealing with environmental and resource policy and the establishment of new institutions for overview and oversight purposes were introduced and referred to the Interior Committee. The bills were S. 237, MCGOVERN; S. 1075, JACKSON; and S. 1752, NELSON. Hearings were held on these measures on April 16, 1969.

Following a staff review of the hearing record, amendment No. 25, an amendment in the nature of a substitute of S. 1075, was introduced on May 29, 1969. This amendment added a new title to S. 1075 and was substantially incorporated into S. 1075 as ordered reported to the Senate on June 18.

Before the committee's report was filed, the Bureau of the Budget requested that the committee reconsider the measure and recommended further amendments. The bill was reconsidered on July 8, amendments were adopted and the measure was ordered reported. The committee report was filed on July 9 and the bill was passed by the Senate on July 10.

S. 1075 was not referred to committee in the House because of a question over which committee or committees had legislative jurisdiction over the subject matter of the bill. The measure was held at the Speaker's desk until the House passed H.R. 12549, a measure similar to S. 1075 in many respects.

S. 1075 AS AMENDED BY THE HOUSE
(H.R. 12549)

On September 23, the House passed H.R. 12549 and substituted the text of the House-passed bill for the text of S. 1075. The House disagreed with the language of S. 1075, requested a conference and appointed conferees.

H.R. 12549—DINGELL and others—and a number of other identical and similar measures were the subject of hearings before the House Merchant Marine and Fisheries Committee in May and June of this year. H.R. 12549 is similar to title III of S. 1075 in that it would establish a Council of Environmental Advisers and require the President to submit an annual Environmental Quality Report to the Congress.

Following committee consideration, H.R. 12549 was amended and was ordered reported to the House on July 11. In late September a rule was granted by the House Rules Committee and the measure was scheduled for debate. Following floor debate on September 23, and the adoption of amendments, H.R. 12549 was passed. S. 1075 was then amended by substituting the text of the House-passed bill. The House insisted upon its amendments to S. 1075, and a conference was requested.

S. 1075 as passed by the Senate included a number of provisions which are not in the House version. Among these provisions are some which are essential if the Congress is to enact a sound national policy for the environment.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a statement on the differences in the Senate- and House-passed versions of S. 1075; the legislative history; excerpts from a special report of the Committee on Interior and Insular Affairs; excerpts from a congressional white paper on a national policy for the environment; a comparison of the measures, and a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIFFERENCES IN THE SENATE- AND HOUSE-
PASSED VERSIONS OF S. 1075

The following major provisions of S. 1075 as passed by the Senate are not included in the House bill:

TITLE I—DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

The House version includes, as Section 1, a brief statement of Congressional policy recognizing the importance of environmental management as a function of the Federal government. This statement, however, does not include the specific statement of goals and requirements for specific action on the part of Federal agencies which are set forth in Title I of the Senate version.

Congressman Daddario offered an amendment on the floor of the House which would have

incorporated the Senate language of Title I into the House bill. A point of order was raised on procedural grounds, however, and the House did not have an opportunity to consider the amendment on its merits.

Title I of the Senate version includes the following provisions:

Sec. 101(a) is a declaration by the Congress of a national environmental policy. It recognizes mankind's dependence upon the environment and the increasing pressures of population growth and technological advancement. Six broad national goals are set forth to guide the environmental management efforts of the Federal establishment.

Sec. 101(b) asserts Congressional recognition of each person's fundamental right to a healthful environment.

Sec. 102 provides for the integration of the policies and goals set forth in Section 101 into the existing activities of the Federal agencies.

In many areas of Federal action there is no body of experience or precedent for substantial and continuing consideration of environmental factors in governmental decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority to consider environmental factors which are in conflict with other objectives. In other areas, lack of express authority has been interpreted

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to prohibit consideration of environmental factors.

To permit all Federal agencies to implement the goals and policies stated in the Act, Sec. 102 authorizes and directs all agencies to follow certain operating procedures:

(a) to utilize a broad interdisciplinary team approach in the planning of Federal projects and activities which have an impact on environmental values,

(b) to develop new methods of evaluating environmental values which are at present not considered in cost-benefit analysis and other methods used in Federal decision-making,

(c) to accompany each proposal for major activities with explicit findings concerning the environmental impact which will or which may result from the proposed activity,

(d) to study and describe alternatives in instances where environmental conflicts cannot be avoided,

(e) to support international efforts to protect the environmental quality of other nations and the world, and

(f) to recommend legislation which will facilitate the implementation of the policies set forth in the Act.

Sec. 103 provides that the policies and goals set forth in the Act are supplementary to the existing mandates and authorizations of Federal agencies.

TITLE II

Sec. 201 provides authorization for the Federal agencies to include certain environmental management functions among their ongoing activities. These activities include the collection, utilization, and dissemination of ecological and environmental data; research on environmental matters; and assurance to the Council.

Sec. 202 authorizes the President to designate an agency or agencies to perform certain specific functions regarding environmental management including:

1. a program of training and research grants, in the amount ultimately of \$1 million annually,
2. an inventory of Federal projects,
3. an information retrieval system, and
4. assistance and advice to State and local governments.

Sec. 203 would establish a second Deputy Director's position in the Office of Science and Technology. This position was requested by the Bureau of the Budget, and is required to strengthen the organization of OST to support its increasingly broad functions. Among the duties recently assigned to OST is staff support for the President's newly formed Environmental Quality Council.

LEGISLATIVE HISTORY

S. 1075, the National Environmental Policy Act of 1969, was introduced in the 91st Congress on February 18, 1969, by Senator Jackson. Hearings on this and two related bills introduced by Senators Nelson (S. 1752) and McGovern (S. 237) were held on April 16, 1969, before the full Committee on Interior and Insular Affairs.¹ Following a staff study and consultations with the staff of the Office of Science and Technology and with representatives of a number of the Federal depart-

¹ National environmental policy, hearings held before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong., first sess., on S. 1075, S. 1752, and S. 237, Apr. 16, 1969, S. 1752, as introduced by Senator Nelson, would create a five-member Council on Environmental Quality in the Office of the President. This Council would be responsible for assisting the President in preparing an annual environmental quality report which should be transmitted to Congress. The report would be reviewed by a Joint Committee on Environmental Quality. The measure would also authorize the Secretary of the Interior to conduct studies of the natural environment, evaluate and disseminate such information, and consult with and provide technical assistance to departments and agencies of the Government.

ments, the committee considered S. 1075 in executive session on June 18, 1969. Following the adoption of a number of committee amendments, the measure was ordered reported to the Senate on June 18, 1969. At the request of the Director of the Office of Science and Technology and representatives of the Bureau of the Budget, the committee voted, on July 8, 1969, to reconsider the measure for the purpose of considering additional amendments. The amendments were proposed by the Bureau of the Budget in a July 7, 1969, letter to the chairman of the committee. The proposed amendments to titles I and II of S. 1075 were adopted. Amendments proposed to title III by the Bureau of the Budget were adopted in part and rejected in part. Following the adoption of other amendments suggested by members of the committee, the measure was ordered reported to the Senate on July 8, 1969.

S. 1075, as introduced, was substantially the same measure as S. 2805 which was introduced in the 90th Congress on December 15, 1967, by Senators Jackson and Kuchel. The far-reaching objectives of S. 2805 and similar legislation introduced in the 90th Congress by Members of both Houses were considered at a unique joint House-Senate colloquium convened by the chairman of the Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics on July 17, 1968, to discuss a national policy for the environment.²

Following the colloquium, a "Congressional White Paper" was prepared at the request of Cochairman Henry M. Jackson and George Miller by the Legislative Reference Service,

² S. 237, as introduced by Senator McGovern, would require that the President transmit to the Congress an annual report on the state of the environment. The measure would also authorize the creation of the Council of Advisers on Resources, Conservation, and the Environment which would be in the Executive Office of the President. The three-member Council would assist the President in the preparation of the annual report and in developing and recommending national policies to maintain and improve the environment. For the purpose of consideration of the annual report and plan, this bill would establish in the Senate and the House, special committees to be known as the Select Committees on Resources, Conservation, and Environment.

² The proceedings were published under the title: "Joint House-Senate Colloquium To Discuss a National Policy for the Environment," hearing before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

Library of Congress. This document, issued as a joint committee print by the Senate Interior Committee and House Science and Astronautics Committee and distributed to the entire Congress in October 1968, summarized the key points raised in the dialog between Members of the Congress and the colloquium participants which included five Cabinet Secretaries, the President's Science Adviser, Mr. Laurance Rockefeller, and Dean Don K. Price of Harvard.

A special report to the Committee on Interior and Insular Affairs on "A National Policy for the Environment" was prepared for the committee's use and was printed as a committee print on July 11, 1968. The report was prepared by Dr. Lynton K. Caldwell of Indiana University and William J. Van Ness, special counsel to the committee. The report was used as a background document for the colloquium. It raises and discusses in detail many of the issues and questions implicit in establishing a national environmental policy.

Many of the concepts and ideas incorporated in S. 1075 were drawn from ambitious measures introduced in previous Congresses. Of particular relevance were S. 2549, the Resources and Conservation Act, introduced by Senator Murray in 1959 and S. 2282 introduced by Senator Nelson in the 89th Congress. The Murray bill, endorsed by a distinguished group of Senators in the 86th and subsequently in the 87th Congress, called for the establishment of more efficient machinery in the President's Office to coordinate resource conservation on the basis of national goals. The Nelson bill included broad provisions to cope with inadequate use and application by Federal agencies of ecological knowledge and research methods for attaining better management of our physical environment. Extensive hearings were held on each of these and other environmental measures before the Senate Interior Committee.³

Other concepts and ideas incorporated into S. 1075 were drawn from the proceedings of the previously mentioned joint House-Senate colloquium, from technical reports, conferences and symposia, and from books and

³ Proposed Resources and Conservation Act of 1960, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 86th Cong., second sess. on S. 2549, Jan. 25, 26, 28, and 29, 1960. Ecological Research and Surveys, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 89th Cong., second sess., April 27, 1966, on S. 2282.

journals dealing with environmental problems.⁴

In addition, the committee has reviewed and drawn upon concepts and ideas incorporated into many measures introduced in this and previous Congresses related to various aspects of environmental management.⁵

STATEMENT BY SENATOR HENRY M. JACKSON

Over the years, in small but steady and growing increments, we in America have been

⁴ For a detailed listing of these documents see app. A, entitled "A Documentation on Environmental Problems," p. 25, in A National Policy for the Environment, committee print, Senate Interior and Insular Affairs Committee, July 11, 1968; see also the "Bibliography on Environmental Issues," pp. 192-204 in National Environmental Policy, hearing before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong. on S. 1075, S. 237, and S. 1752, Apr. 16, 1969.

⁵ In the closing days of the 90th Cong., the Legislative Reference Service tabulated over 100 bills which were directly concerned with environmental issues, covering a broad area of interest—cleaning up the Nation's rivers and better approaches to smog control, improving the use of open space and prevention of disorderly encroachment by super-highways, factories and other developments, improved protection of areas of high fertility, wiser application of pesticides, whose residues affect both man and wildlife, and the control of urban sprawl, unsightly junkyards, billboards, and power facilities that lower the amenities of landscape.

In the present Congress, an initial tabulation indicates that over 40 bills have been introduced which are concerned either with a national policy for the environment or the establishment of machinery to study the overall problems of the human environment. Of the 16 standing committees of the Senate, eight have broad jurisdiction of this type of legislation. Of the 21 House standing committees, 11 are similarly involved. See "A National Policy for the Environment," app. B, p. 29, committee print of the Senate Interior and Insular Affairs Committee, July 11, 1968; "Congressional White Paper on A National Policy for the Environment," app. p. 17, Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics, October 1968; and Legislative Reference Service Multilith, TP 450, SP 170 entitled "Environmental Quality: Selected Bills and Resolutions," June 20, 1969,

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making very important decisions concerning the management of our environment. Unfortunately, these haven't always been very good decisions. Throughout much of our history, the goal of managing the environment for the benefit of all citizens has often been overshadowed and obscured by the pursuit of narrower and more immediate economic goals.

It is only in the past few years that the dangers of this form of muddling through events and establishing policy by inaction and default have been very widely perceived. Today, with the benefit of hindsight, it is easy to see that in America we have too often reacted only to crisis situations. We always seem to be calculating the short-term consequences of environmental mismanagement, but seldom the long-term consequences or the alternatives open to future action.

This report proposes that the American people, the Congress, and the administration break the shackles of incremental policy-making in the management of the environment. It discusses the need for a national environmental policy and states what some of the major elements of such a policy might be. It also raises a number of questions implicit in the establishment of such a broad-based and far-reaching policy.

The report does not purport to deal exhaustively with these subjects. Rather, it attempts to place some of the fundamental questions concerning the need for and the elements of a national environmental policy in the arena of public debate. If the report is successful in encouraging discussion and in refining some of the issues involved, it will have performed a worthwhile purpose. In the last few years, it has become increasingly clear that soon some President and some Congress must face the inevitable task of deciding whether or not the objective of quality environment for all Americans is a priority national goal which takes precedence over a number of other, often competing, objectives in natural resource management and the use of the environment. In my judgment, that inevitable time of decision is close upon us.

If we are to make intelligent decisions which are not based in the emotion of conservation's cause celebre of the moment or in the error of simply perpetuating past practices, there is a very real need to develop a national capacity for constructive criticism of present policies and the development of new institutions and alternatives in the management of the environmental resources of land, air, water, and living space. Developing this capacity will require that representatives from all elements of our national life—industry, the university, Federal, State, and

local government—participate in forming this policy. It will require the creative utilization of technology to improve environmental conditions and to prevent unanticipated future instances of costly abuse. It will also require that government, business, and industry pay closer attention to a far greater range of alternatives and potential consequences when they make environment-affecting decisions than they have in the past.

Finally, it needs to be recognized that the declaration of a national environmental policy will not alone necessarily better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies and to provide a means by which they may be continuously reviewed to determine whether they meet the national goal of a better life in a quality environment for all Americans. Declaration of a national environmental policy could, however, provide a new enduring concept by which governmental decisions could be weighed and evaluated in the light of better perceived and better understood national needs and goals.

This report was prepared for the use of the Senate Interior Committee by Prof. Lynton K. Caldwell, chairman, Department of Government, Indiana University, with the assistance of Mr. William J. Van Ness, special counsel to the committee, and the Natural Resources Division, Legislative Reference Service, Library of Congress. Professor Caldwell's contribution was, in part, made possible through an arrangement with the Conservation Foundation.

A NATIONAL POLICY FOR THE ENVIRONMENT

INTRODUCTION

This report is based upon the assumption that the threat of environmental mismanagement and deterioration to the security and welfare of the United States has been established. (See app. A.) There are differences of opinion as to the severity and relative urgency of various hazards to the environment. Some scientists believe that man's environmental relationships have reached a point of crisis; others do not see the condition of the environment generally as having yet reached a critical stage. But there is, nevertheless, general consensus throughout most walks of life that a serious state of affairs exists and that, at the least, it is approaching a crisis of national and international proportions. The focus of this report is therefore on national policy to cope with environmental crisis, present or impending, rather than with documenting the facts related to environmental deterioration.

PART I—REQUIREMENTS FOR POLICY
EFFECTIVENESS

Effective policy is not merely a statement of things hoped for. It is a coherent, reasoned statement of goals and principles supported by evidence and formulated in language that enables those responsible for implementation to fulfill its intent. This section of the report describes some of the interrelating conditions that appear necessary to an effective national policy for the environment. The discussion will be developed under the following five headings:

- (1) Understanding Imminent Need.
- (2) Recognizing Costs.
- (3) Marshaling Relevant Knowledge.
- (4) Facilitating Policy Choice.
- (5) National Policy and International Cooperation.

1. *Understanding imminent need*

An effective and enlightened environmental policy is a response to the needs of man in relation to his environment. The response may involve the control of man's behavior on behalf of the larger interests of mankind where those interests are clearly perceived and widely held. Man's relationship with his environment are, of course, multitudinous and complex. Control by governments, by international organizations, or by other institutions, cannot feasibly be extended to every aspect of the environment nor to more than a fraction of the actual points of impact of individual man upon his environment. Policy effectiveness consequently depends very largely upon the internalization, in the human individual, of those understandings, values, and attitudes that will guide his conduct in relation to his environment along generally beneficial lines. A major requisite of effective environmental policy is therefore intelligent and informed individual self-control.

There is substantial evidence to indicate that large numbers of Americans perceive the need for halting the spread of environmental decay. It is also evident, however, that few recognize the connection between the conditions which they deplore, and the absence of any explicit and coherent national policy on behalf of environmental quality.

Man is confronted by a circumstance that is totally new in human history. He has rapidly completed the occupancy of the easily inhabitable areas of the earth while his numbers have increased at an exponential and accelerating rate. Simultaneously, unprecedented economic power and advances in science and technology have permitted man to make enormously increased demands upon his environment. In no nation are these coincidental developments more dramatically evident than in the United States. And yet many

Americans find it difficult to understand why sound environmental management should now suddenly become "everybody's business." Long-accepted ways of thinking and acting in relation to one's surroundings are now being called into question. Understanding of what has happened can be helped by a simple exercise in arithmetic.

At the time of the American Revolution the total human population of the present-day continental United States could hardly have exceeded 3 million individuals. The demands of the American Indian and European colonists on the Atlantic seaboard were very light when contrasted with current exactions. By the close of the 20th century, if the population of this same area approximates 300 million, the daily stress man places on the environment will, on the basis of mere numbers, have increased 100 times over. Technology has alleviated some forms of stress (as on forests for fuel or on wildlife for food), but it has greatly increased environmental stress in general. The net result has been enormously increased demands upon the environment in addition to the increase in population. Calculation of an average per man-year stress upon the environment, estimated from A.D. 1700 to 2000, and adjusted for technological factors at particular historical periods, would be a powerful persuader of the need for a sensitive and forward-looking national environmental policy. The exponential increase in the pressure of man and his technology upon the environment, particularly since World War II, is the major cause of the need for a national environmental quality effort.

The rate at which the Nation has changed since 1890 when the frontier officially ceased to exist has been unexceeded by any other social transformation in history. Scarcely one long generation removed from the last days of the frontier, America has become an urbanized and automated society with publicly institutionalized values in social security, labor relations, civil rights, public education, and public health that would have been utopian less than a century ago. In the absence of a system for adequately assessing the consequences of technological change, who could have predicted the many ways in which applied science would transform the conditions of American life? Powerful new tools applying the discoveries in chemistry, physics, biology, and the behavioral sciences were put to work for improving the health, wealth, comfort, convenience, and security of Americans. Utilizing the vast natural resources of the American environment, the world's highest standard of living was achieved in an amazingly short period of time. Unfortunately, our productive technology has been accompanied by side effects which we did not foresee. Ex-

perience has shown us that there are dangers as well as benefits in our science-based technology. It is now becoming apparent that we cannot continue to enjoy the benefits of our productive economy unless we bring its harmful side effects under control. To obtain this control and to protect our investment in all that we have accomplished, a national policy for the environment is needed.

Although Americans have enjoyed prodigious success in the management of their economy they have been much less successful in the management of national resources. As a people we have been overly optimistic,

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and at times callous in our exactions of the natural environment. The history of soil exhaustion and erosion, of cut-over of our lands, of slaughtered wildlife documents a few of our early failures to maintain our restorative capacities of our natural resources. Fortunately many of these early failures have been corrected or are now being remedied. But our exploding population and technology have created more subtle dangers, less easily detected and more difficult to overcome.

These more recent dangers have been documented in testimony before the Congress and in the reports of scientific committees (app. A). They confront us with the possibility that the continuation of present trends affecting, for example, (a) the chemistry of the air, (b) the contamination of food and water, (c) the use of open land and living space, and (d) the psychophysical stress of crowding, noise and interpersonal tension on urban populations, may infinitely degrade the existence of civilized man before the end of the century. These are not the exaggerated alarms or unsubstantiated predictions of extremists; they are sober warnings of competent scientists supported by substantial demonstrable evidence. The practical course is, therefore, to forestall these threats before they have outgrown our technical, economic, legal, and political means to overcome them. Fortunately, we still have a choice in this matter. We still have a relatively wide range of alternatives available in managing the environment.

It may be contended that the problems of the environment must wait until more urgent political issues are resolved. Problems of national security, poverty, health, education, urban decay, and underdeveloped nations have just and appropriate claims for priority in national attention and public expenditure. Yet many aspects of these problems involve environmental policy. Three of the most urgent—the slums and ghettos of the great cities; increasing disability and death from diseases induced by environmen-

tal factors (for example, cancer, emphysema, mental disorders); and the decline and decay of rural areas (for example, in Appalachia) furnish persuasive reasons for a national environmental policy. Before billions of dollars are spent in attempts to alleviate these social ills, it would be wise to be sure that environmental factors causing or accompanying these conditions are properly identified and remedied. We may otherwise worsen the state of our economy and environment without solving the underlying social problems.

In summary, within the present generation the pressures of man and technology have exploded into the environment with unprecedented speed and unforeseen destructiveness. Preoccupied with the benefits of an expanding economy the American people have not readily adopted policies to cope with the attendant liabilities. Popular understanding of the need to forestall the liabilities in order to preserve the benefits is now becoming widespread, and provides the political rationale for the development of a national policy for the environment, and for a level of funding adequate to implement it.

2. Recognizing costs

The nation long ago would probably have adopted a coherent policy for the management of its environment, had its people recognized that the costs of overstressing or misusing the environment were ultimately unavoidable. This recognition was arrived at belatedly for several reasons: *First*, environmental deterioration in the past tended to be individual and accumulative, so that it was not apparent that any cost or penalty was being exacted; *second*, it seemed possible to defer or to evade payment either in money or in obvious loss of environmental assets; *third*, the right to pollute or degrade the environment (unless specific illegal damage could be proved) was widely accepted. Exaggerated doctrines of private ownership and an uncritical popular tolerance of the side effects of economic production encouraged the belief that costs projected onto the environment were costs that no one had to pay.

This optimistic philosophy proved false as many regions of the Nation began to run out of unpolluted air and water, as the devastation of strip mining impoverished mining communities, as the refuse of the machine age piled up in manmade mountains of junk, as the demand for electricity and telecommunications arose to festoon the Nation with skeins of cables strung from forests of poles, and as the tools of technology increasingly produced results incompatible with human well-being. Under the traditional "ground rules" of production, neither enterprise nor citizen was called upon to find alternatives or to pay for measures that would have prevented or lessened ensuing loss of environ-

mental quality. Payment continued to be exacted in the loss of amenities the public once enjoyed, and in the costs required to restore resources to usefulness and to support the public administration that environmental deterioration entailed. When the public began to demand legislation to control pollution and to prevent environmental decay, the reaction of those involved in environment degrading activities was often one of counter-indignation. Businessmen, municipalities, corporations and property owners were confronted with costs in the form of taxes or the abatement of nuisances that they had never before been called upon to pay. They were now about to be penalized for behavior which America had long accepted as normal.

What is now becoming evident is that there is no way in the long run of avoiding the costs of using the environment. The policy question is not whether payment shall be made; it is when payment shall be made, in what form, and how the costs are to be distributed. Hard necessity has made evident the need for payment to obtain air and water of quality adequate to meet at least minimum standards of health and comfort. Scientific knowledge and rising levels of amenity standard have added to public expectation that protection against environmental damage will be built into the products and production costs of manufacturers.

Lack of a national policy for the environment has now become as expensive to the business community as to the Nation at large. In most enterprises a social cost can be carried without undue burden if all competitors carry it alike. For example, industrial waste disposal costs can, like other costs of production, be reflected in prices to consumers. But this becomes feasible only when public law and administration put all comparable forms of waste-producing enterprises under the same requirements. Moreover it has always been an advantage to enterprise to have as clear a view as possible of future costs and requirements. When public expectations and "ground rules" change, however, as they have been changing recently on environmental quality issues, the uncertainty of resulting effects upon business costs, and the necessity for adjustment to unexpected expenses and regulations, is disconcerting and hardly helpful.

A national policy for the environment could provide the conceptual basis and legal sanction for applying to environmental management the methods of system analysis and cost accounting that have demonstrated their value in industry and in some areas of government. It has been poor business, indeed, to be faced with the billions of dollars in expense for salvaging our lakes and water-

ways when timely expenditures of millions or timely establishment of appropriate policies would have largely preserved the amenities that we have lost and would have made unnecessary the cost of attempted restoration. A national system of environmental cost accounting expressed not only in economic terms but also reflecting life-sustaining and amenity values in the form of environmental quality indicators could provide the Nation with a much clearer picture than it now has of its environmental condition. It would help all sectors of American society to cooperate in avoiding the overdrafts on the environment and the threat of ecological insolvency that are impairing the national economy today.

It is not only industrial managers and public officials who need to recognize the unavoidable costs of using the environment. It is, above all, the individual citizen because he must ultimately pay in money or in amenities for the way in which the environment is used. If, for example, he likes to eat lobster, shrimp or shellfish, the citizen must reconcile himself to either paying dearly for these products or indeed finding them unobtainable at any price, unless we find ways to preserve America's coastline and coastal waters. The individual citizen may also have to pay in the cost of illness and in general physical and psychological discomfort. And these costs, of course, are not incurred voluntarily.

In the interest of his welfare and of his effectiveness as a citizen the individual American needs to understand that environmental quality can no longer be had "for free." Recognition of the inevitability of costs for using the environment and of the forms which these costs may take is essential to knowledgeable and responsible citizenship on environmental policy issues.

In summary, the American people have reached a point in history where they can no longer pass on to nature the costs of using the environment. The deferral of charges by letting them accumulate in slow attrition of the environment, or debiting them as loss of amenities will soon be no longer possible. It is no longer feasible for the American people to permit it. The environmental impact of our powerful, new, and imperfectly understood technology has often been unbelievably swift and pervasive. Specific effects may prove to be irreversible. To enjoy the benefits of technological advance, the price of preventing accidents and errors must be paid on time. From now on "pay-as-you-go" will increasingly be required for insuring against the risks of manipulating nature. This means protection, restoration, replacement, or rehabilitation of elements in the environment

before, or at the time, these resources are used. Later may be too late.

3. Marshaling relevant knowledge

For many years scientist have been warning against the ultimate consequences of quiet, creeping, environmental decline. Now the decline is no longer quiet and its speed is accelerating. The degradation is destroying the works of man as well as of nature. We are confronted simultaneously with environmental crisis in our cities and across our open lands and waters. The crisis of the cities and the crisis of the natural and rural environments have many roots in common, although they may erroneously be viewed as extraneous to one another, or even as competitive for public attention and taxation. In fact, both crises stem from an ignorance of and a disregard for man's relationship to his environment.

An effective environmental policy in the past might have prevented and would certainly have focused attention upon the wretched conditions of urban and rural slums. It would surely have stimulated the search for knowledge that could have helped to correct and prevent degraded conditions of living. It is now evident that the fabric of American society can no longer contain the growing social pressure against slum environments. Today, remedial measures are being forced by social violence and by the social and economic costs of environmental decay;

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but it is not certain that the remedies take full account of the nature of the ailment. The pressure upon the urban environment is acute and overt; it is dramatized, it has obvious political implications, and it hurts. Conversely, the degradation of natural and rural environments is more subtle. Stress may reach the point of irreparable damage before there is full awareness that a danger exists. What is needed therefore is a systematic and verifiable method for periodically assessing the state of the environment and the degree and effect of man's stress upon it, as well as the effect of the environment and environmental change on man.

One would expect to be able to look to the universities and to the great schools and institutes of agriculture, engineering, and public health as constituting an environmental intelligence system. Unfortunately however, no such system exists. Man-environment relationships per se have seldom been studied comprehensively. Various disciplines have concerned themselves with particular aspects of environmental relationships. Geographers, physiologists, epidemiologists, evolutionists, ecologists, social and behavioral scientists,

historians, and many others have in various ways contributed to our knowledge of the reciprocal influences of man and environment. But the knowledge that exists has not been marshaled in ways that are readily applicable to the formulation of a national policy for the environment. At present, there are many gaps in our knowledge of the environment to which no discipline has directed adequate attention.

It should not be surprising that there is a lack of organized knowledge relating to environmental relationships. Society has never asked for this knowledge, and has neither significantly encouraged nor paid for its production. By way of contrast, public opinion has supported the costs of high-energy physics as reasonable, even though direct and immediate applications to public problems are relatively few. But public opinion has been guided in part by the judgment of the scientific community and of the leaders of higher education. Only recently have the scientific community and the universities begun to interest themselves institutionally in man-environment relationships, perceived in the totality in which they occur in real life.

Environmental studies in the universities are as yet largely focused on separate phases of man-environment relationships. This, in itself, is not undesirable; it is in fact necessary to obtain the degree of specialization and intensive study that many environmental problems require. The inadequacy lies in the lack of means to bring together existing specialized knowledge that would be relevant to the establishment of sound policies for the environment. There is also need for greatly increased attention to the study of natural systems, to the behavior of organisms in relation to environmental change, and to the complex and relatively new science of ecology. There is need for synthesis as well as for analysis in the study of man-in-environment.

A reciprocal relationship exists between the interests of public life and the activities of American universities. Public concern with a social problem when expressed in terms of public recognition or financial support, stimulates related research and teaching in the colleges and universities. Research findings and teaching influence the actions of government and the behavior of society. This relationship has been exceptionally fruitful in such fields as agriculture, medicine, and engineering. It has not, as yet, developed strength in the field of environmental policy and management. Nevertheless a beginning is being made in some colleges and universities, and in a number of independent research organizations and foundations, to provide a

more adequate informational base for environmental policy.

Recognition of the need for a more adequate informational base for environmental policy has not been confined to academic institutions or to government. Speaking to the 1967 plenary session of the American Institute of Biological Sciences, Douglas L. Brooks, president of the Traveler's Research Center, declared that " * * * We need to recognize environmental quality control as a vital social objective and take steps to establish the field of environmental management as a new cross-disciplinary applied science professional activity of extraordinary challenge and importance."

To date, action by Government to assist the marshaling of relevant knowledge has been uncoordinated and inconstant. With the exception of defense and space-related technical investigations, the amount of money made available for environmental research has been relatively meager and has been allocated largely along conventional disciplinary lines. Specialized aspects of research on man-environment relationships have been well funded by the Atomic Energy Commission, the Department of Defense, and the National Aeronautics and Space Administration. But much of this work is highly technical and is appropriately directed toward problems encountered in the missions of these agencies. More broadly based are the interests of the National Science Foundation, but the Foundation's resources for funding academic research relating to environmental policy are small. For a brief period the most promising source of support for the kind of knowledge needed for environmental policy effectiveness was the U.S. Public Health Service. In the mid-1960's, the Service began to assist the establishment of broadly based environmental health science centers in selected universities. But a shift of emphasis in the Public Health Service brought this effort to an untimely standstill. The National Institutes of Health fund a scientific body of health-related environmental research, but little of it appears to be policy-related.

The Science Information Exchange of the Smithsonian Institution, surveying the general field of Government-funded research for the Senate Interior and Insular Affairs Committee, found (not unexpectedly) that there were heavy concentrations of research where Government funding was heaviest—notably in physical science and the biomedical aspects of the environs. Government-funded research of broadly cross-disciplinary or policy-oriented character appeared to be almost negligible in volume and in funding. It is probable that policy problems are investigated in the course of substantive research; but it is evident that we have not yet made a conscious decision to

organize and fund the effort which students of environmental policy and management see as the necessary first step to an adequate environmental information system.

To provide facilities and financial support for new research on natural systems, environmental relationships and ecology on an independent, but publicly financed basis, a National Institute of Ecology has been proposed by a group of scientists associated with the Ecological Society of America and assisted by the National Science Foundation. The functions proposed for this institute are worth restating in brief, as indicative of the contribution that ecologists would like to make toward strengthening the Nation's capacity to cope with its environmental problems. Defining ecology to be " * * * the scientific study of life-in-environment," the proponents of a National Institute of Ecology state that it is needed (1) to conduct large-scale multi-disciplinary field research beyond the capacities of individual researches or research institutions, (2) to provide a central ecological data bank on which ecologists and public agencies can draw, (3) to coordinate and strengthen activities of ecologists in relation to ecological issues in public affairs, and to promote the infusion of ecology into general education at all levels, and (4) to perform advisory services for government and industry on active programs affecting the environment. The principal purpose of the proposed institute is not, however, to study public policy or education, but to do more and better ecology.

These efforts and proposals, and many others unreported here, are constructive contributions to the task of marshaling the knowledge needed for an effective national policy for the environment. They do not, however, add up to a national information system, nor do they necessarily present information and findings relative to the environment in forms suitable for review and decision by the Nation's policymakers. The ecological research and surveys bill introduced by Senator Gaylord Nelson in the 89th Congress would have established a national research and information system under the direction of the Secretary of the Interior. Similar proposals have been incorporated in a number of bills introduced in the 90th Congress, including S. 2805 by Senators Jackson and Kuchel. (See app. B.) An important difference between the proposals before the 90th Congress and the efforts and proposals described in the preceding paragraphs is that in pending legislation the knowledge assembled through survey and research would be systematically related to official reporting, appraisal, and review. The need for more knowledge has been established beyond doubt. But of equal and perhaps greater importance at this time is the establishment of a system to

insure that existing knowledge and new findings will be organized in a manner suitable for review and decision as matters of public policy.

In summary, to make policy effective through action, a comprehensive system is required for the assembly and reporting of relevant knowledge; and for placing before the President, the Congress, and the people, for public decision, the alternative courses of action that this knowledge suggests. With all its great resources for research, data processing, and information transmittal, the United States has yet to provide the financial support and operational structure that would permit these resources to implement a public policy for the environment.

4. Facilitating policy choice

The problem of organizing information for purposes of policy-oriented review leads directly to the need for a strategy of policy choice. Environmental policymaking presents certain organizational difficulties. It must draw heavily upon scientific information and yet it embraces important considerations and issues that are extraneous to science policy. Insofar as environmental policy is dependent upon scientific information, it is handicapped by the insufficiency of the research effort and the inadequacies of information handling described in the preceding paragraphs. In a review of U.S. science policy by the Organization for Economic Cooperation and Development, the European examiners cited environmental problems as one of the areas of inquiry that American science was not well organized to attack. The criticism was directed not at the accomplishments of American science in support of major technical undertakings; it was instead concerned with the absence of a system and a strategy adequate to deal with the problems of the environment, and of social relationships and behavior, on a scale which their comprehensive and complex subject matters require.

Insofar as science is an element in environmental policymaking, the Office of Science and Technology affords a mechanism for enlisting the resources of the scientific community, for establishing study groups and advisory panels on specific issues, and for presenting their recommendations to the President. In the coordination of scientific aspects of environmental policy, the Federal Council of Science and Technology, in as-

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sociation with the Office of Science and Technology, is the more general of several coordinative or advisory bodies in the executive branch. (See app. C.) The establishment of special councils for marine resources and

engineering development, for water resources, for recreation and natural beauty, among other purposes, complicates to some extent the function of policy advice. None of these bodies are constituted to look at man-environment relations as a whole; none provide an overview; none appear fully to answer the need for a system to enable the President, the Congress, and the electorate to consider alternative solutions to environmental problems.

Possible answers to the need for a system to assist national policy choice may be found in legislative proposals to create councils on environmental quality or councils of ecological advisers. These councils are conceived as bridges between the functions of environmental surveillance, research, and analysis, on the one hand, and the policymaking functions of the President and the Congress on the other. The particular and indispensable contribution of the Council to environmental policy would be twofold. The first would be, using S. 2805 for purposes of illustration, " * * * to study and analyze environmental trends and the factors that affect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation." Most proposals call for a report on the state of the environment from the Council to the President and from the President to the Congress. S. 2805, for example, states that the Council shall provide advice and assistance to the President in the formulation of national policies, and that it shall also make information available to the public. The bill further provides that " * * * The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President."

From this enumeration of the Council's functions several inferences may be drawn. *First*, the proposed environmental advisory councils are not science advisory bodies. They are instructed in pending legislative proposals to take specified factors, including the scientific, into account in the course of their analysis and recommendations on environmental policy issues. *Second*, the councils are not primarily research or investigating bodies even though they have important investigatory functions. They are essentially policy-facilitating bodies. *Third*, their functions are those of analysis, review, and reporting. Their nearest functional counterpart is probably the Council of Economic Advisers. *Fourth* and finally, councils on the environment, such as proposed by some of the measures listed in appendix B, must be located at the highest political levels if their advisory and coordinative roles are to be played effectively. For this reason the propos-

als have generally established the Council in the Executive Office of the President. However, the Technology Assessment Board proposed by Representative Emilio Q. Daddario, which would perform many functions similar to those of the environmental councils, would be an independent body responsible primarily to the Congress.

This brings the discussion to the role of the Congress in facilitating policy choice. Some have found the formal committee structure of the Congress to be poorly suited to the consideration of environmental policy questions. Senator Edmund Muskie has proposed a Select Committee of the Senate on Technology and the Human Environment to facilitate consideration of related environmental issues that would normally be divided among a number of Senate committees. Others have proposed that a Joint Committee on the Environment, representative of the principal committee of the House and the Senate concerned with environmental policy issues, should be established to review a proposed annual or biennial report of the President on the state of the environment. Many Congressmen, however, feel that the policy of establishing new committees to deal with each new problem area should be resisted and that the present committees should assume their legislative and oversight responsibilities in this area. Meanwhile the informal and practical operations of legislative business permits the present standing committees to function with remarkable speed and dexterity where the will to legislate exists.

In summary, policy effectiveness on environmental issues will require some form of high-level agency in the executive branch for reviewing and reporting on the state of the environment. No existing body seems appropriate for this function. To meet this need, and under various names, a council for the environment has been suggested and has been incorporated in numerous legislative proposals. Provision for a policy assisting body in the executive branch suggests to some the desirability of a comparable committee in the Congress.

5. National policy and international cooperation

In his address to the graduating class at Glassboro State College on June 4, 1969, President Lyndon B. Johnson called for the formation of a permanent "international council on the human environment." The ecological research and surveys bill first offered in 1965 by Senator Gaylord Nelson authorized participation by the United States with "other governments and international bodies in environmental research." Similarly, S. 2805 and other pending measures authorize "* * * environmental research in surrounding oceans and in other countries in cooperation

with appropriate departments or agencies of such countries or with coordinating international organizations * * *."

These and other expressions of the willingness and intent of the United States to cooperate with other nations and with international organizations on matters of environmental research and policy reinforce the argument for a national environmental policy. Although the United States could cooperate internationally on many specific issues without a national policy, it could do so more effectively and comprehensively if its own general position on environmental policy were formally and publicly enunciated.

The United States, as the greatest user of natural resources and manipulator of nature in all history, has a large and obvious stake in the protection and wise management of man-environment relationships everywhere. Its international interests in the oceanic, polar, and outer space environments are clear. Effective international, environmental control would, under most foreseeable contingencies, be in the interest of the United States, and could hardly be prejudicial to the legitimate interests of any nation. American interests and American leadership would, however, be greatly strengthened if the Nation's commitment to a sound environmental policy at home were clear.

PART II—QUESTIONS OF IMPLEMENTATION

What significance would adoption of a national policy for the environment hold for the future of government in the United States? At the least, it would signify a determination by the American people to assume responsibility for the future management of their environment. It would not imply an all-inclusive Federal or even governmental environmental administration. The task is too widespread, multitudinous, and diverse to be wholly performed by any single agency or instrumentality. There are important roles to be played at every level of government and in many sectors of the nongovernmental economy. Nevertheless a new policy, and particularly a major one, is certain to arouse some apprehensions.

In the Federal agencies, among the committees of the Congress, in State governments, and among businesses whose activities impinge directly upon the environment and natural resources, there would be understandable concern as to what changes for them might be implicit in a national policy for the environment. The objection is certain to be raised that Government is already too large and that there are already too many agencies trying to manage the environment. "Please—not one more," will be an oft-repeated plea. These fears, however, are largely those that always accompany a new

public effort regardless of its purpose, direction, or ultimate benefit. Very few people oppose, in principle, public action on behalf of quality in the environment. It is implementation that raises questions and arouses apprehension.

It would be unconvincing to assert that no interest, enterprise, or activity will be adversely affected by a national environmental quality effort. There is no area of public policy that does not impose obligations upon, nor limit the latitude for action of important sectors of society. But while activities harmful to man's needs and enjoyments in the environment must necessarily be curbed, it is also true that all Americans, without exception, would benefit from an effective national environmental policy. In brief, although all would benefit, a relative few might be required to make adjustments in business procedures or in technological applications.

For the foregoing reasons, a report on the need for a national policy for the environment would be incomplete if it did not raise, at least for purposes of discussion, some major questions that the establishment as such a policy would imply. These are mainly questions of how a decision to establish a national policy would be implemented in practice. They are questions to be answered by the Congress and by the President. But in their answers, the policy-determining branches of Government will need to consider a number of issues subsidiary to those major questions.

To better illustrate the issues involved in these questions, reference will be made to S. 2805. No claim of special priority is implied by these references. Many of the bills now pending on this issue have similar provisions. Any one bill might serve as well as any other.

1. What are the dimensions of an environmental policy and how are they distinguishable from other areas of national concern?

This is the fundamental question. It would be unreasonable to expect that its metes and bounds could be defined more clearly than those of the more familiar policy areas of national defense, foreign relations, civil rights, public health, or employment security. The field of definition can be narrowed, however, by identifying those concepts with which it might be confused but from which it should be clearly distinguished.

Environmental policy, broadly construed, is concerned with the maintenance and management of those life-support systems—natural and man made—upon which the health, happiness, economic welfare, and physical survival of human beings depend. (See app. D.) The quality of the environment, in the full and complex meaning of this term, is therefore the subject matter of environmental policy. The term embraces aspects of other areas of

related policy or civic action, and it is important that environmental policy and environmental quality, in the broad sense, be distinguished from these related but sometimes dissimilar policies or movements.

Environmental policy should not be confused with efforts to preserve natural or
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historical aspects of the environment in a perpetually unaltered state. Environmental quality does not mean indiscriminate preservationism, but it does imply a careful examination of alternative means of meeting human needs before sacrificing natural species or environments to other competing demands.

Environmental quality is not identical with any of the several schools of natural resources conservation. A natural environmental policy would however necessarily be concerned with natural resource issues. But the total environmental needs of man—ethical, esthetic, physical, and intellectual, as well as economic—must also be taken into account.

Environmental policy is not merely the application of science and technology to problems of the environment. It includes a broader range of considerations. For this reason S. 2805, in proposing a Council on Environmental Quality, does not stipulate that its five members be scientists, although it obviously would not preclude scientists among them.

One of the few differences in emphasis among the environmental policy bills now before the Congress has to do with the role of ecologists and of the science of ecology in the shaping of national policy. The need for a greatly expanded program of natural assistance for ecological research and education cannot be doubted by anyone familiar with present trends in the environment. The science of ecology can provide many of the principal ingredients for the foundation of a national policy for the environment. But national policy for the environment involves more than applied ecology, it embraces more than any one science and more than science in the general sense.

The dimensions of environmental policy are broader than any but the most comprehensive of policy areas. The scope and complexities of environmental policy greatly exceed the range and character of issues considered, for example, by the Council of Economic Advisors. One may therefore conjecture, without derogation to the unquestionable importance of the economic advisory function, that a council on the environment would, in time, perhaps equal and even exceed in influence and importance any of the specialized conciliar bodies now in existence. For this reason its membership should be

broadly representative of the breadth and depth of national interests in man-environment relationships. The ultimate scope of environmental policy, and the relationship of a high-level implementing council to existing councils, commissions, and advisory agencies, are not questions that can be, or need to be, decided now, nor even at the time that a national policy may be adopted. The important consideration is to develop a policy and to provide a means that will permit its objectives to be considered and acted upon by the Congress, the President, and the executive agencies. If we wait until we are certain of the dimensions of environmental policy and of how it will relate to other responsibilities and functions of Government, our assurance will be of no practical value. It will have come too late to be of much help.

2. Upon what considerations and values should a national environmental policy be based?

If it is ethical for man to value his chances for survival, to hope for a decent life for his descendants, to respect the value that other men place upon their lives, and to want to obtain the best life has to offer without prejudicing equal opportunities for others, then the cornerstone of environmental policy is ethical. That cornerstone is the maintenance of an environment in which human life is not only possible, but may be lived with the fullest possible measures of personal freedom, health, and esthetic satisfaction that can be found. No government is able to guarantee that these values can be realized, but government is able to assist greatly in the maintenance of an environment where such values are at least realizable.

Ethics, like justice, is not easily quantifiable, yet few would argue that society should not seek to establish justice because justice cannot be adequately defined or quantified. Environmental policy is a point at which scientific, humanistic, political, and economic considerations must be weighed, evaluated, and hopefully reconciled. Hard choices are inherent in many policy issues. The sacrifice of a plant or animal species, for example, or of a unique ecosystem ought not to be permitted for reasons of short-run economy, convenience, or expediency. The philosophy of reverence for life would be an appropriate guiding ethic for a policy that must at times lead to a decision as to which of two forms of life must give way to a larger purpose.

The natural environment has been basically "friendly" toward man. Man's survival is dependent on the maintenance of this environment, but not upon the unaltered operation of all of its myriad components. Pathogenic micro-organisms, for example, are not revered by man. Protection against them is a major task of environmental health and

medicine. But even here, respect for the incredible variety, resilience, and complexity of nature is a value that environmental policy would be wise to conserve. Frontal attacks upon man's environmental enemies or competitors, identified as pathogens or as "pests," have miscarried too often to encourage the thought that direct action on threats in the environment are always wise, economical, or effective.

The range of values to be served by environmental policy is broad and an indication of how its scope might be defined may be obtained from the provisions of S. 2805 which specify the considerations to which the Council on Environmental Quality should respond: "Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of this Nation."

The assessment and interpretation of these needs and interests is obviously a function that the members of the Council would have to perform to the best of their ability. No more than in the election of legislators or in the appointment of judges, would it be possible to stipulate how these or other values should be understood and weighted. The reputations and characters of the individuals appointed to the Council would offer the best indications of how the specifications of the law might be construed. But the findings and conclusions of the Council need not be wholly subjective or based upon speculative data. The methods of systems analysis, cybernetics, telemetry, photogrammetry, electronic and satellite surveillance, and computer technology are now being applied to a wide range of environmental relationships. New statistical and computerized simulation techniques are rapidly bringing ecology from what has been described as "one of the most unsophisticated of the sciences," to what may become one of the most complex, intellectually demanding and conceptually powerful of the sciences.

In brief, the values and considerations upon which a national environmental policy should be based should be no less extensive than the values and considerations that men seek to realize in the environment. In the interpretation of these values and considerations science can play a role of great importance. But neither science, nor any other field of knowledge or experience, can provide all of the criteria upon which environmental policies are based. The full range of knowledge and the contributions of all of the scientific and humanistic disciplines afford the informational background against which value

judgments on environmental policy may most wisely be made.

3. How should the information needed for a national environmental policy be obtained and utilized?

Of all major questions on the implementation of environmental policy, this one is probably the least difficult. It is in part a technical question; yet to describe it as technical is not to suggest that it can be easily answered. There is no present system for bringing together, analyzing, collating, digesting, interpreting, and disseminating existing information on the environment. There is accordingly no reliable way of ascertaining what aspects of man-environment relationships are unresearched or hitherto unidentified. The question is less difficult than others primarily because it is clearly possible to design an information system, to fund its implementation, and to put it into effect. The particular form in which the data should finally appear, and the method of its subsequent disposition are more problematic.

Title I of S. 2805, and other measures proposed on behalf of a national environmental policy, make provision for the functions of information gathering, storage and retrieval, dissemination, and for enlarging the available information through assistance to research and training. The detailed provisions of S. 2805 on an environmental information system are numerous and need not be repeated here. The significant feature of these provisions is that they create an information system designed and intended to serve the policymaking processes of government.

Most of the environmental quality bills place this information function under the direction of the Secretary of the Interior. But they relate its data-gathering functions to those of other Federal agencies and they provide for the transmittal of its findings to a high-level reviewing body and to the President and the Congress. In the provision for organizing environmental information into a form that is usable for policy formation, this proposal represents a step toward greater rationality in government and toward the more effective use of modern information systems and technology to serve public purposes.

4. How should a national environmental policy be implemented and periodically reviewed for refinery or revision?

Some innovation and restructuring of policy-forming institutions will be required to achieve the purpose of a national environmental policy. Our present governmental organization has not been designed to deal with environmental policy in any basic or coherent manner. (See app. C.) The extent to which governmental reorganization may be necessary cannot be determined absolutely in ad-

vance of experience. But it does seem probable that some new facility at the highest levels of policy formulation will be needed to provide a point at which environmental policy issues cutting across the jurisdictional lines of existing agencies can be identified and analyzed, and at which the complex problems involved in man's relationships with his environment can be reduced to questions and issues capable of being studied, debated, and acted upon by the President, the Congress, and the American people. As we have seen, some of the bills on environmental policy now pending in the Senate and the House of Representatives (see app. B) provide a point of focus for this new area of policy through a high-level board or council. Many of these bills provide for periodic reports on the state of the environment to the policy-determining institutions of the Nation—the President and the Congress—and, as these reports are matters of public record, to the American people who must be

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the final judges of the level of environmental quality they are willing to support.

As noted in the preceding paragraphs, improved facilities for the finding, analysis and presentation of pertinent factual data are needed. A vast amount of data is now collected by Federal agencies and by private research organizations; but this data is uneven in its coverage of the various aspects of environmental policy. For example, there is a superabundance of technical information on some aspects of environmental pollution, but comparatively little research on the social and political aspects of environmental policy. Much of the data now available is in a form unsuitable for policy purposes. The sheer mass of data, much of it highly technical on certain major environmental problems, is a serious impediment to its use. For this reason, the legislative proposals on national environmental policy provide a system for reinforcing, supplementing, and correlating the flow of information on the state of the environment.

These two major needs, (a) a high-level reviewing and reporting agency and (b) an information gathering and organizing system, are the essential structural innovations proposed in bills now before the Congress for implementing a national environmental policy. Would these additions to the present structure of government be sufficient to implement a national environmental quality program and how in particular would the proposed high level Council be related to other agencies in the federal structure of government?

New policies and programs imply structures appropriate to their functions and may call

the new relationships among existing agencies. To construct a comprehensive structure for environmental administration will acquire time, and meanwhile the need for leadership in informing the people and in formulating policy recommendations and alternatives grows more urgent. It is for this reason that some of the measures which have been introduced propose that a Council for Environmental Quality be established in the Executive Office of the President. In effect, the Council would be acting as agent for the President. It would need information from the various Federal departments, commissions, and independent agencies that, under prevailing organization, it could not as easily obtain if it were located at a level coequal or subordinate to the division of Government whose programs it must review. Reinforcing this consideration is the distribution of environment-affecting activities among almost every Federal agency.

Objections may be raised that there are already too many councils and committees established in the Executive Office of the President. Some students of public administration argue that a simplification of structure and a clarification of existing responsibilities should take precedent over any new programs or agencies. The answer to this objection lies in an assessment of relative priorities. Is each of the councils or comparable agencies now established in the Executive Office of the President more important, of greater urgency, or of more direct bearing upon the public welfare, than the proposed Council on Environmental Quality? What criteria indicate how many conciliar bodies are "too many"? These questions are not merely rhetorical. Although they cannot be answered here, they are obviously germane to the issue of governmental organization and to the way in which national environmental policy is formulated and made effective.

A strong case can be made for a major restructuring of the Federal departments in which public responsibility for the quality of the environment would, like defense or foreign relations, become a major focus for public policy. Proposals tending in this direction and chiefly affecting the Department of the Interior have been made over several decades. A prominent news magazine took up this line of reasoning in a recent editorial declaring that " * * the Secretary of the Interior ought to be the Secretary of the Environment." But a major restructuring of functions in the Federal administrative establishment cannot be accomplished easily or rapidly. Such a development would be most plausible as a part of a more general restructuring of the executive branch. The multiplication of high-level councils and inter-agency committees may indicate that a re-

structuring is needed. (See app. C.) Some of the complexity of present arrangements for policy formulation and review reflects the confusion often attending a transition from one set of organizing concepts to another.

Among the concepts that have been proposed to reduce the burden of the Presidential office and to provide a more simple and flexible administrative structure, is that of the "superdepartment." One of these agencies already exists as the Department of Defense. A Department of the Environment might be another. The substance and character of the organizational changes that superdepartments might imply are germane to a discussion of environmental administration, but they require no further exploration in this report beyond the following three points: *First*, they would be fewer in number than present departments, probably no more than seven to nine; *second*, they would be oriented broadly to services performed for the entire population, and *third*, they would be planning and coordinative rather than directly operational, assuming, to some degree, certain of the tasks that now fall heavily on the Executive Office of the President.

There may be another answer to the need for a more effective review and coordination of related functions in diverse agencies in the concept of "horizontal authority" or matrix organization. This organizational arrangement has been employed in multifunctional, cross-bureau, projects in the Department of Defense and in the National Aeronautics and Space Administration. Under a temporary structure for project management, it structures across normal hierarchal lines and working relationships among the necessary personnel and skills. The concept might be applicable to interagency attack upon specific problems of environmental policy.

Review of national policy, and revision if and when needed, are functions that the Congress performs for all major policies of Government. The device of an annual or biennial report from the President to the Congress on the state of the environment offers the logical occasion for an examination by the Congress, not only of the substance of the President's message, but of national policy itself. In many respects, the transmission of an annual report on the state of the environment accompanied by a clear and concise statement of the Nation's goals, needs, and policies in managing the environment could attain many of the ends sought by those who propose reorganization.

SUMMATION

Although historically the Nation has had no considered policy for its environment, the unprecedented pressures of population and the impact of science and technology

make a policy necessary today. The expression "environmental quality" symbolizes the complex and interrelating aspects of man's dependence upon his environment. Through science, we now understand, far better than our forebears could, the nature of man-environment relationships. The evidence requiring timely public action is clear. The Nation has overdrawn its bank account in life-sustaining natural elements. For these elements—air, water, soil, and living space—technology at present provides no substitutes. Past neglect and carelessness are now costing us dearly, not merely in opportunities foregone, in impairment of health, and in discomfort and inconvenience, but in a demand upon tax dollars, upon personal income, and upon corporate earnings. The longer we delay meeting our environmental responsibilities, the longer the growing list of "interest charges" in environmental deterioration will run. The cost of remedial action and of getting onto a sound basis for the future will never be less than it is today.

Natural beauty and urban esthetics would be important byproducts of an environmental quality program. They are worthy public objectives in their own right. But the compelling reasons for an environmental quality program are more deeply based. The survival of man, in a world in which decency and dignity are possible, is the basic reason for bringing man's impact on his environment under informed and responsible control. The economic costs of maintaining a life sustaining environment are unavoidable. We have not understood the necessity for respecting the limited capabilities of nature in accommodating itself to man's exactions, nor have we properly calculated the cost of adaptation to deteriorating conditions. In our management of the environment we have exceeded its adaptive and recuperative powers and in one form or another must now pay directly the costs of obtaining air, water, soil, and living space in quantities and qualities sufficient to our needs. Economic good sense requires the declaration of a policy and the establishment of an environmental quality program now. Today we have the option of channeling some of our wealth into the protection of our future. If we fail to do this in an adequate and timely manner we may find ourselves confronted, even in this generation, with environmental catastrophe that could render our wealth meaningless and which no amount of money could ever cure.

APPENDIX A—DOCUMENTATION ON ENVIRONMENTAL PROBLEMS

Following is a partial listing of recent writings on environmental problems subdivided

under five headings: (1) "Technical Reports," (2) "Conferences and Symposiums," (3) "Journals," (4) "News Articles and Speeches," and (5) "Books, Yearbooks, and Pamphlets."

PART 1—TECHNICAL REPORTS

The Adequacy of Technology for Pollution Abatement. Report of the Research Management Panel through the Subcommittee on Science Research, and Development to the Committee on Science and Astronautics. U.S. House of Representatives, 89th Congress, 2d session. Washington, 1966.

Air Pollution: A National Sample. U.S. Department of Health, Education, and Welfare, Public Health Service Publication No. 1562.

Alleviation of Jet Aircraft Noise Near Airport. A report of the Jet Aircraft Noise Panel. Office of Science and Technology. March 1966. Executive Office of the President.

Disposal of Radioactive Waste on Land. National Academy of Sciences—National Research Council. Publication 519, 1957.

Effective Use of the Sea. Report of the President's Science Advisory Committee.

Energy R. & D. and National Progress. An interdepartmental study. (The President designated the Director of the Office of Science and Technology and the Chairman of Economic Advisers as Chairman and Vice Chairman of the Steering Committee.)

Environmental Improvement: Air, Water and Soil. Department of Agriculture Graduate School.

Environmental Pollution: A Challenge to Science and Technology. Report of the Subcommittee on Science, Research, and Development to the Committee on Science and Astronautics. U.S. House of Representatives, 89th Congress, 2d session. Serial 8. Washington, 1966.

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APPENDIX B—ENVIRONMENTAL LEGISLATION INTRODUCED IN THE 90TH CONGRESS

The two problems—one with respect to national environmental (or resource) policy and the other regarding executive organization—have been the subjects of a large body of proposed legislation. In the 86th Congress, Senator James E. Murray proposed S. 2549 which called for the establishment of a Council of Resource and Conservation Advisers in the Office of the President. Similar or related bills have been introduced in subsequent Congresses. A partial list of bills introduced in the 90th Congress is given below:

SENATE

S. 843. Mr. Mondale and others. February 6, 1967. Government Operations. Full Opportunity and Social Accounting Act: Estab-

lishes a Council of Social Advisers, and directs it to compile and analyze social statistics, devise a system of social indicators, help develop program priorities, evaluate the effectiveness and impact of our efforts at all levels of government, and advise the President in the establishment of national social policies.

Requires the President to transmit to Congress an annual report on the state of the Nation's social health, specifying progress made, listing goals for the future and specifying policies for achieving these objectives.

Provides for a joint committee of Congress to review the President's annual report on the state of our social health, just as the Joint Economic Committee exercises oversight responsibility in economic matters.

S. 886. Mr. Moss and others. February 7, 1967. Government Operations. Department of Natural Resources Act: Redesignates the Department of the Interior as the Department of Natural Resources. Transfers various departments from the Department of the Interior and others to the Department of Natural Resources.

S. 1305. Mr. Allott and others. March 15, 1967. Labor and Public Welfare. Provides that the President shall transmit to the Congress by January 20, of each year, a report on science and technology which shall set forth (1) the existing major policies of both Federal and non-Federal research organizations, (2) the impact of major developments of science in the progress of such programs, (3) major goals of the Federal Government and of private research organizations, (4) financial information on the funding of science and research projects across the Nation, and (5) his recommendations for necessary legislation.

Establishes a Joint Committee on Science and Technology composed of eight Members of the Senate appointed by the President of the Senate and eight Members of the House, appointed by the Speaker, to assist the President by holding hearings and collecting relevant data, in the compilation of material for the report.

S. 1347. Mr. Javits. March 21, 1967. Labor and Public Welfare. Establish a 12-member Federal Council of Health within the Executive Office of the President, appointed by the President for 3-year terms to (1) make recommendations and continuous evaluation of policies and programs related to the Nation's health, including disaster planning, (2) initiate study and development measures designed to assure the provision of adequate health manpower, services, and facilities and to moderate the rising trend in the cost of medical care, and (3) to advise and consult with Federal departments and agencies, including the Budget Bureau, on policies and

programs concerned with health services, manpower, and facilities.

S. 2789. Mr. Nelson. December 14, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct a program of research, study and surveys, documentation and description of natural environmental systems of the United States for the purposes of understanding and evaluating the condition of these systems and to provide information to those concerned with natural resources management. Authorizes the establishment of an advisory committee.

S. 2805. Messrs. Jackson and Kuchel. December 15, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality. Establishes a Council on Environmental Quality.

S. 3031. Mr. Nelson. February 26, 1968. Public Works. Requires the President to make an annual environmental quality report to Congress and provides that the report set forth (1) the status and condition of the major natural, manmade, or altered environmental systems of the Nation, and (2) the current and foreseeable trends in management and utilization of such environments and the effect of those trends on the social, economic, and other requirements of the Nation.

Creates a five-member Council on Environmental Quality, members to be appointed by the President and by and with the advice and consent of the Senate, in the Executive Office of the President and directs it to oversee the program of the Federal, State, and local governments to (1) determine to what extent these activities are contributing to the achievement of environmental quality and (2) gather, analyze, and interpret conditions and trends in environmental quality.

Provides that the principal task of the Council be to develop within a 5-year period comprehensive national policies and programs to improve and maintain the quality of our environment.

S. Res. 68. Mr. Muskie and others. January 25, 1967. Government Operations. Provides for the establishment of a Select Committee on Technology and Human Environment.

HOUSE

H.R. 258. Mr. Bennett. January 10, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct a program of research, study and surveys, documentation, and description of the natural environmental systems of the United States for the purposes of understanding and evaluating the condition of these systems

and to provide information to those concerned with natural resources management. Authorizes the establishment of advisory committees.

H.R. 3753. Mr. Dingell. January 25, 1967. Government Operations. Consolidates water quality management and pollution control authorities and functions in the Secretary of the Interior who shall administer such functions through the Federal Water Pollution Control Administration.

H.R. 4480. Mr. Hathaway. February 1, 1967. Government Operations. Marine and Atmospheric Affairs Coordination Act: Establishes an Executive Department of Marine and Atmospheric Affairs headed by a Secretary appointed by the President with the advice and consent of the Senate. Provides for the appointment of an Under Secretary and three Assistant Secretaries in the same manner.

Transfers to the Department of Marine and Atmospheric Affairs the functions of the major Government agencies concerned with marine and atmospheric affairs.

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Establishes as a function of the Department a new coordinating Office of Marine Geology and Mineral Resources.

Establishes a Joint Committee of Congress for Marine and Atmospheric Affairs to carry out the policies outlined in the act.

H.R. 4893. Mr. Moss. February 6, 1967. Government Operations. Consolidates water quality management and pollution control authorities and functions in the Secretary of the Interior who shall administer such functions through the Federal Water Pollution Control Administration.

H.R. 6698. Mr. Daddario. March 7, 1967. Science and Astronautics. Creates a five-member Technology Assessment Board whose members shall be appointed by the President.

Gives the Board the duty of (1) identifying the potentials of applied research and technology and promoting ways and means to accomplish their transfer into practical use, and (2) identifying the undesirable by-products of such research and technology, in advance, and informing the public of their potential in order to eliminate or minimize them.

Provides for a 12-member General Advisory Council to advise the Board, and provides that the Council members be appointed by the President.

H.R. 7796. Mr. Dingell. March 23, 1967. Interior and Insular Affairs; referred to Science and Astronautics, April 17, 1967. Directs the President to submit to Congress beginning June 30, 1968, an annual environmental quality report setting forth the status and condition of the major natural, manmade, or

altered environmental classes of the Nation, with a view toward improving man's living conditions.

Creates a three-member Council on Environmental Quality, appointed by the President, to assist in the compilation, coordination, and preparation of environmental data for the report, together with its recommendations for development and improvement of the Nation's environment.

H.R. 8601. Mr. Blatnik. April 17, 1967. Interstate and Foreign Commerce. Provides for the establishment of regional airshed quality commissions and airshed quality regions when so requested by a Governor of one of two or more contiguous States, and when it is found that there is a threatening air pollution situation in such States, an adequate abatement program does not exist, and that action is necessary to protect the public health. Makes provisions for administration of the airshed quality regions and the commission's duties.

Creates a Federal Air Quality Improvement Administration to administer the provisions of this act and the Solid Waste Disposal Act. Provides that the head of this Administration be appointed by the Secretary of HEW, and provides for the appointment of an additional Assistant Secretary of HEW who shall assist the Secretary in supervising the Federal Air Quality Improvement Administration.

H.R. 10261. Mr. Ottinger. May 23, 1967. Government Operations. Establishes a Council of Social Advisers, and directs it to compile and analyze social statistics, devise a system of social indicators, help develop program priorities, evaluate the effectiveness and impact of our efforts at all levels of government, and advise the President in the establishment of national social policies.

Requires the President to transmit to Congress an annual report on the State of the Nation's social health, specifying progress made, listing goals for the future, and specifying policies for achieving these objectives.

Provides for a joint committee of Congress to review the President's annual report on the state of our social health, just as the Joint Economic Committee exercises oversight responsibility in economic matters.

H.R. 13211. Mr. Tunney. September 28, 1967. Science and Astronautics. Creates in the Executive Office of the President a Council of Ecological Advisers composed of nine members to be appointed by the President by and with the advice and consent of the Senate. Directs the Council to study the national environment and national ecology of the Nation and report to the President. Grants it necessary powers.

H.R. 15614. Mr. Rosenthal. February 27, 1968. Government Operations. Establishes

within the executive department a Department of Health to be headed by a Secretary of Health who should be appointed by the President by and with the advice and consent of the Senate. Provides for the appointment of five Assistant Secretaries and a General Counsel to be appointed by the President by and with the advice and consent of the Senate. Transfers to the new Department are the U.S. Public Health Service, the Vocational Rehabilitation Administration, and St. Elizabeths Hospital.

H. Con. Res. 307. Mr. St. Onge. April 6, 1967. Rules. Establishes a 10-member joint congressional committee to study all the problems involved in the extraordinary pollution of air and the navigable waters of the United States, including the Atlantic and Pacific Oceans and the Gulf of Mexico, by the extraction, manufacture, transportation, or storage of substances harmful to human, animal, or plant life.

H.J. Res. 1321. Mr. Ottinger. June 13, 1968. Judiciary. Amends the Constitution by adding a "conservation bill of rights" asserting the "right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, historic and esthetic qualities of their environment."

APPENDIX C—FEDERAL ADMINISTRATION OF ENVIRONMENTAL PROGRAMS

The Federal offices, agencies and committees listed below contribute a substantial share of their time and operating effort to administration and study of environment-oriented programs.

1. FEDERAL AGENCIES

Department of Agriculture Secretary

Under Secretary:
Agricultural Stabilization and Conservation Service.
Farmers Home Administration.
Rural Community Development Service.
Forest Service.
Soil Conservation Service.
International Agricultural Development Service.
Agricultural Stabilization and Conservation Service.
Agricultural Research Service.
Cooperative State Research Service.
Federal Extension Service.

Department of Commerce Secretary

Under Secretary:
Assistant Secretary for Science and Technology.
Environmental Science Service Administration.

Environmental Data Service.
Weather Bureau.
Institutes for Environmental Research.
National Environmental Satellite Center.
Coast and Geodetic Survey.

Department of Defense Secretary

Corps of Engineers.
*Department of Health, Education, and Welfare*¹
Secretary

Under Secretary:
Public Health Service.
Office of the Surgeon General.
Bureau of Disease Prevention and Environmental Control.

National Institutes of Health.
National Center for Air Pollution Control.
National Center for Urban and Industrial Waste.

National Environmental Sciences Center.
Food and Drug Administration.

Department of Housing and Urban Development Secretary

Under Secretary:
Assistant Secretary for Metropolitan Development.
Deputy Assistant Secretary:
Land and Facilities Development Administration.
Urban Transportation Administration.
Office of Planning Standards and Coordination.

Department of the Interior Secretary

Under Secretary:
Office of the Science Adviser.
Office of Ecology.
Office of Water Resources Research.
Assistant Secretary:
Fish and Wildlife and Parks.
Commissioner of Fish and Wildlife.
Bureau of Commercial Fisheries.
Bureau of Sport Fisheries and Wildlife.
National Park Service.
Assistant Secretary of Mineral Resources:
Office of Oil and Gas.
Office of Mineral and Solid Fuels.
Office of Coal Research.
Bureau of Mines.
Geological Survey.
Assistant Secretary of Public Land Management:
Bureau of Indian Affairs.
Bureau of Land Management.
Bureau of Outdoor Recreation.
Assistant Secretary of Water and Power Development:
Bureau of Reclamation.
Bonneville Power Administration.
Southeastern Power Administration.

¹ Currently reorganizing.

Southwestern Power Administration.
 Assistant Secretary of Water Pollution Control:
 Office of Saline Water.
 Federal Water Pollution Control Administration.

Department of Justice

The Attorney General
 The Deputy Attorney General.
 Land and Natural Resources Division.

Department of State

International Boundary and Water Commission--United States and Mexico.
 International Scientific and Technical Affairs.
 Agency for International Development.
 International Joint Commission--United States and Canada.

Department of Transportation

Secretary

Under Secretary:
 Transportation Policy Council.
 Federal Aviation Administration.
 Federal Highway Administration.
 Federal Railroad Administration:
 Office of High Speed Ground Transportation.
 Coast Guard.

Executive Office of the President

The President
 Bureau of the Budget.
 Council of Economic Advisers.
 Federal Committee on the Economic Impact of Pollution Abatement.
 Office of Science and Technology:
 President's Science Advisory Committee:
 Panel on the Environment.

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Federal Council for Science and Technology:
 Committee on Environmental Quality.
 Committee on Water Resources Research.
 President's Council on Recreation and Natural Beauty.
 National Council on Marine Resources and Engineering Development.

Independent agencies

Atomic Energy Commission.
 Civil Aeronautics Board.
 Federal Power Commission.
 National Aeronautics and Space Administration.
 National Science Foundation.
 Tennessee Valley Authority.
 Water Resources Council.
 Appalachian Regional Commission.
 Delaware River Basin Commission.
 Smithsonian Institution.

2. QUASIGOVERNMENTAL BODIES

National Academy of Sciences-National Academy of Engineering-National Research Council:

Environmental Studies Board: Oversees all environmental quality studies of the NAS, NAE, and NRC. Provides a forum for development and exchange of new ideas and their application to environmental problems.

Committee on Persistent Pesticides.

Committee on Resources and Man.

Committee on Agricultural Land Use and Wildlife Resources.

U.S. National Committee for the International Biological Program.

Agricultural Board.

Committee on Solid Wastes Management.

Committee on Air Pollution.

Committee on Water Quality Management.

Committee on Remote Sensing of the Environment.

Committee Advisory to the Environmental Science Services Administration.

Committee for the Development of Criteria for Nonrail Transit Vehicles.

Committee on Environmental Physiology.

Committee on Water.

Advisory Committee to the Federal Radiation Council.

Building Research Advisory Board.

Committee on Ocean Engineering.

Committee on Geography.

Committee on Toxicology and the Advisory Center on Toxicology.

Committee on Hazardous Materials.

Ad Hoc Committee on Human Factors in Environmental Change.

Committee on Urban Technology and Committee on Social and Behavioral Urban Research.

Highway Research Board.

Committee on Hearing, Bioacoustics, and Biomechanics.

3. INTERAGENCY COMMITTEES

Source: Federal Council on Science and Technology:

Interdepartmental Committee for Atmospheric Sciences.

Committee on Environmental Quality.

Committee on Scientific and Technical Information.

Committee on Solid Earth Sciences.

Committee on Water Resources Research.

Interagency Committee on Meteorological Services and Interagency Committee on Applied Meteorological Research.

Federal Committee on Pest Control.

Armed Forces Pest Control Board.

Interagency Aircraft Noise Abatement Advisory Committee.

Federal Advisory Committee on Water Data.

Interagency Committee on Coordination of Sewer and Water Programs.

Steering Committee: United States-German Cooperative Program in Natural Resources, Pollution Control and Urban Development.

CONGRESSIONAL WHITE PAPER ON A NATIONAL
POLICY FOR THE ENVIRONMENT
PART 1. ASPECTS OF ENVIRONMENTAL
MANAGEMENT

The colloquium¹ focused on the evolving task the Congress faces in finding more adequate means to manage the quality of the American environment.

In the recent past, a good deal of public interest in the environment has shifted from its preoccupation with the extraction of natural resources to the more compelling problems of deterioration in natural systems of air, land, and water. The essential policy issue of conflicting demands has become well recognized.

Several social attitudes have become the action force in the movement for improved environmental policies and programs. One is the desire for esthetically attractive surroundings. Another is the recognition of the folly of excessive population densities. Still another is the mounting irritation, disgust, and discomfort (aside from actual economic loss) resulting from such anomalies as smoggy air and polluted streams and seashores.

The broad public interest in the natural environment was succinctly defined by a report of the National Academy of Sciences thus:

"We live in a period of social and technological revolution in which man's ability to manipulate the processes of nature for his own economic and social purposes is increasing at a rate which his forebears would find frightening * * * there is a continuing world-wide movement of population to the cities. The patterns of society are being rapidly rearranged, and new sets of aspirations, new evaluations of what constitutes a resource, and new requirements in both types and quantity of resources are resulting. The effects on man himself of the changes he has wrought in the balance of great natural forces * * * are but dimly perceived and not at all well understood. * * * It is evident that the more rapid the tempo of change is becoming, the more sensitive the whole system of resource supply must become in order to cope with the greater rapidity and severity with which inconsistencies, conflicts, and stress from independent innovations will arise. * * * If divergent lines of progress are seen to give rise to ever-greater stresses and strains too fast to be resolved after they have risen

¹ Joint House-Senate Colloquium to Discuss a National Policy for the Environment. Hearings before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

and been perceived, then obviously the intelligent and rational thing to do is to learn to anticipate those untoward developments before they arise."²

The statements of participants in the colloquium itself are evidence that the issues of the human environment are important to a broad segment of society.

"Mr. ROCKEFELLER. * * * there is a strong and deep seated concern among the American people for a better environment. The quality of our surroundings is emerging as a major national social goal (p. 4).³

"Secretary UDALL. One of the things that I take the most encouragement from is simply the growth of sentiment in the Congress, the number of conservationist Congressmen, the number of organizations, however they define themselves, that are interested in the city problem, that are interested in the total environment problem * * * (p. 62)."

The long-term quality of the environment is seen to be dependent on today's decisions. The means of relating the present to the future is not clear, however.

"Secretary UDALL. The real wealth of the country is the environment in the long run. We must reject any approach which inflates the value of today's satisfactions and heavily discounts tomorrow's resources (p. 14).

"Mr. ROCKEFELLER. * * * we have not set down in clear terms what our goals are for the long-run future (p. 5)."

If America is to create a carefully designed, healthful, and balanced environment, we must (1) find equitable ways of charging for environmental abuses within the traditional free-market economy; (2) obtain adequate ecological guidance on the character and impact of environmental change; (3) where corporate resource development does not preserve environmental values, then consider the extension of governmental controls in the larger public interest; (4) coordinate the Government agency activities, which share with industry the dominant influence in shaping our environment; and (5) establish judicial procedures so that the individual rights to a productive and high-quality environment can be assured.

These and other aspects of environmental management—discussed at the Colloquium and submitted in the form of letters or reports for inclusion in the record—are briefly highlighted below.

A. Relationships Among Population Growth, Environmental Deterioration, and the Quality of Life

² NAS-NRC Publications 1000 and 1000A (1962).

³ Page nos. in parentheses following quotations refer to the hearing transcript, op. cit.

In an exchange of views on this subject, Secretary Robert Weaver (HUD) pointed out that by 1980 there will be almost 240 million and by the year 2000 about 312 million people in the 48 contiguous States and the District of Columbia, if present projects are borne out. Secretary Stewart Udall (DI) argued that a reasonable adjustment between population growth and our finite resources is required for sound environmental management, while Assistant Secretary Philip Lee (DHEW) contended that we do not presently have the kind of information to determine what the ideal population for this country would be. Dr. David Gates submitted the following observations in the worldwide context:

"It is clear that all segments of the world—all soils, water, woods, mountains, plains, oceans, and ice-covered continents—will be occupied and used by man. Not a single solitary piece of landscape will go untouched in the future and in fact not be used repeatedly for as long as man survives. Everything between soil and sky will be moved about, redistributed and degraded as man continues to exploit the surface of the planet. * * * The population will grow until it reaches some equilibrium level. * * * An alternate ultimate destiny is for an earth of half-starved, depressed billions gasping for air, depleted or eutropic water, struggling to avoid the constant presence of one another and in essence continuing life at a degraded subsistence level limited in numbers not by conscience but by consequence. A third possibility exists which is to maintain a reasonable quality for life by means of population control, rational management of ecosystems, and constructive exploitation of resources. * * * (p. 174)."

The issue of high population densities as a source of growing stresses in our society, with profound effects on health and safety, raised a number of comments. Senator Henry Jackson observed that the apparent cause-and-effect relation of congestion and violence should be a consideration in arriving at any decisions concerning what constitutes an optimum population density.

Dr. Paul Weiss submitted the following caveat:

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"A stress free environment offering maximum comfort and minimum challenge is not only not optimal but is detrimental. To be exposed to moderate stress is a means of keeping the human faculty for adapting to stress * * * lacking the opportunity for such exercise, man loses that faculty and becomes a potential victim of an unforeseen, but inevitable, stressful occurrences. The optimum environment consists of a

broad band of conditions bounded by an upper limit far short of the stress limit and by a lower limit considerably above the ideal zone of zero stress. Within those margins of reasonable safety or tolerance, man must navigate his own responsibility (p. 224)."

Senator Clifford Hansen suggested that the Federal Government might well consider programs which would provide incentives and opportunities leading to a wider and more balanced dispersal of our people. Assistant Secretary John Baker (USDA) agreed and proposed the creation of new community centers as a matter of national environmental policy. Secretary Weaver commented that any Government policy which has to do with such dispersal must be based on the democratic principle of free choice—including for all of our people the alternatives of living in existing large population centers, suburbia, or new towns.

B. Broadening the scope of cost accounting

Narrow utilitarian views governing the use of environmental resources were cited as the root of many conflicts and a major barrier to sound environmental management.

"Dr. DONALD HORNIG. In my view national policy must recognize the very wide array of appropriate and necessary uses of air and water and land. It would recognize, too, the existence of a number of beneficial but non-compatible uses, and make provision for resolving these conflicts. It should result in an environment that is safe, healthful, and attractive and that is economically and biologically productive, yet that provides for sufficient variety to meet the differing requirements and tests of man (p. 31)."

Congressman Emilio Q. Daddario questioned whether the industrial objective of immediate profit can be made compatible with long-term environmental management objectives. Congressman Joseph Karth observed that the self-interests of some organizations do not coincide with the public interest. Secretary Wilbur Cohen (DHEW) commented that environmental controls may be costly in the short run, but in the long run they are a bargain both for industry and the public it serves: "What we are really seeking is an enlightened self-interest that industry and commerce have often exhibited."

Dr. Lynton K. Caldwell contended that the social costs of environmental management should not be an undue burden on the business community if all competitors carry it alike:

"Scientific knowledge and rising levels of amenity standards have added to public expectation that protection against environmental change will be built into the products

and production costs of manufactures (p. 99)."

The point at which compromise among conflicting uses is reached furnishes one test of adequacy of policy.

"Mr. ROCKEFELLER. * * *

"If you take a black and white approach, you are never going to resolve it. You have a lot of hostility and you don't represent the public constructively (p. 63)."

C. The role of ecology

Ecologists dedicated to the study of man-environment relationships were urged to show a greater willingness to engage with industry in what was termed "ecological engineering." However, Dr. Dillon Ripley argued that this subject involves a kind of ecological study which is still in the formative stage:

"I think it may take a generation perhaps to achieve even the beginnings of the kind of training, the kind of production of original minds and talents that will be able to perform the sorts of—studies—which we stress the urgency of (p. 75)."

By contrast, several participants contended that the science of ecology has already established a number of basic principles, or propositions, which could guide the attitudes and actions of both industry and government toward the environment. The following examples are paraphrased from submissions by Dr. Paul Weiss:

"(i) Organic nature is such a complex, dynamic, and interacting, balanced and interrelated system that change in one component entails change in the rest of the system. Isolated analytical study of separate components cannot yield desired insight. To find solutions to separate problems of hydrology, waste disposal, soil depletion, pest control, et cetera, is not adequate to achieve the optimization of environmental resources generally. All factors and their cohesive impact on each other need to be simultaneously considered.

"(ii) The significance or insignificance of mixtures of components and environmental conditions cannot be judged from sheer data on bulk or averages. This fallacy is a pitfall ignored today by some planners, developers, builders, and other practicing manipulators of the environment. Our tendency to maximize a specific change or result too often sacrifices other interrelated parts without optimizing the total result.

"(iii) Similarly, the concept of single, rigid, linear cause-to-effect chains of natural events has given rise to organically unreal and practically untenable conclusions. More attention should be given to the network type of causal relations in an integrated system that establishes a multiplicity of alternative routes to such a goal of optimizing

the development of environmental resources."

Commenting on the complexity of the total systems approach, Mr. Don Price stated:

"I am left with the vaguely uneasy feeling that if we see the continuous complex here as one set of interconnecting realities that have to be understood as a total system, we may be broadening our interest so much that it's impossible to act on it at all (p. 64).

"Dr. HORNIG. It is a great thing to talk about systems analysis, but the trouble with that is that you have to put in some facts. And, if you do the analysis when the facts aren't available, you are in trouble.

"* * * it needs a basis in sound research that understands, that gives us clear understanding of what the nature of these long-term liabilities are (p. 51)."

D. Redirecting research activities

In addition to increased ecological research, the colloquium touched on the need for the entire scientific community to direct a greater share of its total effort to long-term environmental problems. Mr. Laurence Rockefeller argued that we have not yet fully harnessed this Nation's vast technological talent in the effort for a better environment. Dr. Walter Orr Roberts pointed out that cross-disciplinary research on environmental problems offers the utmost challenge from the intellectual standpoint, and also cited the following as an example of neglected research:

"Only modest efforts have been made to mount a sustained research program on the medical effects involved in the slowly developing health impairments, like aging, that result from low-level but long-persistent alterations of the atmospheric environment. Subtle alterations of the chemical constitution of the atmosphere, through pollutants added in the form of trace gases, liquids, or solids, result from industrial activity or urbanization. This is an area of biometeorology that has significance in every living person, and yet we have not yet seen even the first beginnings of an adequately sustained research effort in this area (p. 216)."

Future values are difficult to judge, particularly when they include non-economic aspects of environmental quality. Social science research and ecology were singled out for increased support.

"Dr. HORNIG. One of the central problems in weighing the future against the present is that we don't know about the future. The reason we can't muster political forces and the reason we can't make decisions is that for the most part the information is not there (p. 51)."

The establishment of criteria for judgment is a primary task of environment management.

"Secretary WEAVER. There are too many things we do not know, basic matters such as how we define quality in the urban environment, how we measure it, and how we strike a balance among competing values (p. 19)."

"Mr. PRICE. There has been a lot of talk lately about social indicators out of a conviction that narrow economic statistical considerations are not an adequate guide to economic policy, and here we are talking about a field in which it is not enough to know about the chemical industry and the biology (p. 67)."

Technology was seen to be the savior as well as the villain in many environmental quality problems.

"Mr. PRICE. There is a tactic or an approach which has received a good bit of attention recently in technological and scientific literature. Mr. Weinberg, I think, called it the technological fix (p. 66).

"It is obviously true that the development of the specific techniques has proved to be not only the basis of our accumulation of wealth which now makes it possible for us to ask these more sophisticated questions about our environment, to have very much higher standards of environmental control to insist on (p. 68)."

E. International aspects of environmental alteration

The urgent necessity of taking into account major environmental influences of foreign economic assistance and other international developments was underscored by Mr. Russell Train.

Dr. Ivan Bennett commented that the Federal Government is now participating, through the Organization for Economic Cooperation and Development, in a series of cooperative programs that will encourage the exchange of environmental information.

Senator Henry Jackson recalled President Johnson's remarks at Glassboro State College on June 4 in which he said:

"Scientists from this country and the Soviet Union and from 50 other countries have already begun an international biological program to enrich our understanding of man and his environment. I propose that we make this effort a permanent concern of our nations (p. 83)."

Dr. Roberts questioned whether these and similar ongoing cooperative efforts were fully adequate, and proposed that a broader international scheme of cooperative "benchmark" observations be made. As an example he described the neglected area of stratospheric contamination:

"It is now very difficult for us to say anything quantitative or certain about the de-

gree to which the atmosphere above New York City, or Zurich, Switzerland, or the

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rural regions of the United States, Europe, and Siberia has been changing in respect to the burden of liquid or solid wastes that jet aircraft carry. I have seen many occasions when the skies over my home city of Boulder, Colo., are crisscrossed with expanding jet aircraft contrails. Often these grow, in hours, to a general cirrus cover that blankets the entire sky. On these days, it is eminently clear that the jet exhausts are stimulating the formation of a cloud deck. Theory suggests that these clouds, in turn, almost certainly modify the strength of incoming sunlight, and the degree to which outgoing infrared radiation is permitted to escape from the earth to outer space. No one can say for sure, today, to what degree, if any, this alters the weather (p. 217)."

Dr. Ripley summarized the feeling of the colloquium:

"* * * to speak about environmental quality without at least referring to the fact of the international components and consequences of even our activity as Americans and considering our own acreage and our own problems with the environment, appears to me to be somewhat shortsighted (p. 74)."

Senator Edmund Muskie argued that existing conservation policies deal too heavily with the permitted levels of resource exploitation at the expense of the equally important objective of enhancing these same resources.

To overcome this difficulty, Mr. Don Price suggested that countervailing policies might be established which would encourage and even make it profitable for private developers not to pollute, but actually upgrade the quality of our environment through the development of new resource-processing methods.

Assistant Secretary Lee mentioned that in the public health area a great deal of consideration has been devoted to the subtle health effects of many pollutants, but that the management problem of setting standards is made all the more difficult by the constantly changing character of chemicals being added to the environment. As part of the standard setting process, he proposed that it may eventually be necessary to require industries

"* * * to demonstrate a positive beneficial effect, or an enhancement of the environment as suggested by Senator Muskie, rather than just an absence of deleterious effect (p. 71)."

Dr. Harvey Brooks argued that we could easily move too far and

"* * * place a presumption so much against new technology that in fact the disincentives to innovation would create more penalties to the society than the protection to the environment that might be afforded (p. 71)."

Standards which are derived from criteria should not be absolute and unchanging, thereby compounding further the difficulties in the management decisionmaking process.

"Dr. HORNIG. * * * the minute one sets standards—standards which cost people money—the question immediately comes: what is the basis for these standards? If they don't have a strong credible basis, not only to the Congress, but to the public, we can't enforce the standards (p. 51).

"Mr. PRICE. How do we set standards? How do we know what we want to do until we can define more accurately our problems and develop some better measurements for it? (p. 67).

"It gets especially harder when you move away from the physical or the chemical pollution and you get into the esthetic type of consideration (p. 67).

"Mr. TRAIN. * * * I'm suspicious of talk of absolute standards. I think that there must be a great deal of diversity in whatever we get at (p. 81).

"Senator MUSKIE. We ought to avoid the straitjacket of Federal standards * * * (p. 44)."

F. The goals of enhancement and recycling

The American landscape is under extraordinary pressure from man-made refuse and other discarded material. Secretary Udall singled out the empty metal beer can as an example:

"Science should come up with containers that readily degrade, disappear, or are made reusable. If we work hard at it, the expense won't be any burden and we won't foist on our grandchildren a mess of some kind as we do so frequently today (p. 50)."

Dr. Gates suggested that the solution to this ubiquitous problem rests in the analogy between natural and human recycling of resources.

"A natural ecosystem recycles its mineral resources. The minerals are taken up into the biomass and on death and decay are returned to the soil. Man leaves his debris of automobiles, cans, bottles, plastics, chemicals, and pavement scattered about the landscape and lets his organic refuse of garbage and sewage be funneled into the rivers and streams to be washed to sea.

"He does not return the used minerals to the factory for reprocessing or the nutrients to the soil, but draws on new concentrated supplies available in nature. Clearly, such a way of life cannot continue indefinitely. Re-

cycling will never achieve 100-percent efficiency; but if it can reach much greater efficiencies than at present, man's lifespan on earth will be much longer (p. 176)."

G. New approaches in Government

Senator Henry Jackson argued that new approaches to environmental management are now required, and urged the Colloquium to provide thoughts on the possible "action-forcing" processes that could be put into operation.

Secretary Udall pointed out the difficulty of reorganizing the executive branch on a strictly environmental basis:

"Let no one suppose there is any organizational panacea for dealing with environmental problems at the Federal level * * *. To combine all programs affecting the environment in one department would obviously be physically impossible.

"Each agency should designate responsible officials and establish environmental checkpoints to be sure they have properly assessed this impact.

"Whether or not new institutional arrangements are accepted, the Bureau of the Budget and the Office of Science and Technology must play a central role in collecting facts, anticipating impacts and providing an early warning system for environmental protection (p. 18)."

Secretary Cohen outlined existing patterns of agency leadership:

"In certain discrete, well-defined areas activities have been organized under the 'lead agency' concept * * *. The second pattern involves multiple rather than single agency leadership, primarily because it must accommodate a variety of interests, no one of which takes precedence (p. 88)."

Dr. Donald Hornig stressed the power of the Presidency to coordinate and translate policy into action:

"The principle, the authority for oversight and coordination—and in fact, Executive responsibility for management—is vested in the President; it is exercised through the Executive Office of the President, particularly by the Office of Science and Technology and the Bureau of the Budget in this respect. We have been working very hard on this problem of coordination, and we have made much progress. But, if our efforts turn out to be insufficient, further steps will surely be necessary and new organizational forms may be needed in the Executive Office (p. 32)."

Assistant Secretary Baker related early experiences of the USDA with the systems approach:

"We [Agriculture] are developing a Department-wide systems analysis capability for evaluating and interpreting the on-going programs. * * * We seek to organize our

efforts in ways that will make them compatible with efforts that may be undertaken by other agencies (p. 26)."

Secretary Weaver warned of the difficulties in obtaining a regional or "problem-shed" management of environmental quality:

"There is a serious problem of stubborn resistance to change in our political institutions. This is true at the local and State level, where the term 'metropolitan government' is a spark to the tinder, and where needed cooperation among neighboring local governments is sometimes resisted for fear it will lead to metropolitan government * * *. This means that at the Federal level, we should and we have helped create institutions for metropolitan subsystems that can handle problems affecting the environment of whole areas (pp. 20 and 21)."

Mr. Laurance Rockefeller stressed the value of a commission comprising legislative, executive, and private sector members:

"I suggest to you that an effective means of proceeding might be a Commission on Environmental Policy Organization.

"It may be that this tack can be done by some entity less formal than a Commission. The Citizens Advisory Committee on Recreation and Natural Beauty plans to make the environment subject one of its major interests during the coming year.

"The Committee is, of course, directed to make its recommendations to the President and the President's Council on Recreation and Natural Beauty. (pp. 6 and 7.)"

The Congress was discussed in terms of its own organizational confusion in treating environmental issues.

"Mr. ROCKEFELLER. The layman is confused by the organization of Congress in the environmental field. (p. 6.)

"Secretary UDALL. There is still a lack of overview. (P. 13.) * * * I think Congress ought to be much less bashful about spending more money on strengthening its staff so it can provide the kind of oversight that is needed. (p. 54.)

"Secretary COHEN. We recommend that the Congress examine its own organization in order to improve its ability to deal in a comprehensive and coordinated manner with the total problem of environmental quality. (p. 40.)

"Senator ALLOTT. * * * Congress has abrogated its responsibilities to a great extent with respect to legislative oversight. (p. 54.)

"Mr. PRICE. Congress too might have an eye to its own organization in these matters: How far it would be possible to go on from this kind of occasional informal exchange of views toward either special nonlegislative committees like the Joint Committee on the Economic Report, perhaps in conjunction with some development within the President's Office;

how far pieces of jurisdiction could be carved out for legislative committees; how far the burden of coordination could be forced on the Appropriations Committee * * * (p. 69.)"

PART II. ALTERNATIVES FOR CONGRESSIONAL ACTION

An impressive number and variety of legislative proposals for improving the quality of our environment have been set before the 90th Congress (see appendix). Support for action has come from diverse segments of American society: from the scientific community, from business, and from public affairs groups.

The Congress should move ahead to define clearly the desires of the American people in operational terms that the President, government agencies at all levels, the courts, private enterprise, and the public can control and act upon.

The ultimate responsibility for protecting the human-serving values of our environment rests jointly with the legislative, executive, and judicial branches of our Government. The Congress, as a full partner, has the obligation to provide comprehensive oversight of all environment-affecting programs of the executive branch, and also to participate in the overall design of national policy, thus serving both as architect of environmental management strategy and as the elaborator of goals and principles for guiding future legal actions.

Under the present organization of the Congress, varying aspects of environmental management (including air and water pollution control, strip mine reclamation, outdoor recreation, housing and space planning in urban areas, highway construction, atmospheric research, oceanography, and rural conservation) are committed to different committees. While there has been a steady expansion of independent committee interest in specific environmental problems, the Congress so far has not evaluated this field in its entirety with a view toward evolving a coherent and unified policy for national environmental management.

It should be recognized that the declaration of a national environmental policy will not alone better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies, and to provide the means by which they may be reviewed continuously, made consistent with other national policies and ranked in reasonable priority.

The proper development of such a far-reaching body of policy raises many difficult

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organizational, economic and legal problems. Some individuals who were present at the July 17 colloquium suggested that a congressional mandate on the subject of environment, which would necessarily encompass a very wide range of problems and issues, would be impractical and ineffective. Yet others pointed out that equally broad mandates and satisfactory organizing concepts for managing our economic welfare and for guiding the development of atomic energy have been tested over a period of years, with effective machinery now operating both in the executive and legislative branches to evaluate the extent to which national goals and activities in these fields are meeting public expectations and needs.

In any event, to those involved in the colloquium and recent hearings on this subject, it is clear that two functions must be served: coordination and information gathering. Environmental problems cut across so many existing operational organizations that coordination in both the executive and legislative branches must be improved. Further, an effective channel of information exchange and overview must exist between the Congress and the administration. If, for example, an environmental council were established in the Executive Office of the President, as has been proposed, it should be complemented with a corresponding joint congressional committee for purposes of efficient and continued interaction.

The acquisition and evaluation of information specifically for the Congress must be improved. Raw facts and data from ecological and economic studies must be interpreted to be useful in the legislative process. This function should be performed in an organization reporting directly to the Congress; for example, a strong joint committee staff or an expanded Legislative Reference Service environmental unit.

Congress (regardless of present or future executive branch approaches) may exert a meaningful influence on the formulation of national environmental policy by embarking on one or a combination of the following steps:¹

A. A *concurrent resolution* could be introduced declaring the strong interest of the Congress in establishing national environmental policy.

¹This white paper deals with action alternatives for the Congress. Obviously the spectrum of organizational and administrative alternatives for policy in the executive branch is equally important. These range from definition of rights with court defense, to regulation by Federal agency, to standard setting, to incentives for voluntary conformance, to subsidy of technology for restoration and maintenance.

This would represent a firm expression of concern on the part of the Congress about environmental deterioration, but would not be a direct confrontation with the task of defining national policy. The resolution might urge the creation of an appropriate body to investigate all matters relating to environmental management; to analyze the means and methods whereby the organization, administration, and funding of government may be improved; and, to determine the ways whereby nongovernmental entities could be encouraged to participate in overcoming further deterioration of the environment in the national interest. Hearings on the resolution could provide a forum for a wide range of opinion.

B. A *joint resolution* calling for an amendment to the Constitution on the subject of environmental values could be introduced.

This would require approval by two-thirds of the Congress and ratification by three-fourths of the States. The amending process is both slow and cumbersome. Moreover, acceptance would require a tremendous groundswell of support. However, a proposed amendment would generate wide discussion and involve the State legislatures which are vitally important in achieving environmental quality goals. The advantage of constitutional amendments lies in the unanimity of national commitment. Such an amendment for the environment could place expanded emphasis on the judicial process as an instrument of controlling future abuse of environmental values.

C. A *joint committee or committees on environmental management* could be established to provide across-the-board oversight on Federal programs, to conduct studies with the assistance of professional staff, and to recommend legislation. Alternatively, select or permanent committees could be established in each House.

Such committees could draw membership from existing legislative committees involved with environmental matters, and perhaps focus primarily on the review of policy and coordination matters dealt with by such groups as the Office of Science and Technology, Water Resources Council, the Council on Recreation and Natural Beauty, and various interagency coordinating committees.

D. A new *environmental surveillance unit* to conduct research and information-gathering services for the Congress could be organized.

In the past, Congress has shown reluctance to add new appendages of this sort to the legislative branch. An alternative might be an expansion of the functions of the General Accounting Office to make continuing studies of environmental conflicts and to prepare appropriate reports for transmittal

to the Congress. New staff positions and additional funding would be required.

E. The Congress could establish a *non-governmental task force* to carry out in its belief a special study of environmental policy needs.

Such a task force could engage the services of private research organizations and draw its membership from the finest talent available in the academic community. The task force could be administered directly by the Congress or made the responsibility of some arm of the Congress such as the Legislative Reference Service, Library of Congress, which has the authority to employ experts on short-term assignments.

F. A temporary *environment management council* could be organized.

Such a council might be similar in organization and operation to the National Council on Marine Resources and Engineering Development. Its purposes could be to identify all unmet needs and opportunities in the environmental field, to study impediments to sound environmental management, conflicts of interest and gaps in existing agency and congressional activities, and to develop recommendations for legislative action within a specified period of years.

The Congress would retain an overview of the council and would control the budget for its operation. Establishment of a policy planning group in the Executive Office of the President forces the generation of proposals to the Congress. A receiving committee should be set up to correspond to this Council, similar to the Joint Economics Committee and the Council of Economic Advisers.

G. A governmental *commission* could be established for the same purposes.

The commission could be composed entirely of Congressmen, perhaps the chairmen of key committees which deal with environmental matters. Or it could be a Joint Commission including representation from the executive branch and the public at large. A third type would be a Presidential Commission with members chosen at the discretion of the Chief Executive. Through a combination of studies and hearings, the Commission could be asked to produce a blueprint for legislative action in the environmental field.

H. The *Legislative Reference Service* could be directed to add a central research and evaluation on environmental matters.

A precedent is the establishment of the Science Policy Research Division in 1964.

I. An *environmental counselor* could be placed on the staff of each appropriate standing committee of the Congress.

The purpose would be to increase the technical staff available for committee work. Each counselor could be given the perma-

nent responsibility of advising the committee to which he was assigned on the probable environmental impact of all pending legislation.

PART III. ELEMENTS OF A NATIONAL POLICY FOR THE ENVIRONMENT

The following language is suggested for a statement of policy and reflects primarily the proposed position and attitude of the Federal Government, but also could be used for the guidance of State and local governments, private sector industry and commerce, and individual actions. Activities and relationships which involve man and the physical environment (as contrasted with purely person-to-person or person-to-institution relationships) are the subject of this statement.

It is the policy of the United States that:
Environmental quality and productivity

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shall be considered in a worldwide context, extending in time from the present to the long-term future.

Purposeful, intelligent management to recognize and accommodate the conflicting parts of the environment shall be a national responsibility.

Information required for systematic management shall be provided in a complete and timely manner.

Education shall develop a basis of individual citizen understanding and appreciation of environmental relationships and participation in decisionmaking on these issues.

Science and technology shall provide management with increased options and capabilities for enhanced productivity and constructive use of the environment.

The requirement to maintain and enhance long-term productivity and quality of the environment takes precedence over local, short-term usage. This policy recognizes the responsibility to future generations of those presently controlling the development of natural resources and the modification of the living landscape. Although the influence of the U.S. policy will be limited outside of its own borders, the global character of ecological relationships must be the guide for domestic activities. Ecological considerations should be infused into all international relations.

World population and food production must be brought into a controlled balance consistent with a long-term future continuation of a satisfactory standard of living for all.

Energy must be allocated equitably between production and the restoration, maintenance, and enhancement of the environment. Re-

search should focus on solar energy and fusion energy for the long term, and on energy conversion processes with minimum environmental degradation for the short term.

In meeting the objectives of environmental management, it will be necessary to seek the constructive compromise, and resolutely preserve future options.

Priorities and choices among alternatives in environmental manipulation must therefore be planned and managed at the highest level of our political system. All levels of government must require developments within their purview to be in harmony with environmental quality objectives.

Alteration and use of the environment must be planned and controlled rather than left to arbitrary decision. Alternatives must be actively generated and widely discussed. Technological development, introduction of new factors affecting the environment, and modifications of the landscape must be planned to maintain the diversity of plants and animals. Furthermore, such activities should proceed only after an ecological analysis and projection of probable effects. Irreversible or difficultly reversible changes should be accepted only after the most thorough study.

The system of free enterprise democracy must integrate long-term public interests with private economic prosperity. A full range of incentives, inducements, and regulations must be used to link the public interests to the marketplace in an equitable and effective manner.

Manufacturing, processing, and use of natural resources must approach the goal of total recycle to minimize waste control and to sustain materials availability. Renewable resources of air and water must be maintained and enhanced in quality for continued use.

The broad base of technologic, economic, and ecologic information will be necessary. The benefits of preventing quality and productivity deterioration of the environment are not always measurable in the marketplace. Ways must be found to add to cost-benefit analyses nonquantifiable, subjective values for environmental amenities (which cannot be measured in conventional economic terms).

Wherever the maintenance of environmental productivity or the prevention of environmental deterioration cannot be made economical for the private sector, government must find appropriate means of cost-sharing.

Ecological knowledge (data and theories) must be greatly expanded and organized for use in management decisions. Criteria must be established which relate cause and effect in conditions of the environment.

Indicators for all aspects of environmental productivity and quality must be developed and continuously measured to provide a feedback to management. In particular, the environmental amenities (recreational, esthetic, psychic) must be evaluated. Social sciences must be supported to provide relevant and dependable interpretation of information for environmental management.

Standards of quality must not be absolute—rather, they should be chosen after balancing all criteria against the total demands of society. Standards will vary with locality, must be adjusted from time to time, and we must develop our capabilities accordingly.

Decisions to make new technological applications must include consideration of unintended, unanticipated, and unwanted consequences. Technology should be directed to ameliorating these effects so that the benefits of applied science are retained.

Public awareness of environmental quality relationships to human welfare must be increased. Education at all levels should include an appreciation of mankind's harmony with the environment. A literacy as to environmental matters must be built up in the public mind. The ultimate responsibility for improved maintenance and control of the environment rests with the individual citizen.

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SECTION-BY-SECTION ANALYSIS

Section 1

This section provides that this act may be cited as the National Environmental Policy Act of 1969.

Section 2

This section sets forth the purposes of the act. The purposes of the act are to declare a national environmental policy; to promote efforts to prevent environmental damage and to better the health and welfare of man; to enlarge and enrich man's understanding of the ecological systems and natural resources important to the Nation; and to establish in the Executive Office of the President a Board of Environmental Quality Advisers.

TITLE I

Section 101(a)

This section is a declaration by the Congress of a national environmental policy. The declaration is based upon a congressional recognition of mankind's dependence upon his physical and biological surroundings for material goods and cultural enrichment. It is further based upon a recognition of the increasing pressures exerted upon the environment as a result of population growth, urbanization, and technological development.

The continuing policy and responsibility of the Federal Government is declared to be that, consistent with other essential considerations of national policy, the activities and resources of the Federal Government shall be improved and coordinated to the end that the Nation may attain certain broad national goals in the management of the environment. The broad national goals are as follows:

(1) Fulfill the responsibilities of each generation as trustee of the environment for future generations. It is recognized in this statement that each generation has a responsibility to improve, enhance, and maintain the quality of the environment to the greatest extent possible for the continued benefit of future generations.

(2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings. The Federal Government, in its planning and programs, shall strive to protect and improve the quality of each citizen's surroundings both in regard to the preservation of the natural environment as well as in the planning, design, and construction of manmade structures. Each individual should be assured of safe, healthful, and productive surroundings in which to live and work and should be afforded the maximum possible opportunity to derive physical, esthetic, and cultural satisfaction from his environs.

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences. The resources of the United States must be capable of supporting the larger populations and the increased demands upon limited resources which are inevitable in the future. To do so, it is essential that the widest and most efficient use of the environment be made to provide both the necessities and the amenities of life. In seeking intensified beneficial utilization of the earth's resources, the Federal Government must take to avoid degradation and misuse of resources, risk to man's continued health and safety, and other undesirable and unintended consequences.

(4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible an environment which supports diversity and variety

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of individual choice. The pace of urbanization coupled with population growth and man's increasing ability to work unprecedented change in the natural environment makes it clear that one essential goal in a national environmental policy is the preservation of important aspects of our national heritage. There are existing programs which

are designed to achieve these goals, but many are single-purpose in nature and most are viewed as being within the province of a particular agency of Government. This subsection would make it clear that all agencies, in all of their activities, are to carry out their programs with a full appreciation of the importance of maintaining important aspects of our national heritage.

This subsection also emphasizes that an important aspect of national environmental policy is the maintenance of physical surroundings which provide present and future generations of American people with the widest possible opportunities for diversity and variety of experience and choice in cultural pursuits, in recreational endeavors, in esthetics and in living styles.

(5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities. This subsection recognizes that population increases underlie many of the resource and environmental problems which are being experienced in America. If the Nation's present high standards of living are to be made available to all of our citizens and if the general and growing desire of our people for greater participation in the physical and material benefits, in the amenities, and in the esthetic enjoyment afforded by a quality environment are to be satisfied, the Federal Government must strive to maintain magnitude and distribution of population which will not exceed the environment's capability to provide such benefits.

(6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. In recent years a great deal of the emphasis of legislative and executive action regarding environmental matters has concentrated upon the protection and improvement of quality of the Nation's renewable resources such as air and water. It is vital that these efforts be continued and intensified because they are among the most visible, pressing, and immediate concerns of environmental management.

It is also essential that means be sought and utilized to improve the effectiveness of recycling of depletable resources such as fiber, chemicals, and metallic minerals. Improved material standards of living for greater numbers of people will place increased demands upon limited raw materials. Furthermore, the disposal of wastes from the nonconsumptive single use of manufactured goods is among our most critical pollution problems. Emphasis must be placed upon seeking innovative solutions through technology, management, and, if necessary, governmental regulation.

Section 101(b)

This subsection asserts congressional rec-

ognition of each person's fundamental and inalienable right to a healthful environment. It is apparent that the guarantee of the continued enjoyment of any individual right is dependent upon individual health and safety. It is further apparent that deprivation of an individual's right to a healthful environment will result in the degradation or elimination of all of his rights.

The subsection also asserts congressional recognition of each individual's responsibility to contribute to the preservation and enhancement of the environment. The ensurment of individual rights requires respect and protection of the rights of others. The cumulative influence of each individual upon the environment is of such great significance that every effort to preserve environmental quality must depend upon the strong support and participation of the public.

Section 102

The policies and goals set forth in section 101 can be implemented if they are incorporated into the ongoing activities of the Federal Government in carrying out its other responsibilities to the public. In many areas of Federal action there is no body of experience or precedent for substantial and consistent consideration of environmental factors in decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority for the consideration of environmental factors which conflict with other objectives.

To remedy present shortcomings in the legislative foundation of existing programs, and to establish action-forcing procedures which will help to insure that the policies enunciated in section 101 are implemented, section 102 authorizes and directs that the existing body of Federal law, regulation, and policy be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this act. It further establishes a number of operating procedures to be followed by all Federal agencies as follows:

(a) Wherever planning is done or decisions are made which may have an impact on the quality of man's environment, the responsible agency or agencies are directed to utilize to the fullest extent possible a systematic, interdisciplinary, team approach. Such planning and decisions should draw upon the broadest possible range of social and natural scientific knowledge and design arts. Many of the environmental controversies of recent years have, in large measure, been caused by the failure to consider all relevant points of view in the planning and conduct of Federal activities. Using an interdisciplinary approach that brought to-

gether the skills of the landscape architect, the engineer, the ecologist, the economist, and other relevant disciplines would result in better planning and better projects. Too often planning is the exclusive province of the engineer and cost analyst.

(b) All agencies which undertake activities relating to environmental values, particularly those values relating to amenities and aesthetic considerations are authorized and directed to make efforts to develop methods and procedures to incorporate those values in official planning and decision-making. In the past, environmental factors have frequently been ignored and omitted from consideration in the early stages of planning because of the difficulty of evaluating them in comparison with economic and technical factors. As a result, unless the results of planning are radically revised at the policy level—and this often means the Congress—environmental enhancement opportunities may be forgone and unnecessary degradation incurred. A vital requisite of environmental management is the development of adequate methodology for evaluating the full environmental impacts and the full costs of Federal actions.

(c) Each agency which proposes any major actions, such as project proposals, proposals for new legislation, regulations, policy statements, or expansion or revision of ongoing programs, shall make a determination as to whether the proposal would have a significant effect upon the quality of the human environment. If the proposal is considered to have such an effect, then the recommendation or report supporting the proposal must include statements by the responsible official of certain findings as follows:

(i) A finding shall be made that the environmental impact of the proposed action has been studied and that the results of the studies have been given consideration in the decisions leading to the proposal.

(ii) Wherever adverse environmental effects are found to be involved, a finding must be made that those effects cannot be avoided by following reasonable alternatives which will achieve the intended purposes of the proposal. Furthermore, a finding must be made that the action leading to the adverse environmental effects is justified by other considerations of national policy and those other considerations must be stated in the finding.

(iii) Wherever local, short-term uses of the resources of man's environment are being proposed, a finding must be made that such uses are consistent with the maintenance and enhancement of the long-term productivity of the environment.

(iv) Wherever proposals involve significant commitments of resources and those com-

mitments are irreversible and irretrievable under conditions of known technology and reasonable economics, a finding must be made that such commitments are warranted.

(d) Wherever agencies of the Federal Government recommend courses of action which are known to involve unresolved conflicts over competing and incompatible uses of land, water, or air resources, it shall be the agency's responsibility to study, develop, and describe appropriate alternatives to the recommended course of action. The agency shall develop information and provide descriptions of the alternatives in adequate detail for subsequent reviewers and decisionmakers, both within the executive branch and in the Congress, to consider the alternatives along with the principal recommendation.

(e) In recognition of the fact that environmental problems are not confined by political boundaries, all agencies of the Federal Government which have international responsibilities are authorized and directed to lend support to appropriate international efforts to anticipate and prevent a decline in the quality of the worldwide environment.

(f) All agencies of the Federal Government are directed to review their existing statutory authority, administrative regulations, policies, and procedures. The agencies are to propose to the President and to the Congress new executive legislative authority which they find to be necessary to make their authority consistent with the provisions and purposes of this act.

The committee expects that each agency will diligently pursue this review and that appropriate legislative recommendations will be prepared for presentation to the Congress within 1 year's time. The committee recognizes, however, that there is a wide difference in the complexity of legislation dealing with the activities of the various executive agencies and that a specific deadline might prove unreasonably burdensome on some agencies.

Section 103

This section provides that the policies and goals set forth in this act are supplementary to the existing mandates and authorizations of Federal agencies. They are not considered to repeal the existing authorizations. Where conflicts occur, they will be resolved under the procedure prescribed in section 102(f).

Section 101

This section provides authorization for the Federal agencies to include, as a part of their existing programs and their ongoing activities, certain environmental management functions which will be necessary to support the policies established by this act. No spe-

cific authorization of appropriations is provided for these activities. The committee believes that the agencies can perform the functions authorized as a part of the general administration and operation of their existing programs. To the extent that agencies are pursuing activities with environmental management implications, the costs of the functions authorized in this section are

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appropriate costs of their work. The functions authorized for each Federal agency are as follows:

(a) To conduct investigations and research relating to ecological systems and environmental quality. It is intended that such activities will be undertaken by each agency when its activities would have an adverse impact on an ecological system or on the quality of the environment.

(b) To collect and document information relating to changes or trends in environmental conditions including ecological systems. It is intended that each agency perform this function in its area of expertise and operation.

(c) To evaluate and publish environmental and ecological data which it has collected.

(d) To make available advice and information at its disposal relating to environmental management.

(e) To utilize ecological information in the planning and development of resource-oriented projects. Each agency which studies, proposes, constructs, or operates projects having resource management implications is authorized and directed to consider the effects upon ecological systems to be a part of the analyses governing its actions and to study such effects as a part of its data collection.

(f) To conduct ecological research and studies within the Federal lands under its jurisdiction.

(g) To assist to the fullest extent possible the Board of Environmental Quality Advisers established by this act and any environmental council or committees established by the President.

Section 102(a)

This section authorizes the President to designate an agency or agencies to carry out the following functions regarding environmental management:

(1) Administer a program of grants, contracts, and cooperative agreements, training and research to further the programs of ecological study authorized by title II and to accept and utilize donations for this purpose.

(2) Develop and maintain an inventory of Federal projects and programs, existing and contemplated, which have made or will make significant modifications in the environment.

(3) Establish an information collection and retrieval system for ecological research materials.

(4) Assist and advise State and local governments and private enterprise in developing policies and procedures to enhance the quality of the environment.

Section 202(b)

Appropriations in the amounts of \$500,000 annually for fiscal years 1971 and 1972 and \$1 million annually for 1973 and each fiscal year thereafter are authorized for the purposes of this section. The funds appropriated would be allotted to the designated agencies as the President recommends.

Section 203

This section establishes in the Office of Science and Technology an additional Deputy Director to be compensated at the rate provided for level IV of the executive schedule pay rates.

The Office of Science and Technology (OST) was established by Reorganization Plan No. 2 of 1962 to provide a permanent staff in the Executive Office of the President to advise and assist the President on matters pertaining to or affected by science and technology. It is also directed to take on such other assignments as the President may deem best. The Director of OST, appointed by the President with the advice and consent of the Senate, also serves as the science adviser to the President.

Since it was provided statutory authority in 1962, the OST has broadened the range and scope of its activities extending beyond the province of research or policy for science and technology to the interrelations of science to broad national policies and programs. In this sense, the OST is concerned with assuring the most effective and beneficial use of technology in our society.

Thus, the OST deals with broad problems facing the country in health, education, the urban environment, energy policy and environmental quality.

The President's recent Executive order establishing an Environmental Quality Council directed the OST to provide the staff support and assistance to the work of the Council. The President's science adviser was named Executive Secretary of the Council.

In view of the importance of environmental management problems and the important role which the President's Council will have in resolving interagency conflict concerning environmental issues, and in

coordinating the ongoing environmental programs of the Federal Government, a significant increase is expected in the already demanding work load of the OST.

The committee feels that the addition of a second Deputy Director as recommended by the Bureau of the Budget in its July 7, 1969, letter to the chairman, will be of great value in strengthening OST's capacity to contribute to effective environmental management.

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Mr. JACKSON. Mr. President, the substance of these two initial titles of the Senate version of S. 1075 is not included in the House version. There are, in addition, a number of differences between title III of the Senate version, establishing a Board of Environmental Quality Advisers and calling for an annual environmental quality report to the Congress, and the similar House provisions.

Titles I and II of the Senate version perform two functions which are essential for the realization of a sound national environmental policy. The first of these functions is the statement of policies and broad goals to guide Federal decisionmakers. The statement will represent the first comprehensive enunciation of national concern for environmental quality.

The second function is the provision of authority and direction which will permit the policies set forth in the act to become a real working part of all the activities of all Federal agencies and programs.

There are about 80 major Federal agencies with programs underway which affect the quality of the human environment. If an environmental policy is to become more than rhetoric and if the studies and advice of any high-level, advisory group are to be translated into action, each of these agencies must be enabled and directed to participate in active and objective-oriented environmental management. Concern for environmental quality

must be made part of every phase of Federal action.

Mr. President, following my motion to disagree to the amendments of the House to S. 1075 and agree to the conference requested by the House, a motion will be offered that the conferees on S. 1075 be instructed to insist upon the specific provisions of S. 1075, as modified by the agreed-upon proposed amendments that have been discussed in the debate and which will be set forth in the RECORD.

This procedure has been discussed by members of both committees, and while it is unusual, it has been accepted as a means which will insure that the Congress will have an opportunity to act on the conference report on S. 1075.

It is understood that the Senate conferees will make every possible effort to gain House agreement to the text of S. 1075 as passed by the Senate as well as the amendments discussed today and set forth in the RECORD. It is also understood, however, that the purpose of a conference committee is to compromise and adjust differences between the House and Senate passed bills, and that the final product of the conference committee will probably have to involve some changes in the language of both the House and Senate passed bills on S. 1075. It is, however, the hope and the intent of all concerned on the Senate side that these changes will not in any way affect the substance of what has been agreed upon.

In any event, any proposed changes from the agreed-upon text of S. 1075 will be discussed in advance by all of the parties involved.

Mr. MUSKIE. Mr. President, the statement just made by the distinguished Senator from Washington represents the agreement which we have reached.

Mr. JACKSON. Mr. President, I move that the Senate disagree to the

amendments of the House of Representatives and agree to the request for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to.

Mr. JACKSON. Mr. President, before the Chair names conferees on the part of the Senate, I move that the conferees on S. 1075 be instructed to insist upon the specific provisions of S. 1075, as modified by the agreed-upon proposed amendments that have been discussed in the debate and specifically set forth as follows:

S. 1075

A BILL to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

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TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and bio-

logical surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures, subject to review and approval of the Board of Environmental Quality Advisers established by Title III of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a de-

tailed statement by the responsible official on—

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any established agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, including those authorized to develop and enforce environmental standards, shall be made available to the President, the Board of Environmental Advisers and to the public as provided by 5 U.S.C. §52 and shall accompany the proposal through the existing agency review processes.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. Nothing in Sec. 102 shall in any way affect the specific statutory obligations of any Federal agency (a) to comply with criteria or standards of environmental quality, (b) to coordinate or consult with any other Federal or State agency, or (c) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 104. The policies and goals set forth in this Act are supplementary to existing authorizations of Federal agencies.

TITLE II

SEC. 201. To carry out the purposes of this Act, the Board of Environmental Quality Advisers is hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality to the extent that such activities do not overlap or conflict with similar activities authorized by law and performed by established agencies;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes; and

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps.

SEC. 202. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the environment;

(b) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(c) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(d) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

SEC. 203. There is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

TITLE III

SEC. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be

appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 302. (a) The primary functions of the Board shall be to study and analyze environmental trends and the factors that affect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board shall carry out its duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

SEC. 303. (a) The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends

on the social, economic, and other requirements of the Nation.

(b) Such report shall be referred in whole or in part to the committees of each house of the Congress which have exercised jurisdiction over the subject matter contained therein.

SEC. 304. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this

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title, the Board may from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical science, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Board, but not exceeding \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(c) The Board shall organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

SEC. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consult-

ants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 305. There are hereby authorized to be appropriated \$1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. ALLOTT. Mr. President, as the ranking minority member of the Committee on Interior and Insular Affairs, I wish to congratulate our distinguished chairman, the Senator from Washington (Mr. JACKSON), for his unending efforts in obtaining passage of the National Environmental Policy Act of 1969, a measure of particular importance in this era of ever-degrading environment.

I believe that some background information would be helpful at this point. Let me take just a moment to trace the historical development of S. 1075.

The concept of a high level council on conservation, natural resources, and environment is not new. It first found support from a former chairman of the Senate Interior Committee, the late Senator Murray. In the 86th Congress, he introduced S. 2549, the Resources and Conservation Act, which would have established a high level council on environmental advisers along with the first expression of a comprehensive environmental policy.

The bill while not enacted into law, provided a vehicle for obtaining information in this vital area. The 4 days of hearings before the Senate Interior Committee still serve as a useful reference in this area.

This concept of establishing an environmental policy was carried on in subsequent sessions of Congress. In

the 89th Congress, S. 2282 entitled the "Ecological Research and Surveys Act" was introduced by the Senator from Wisconsin (Mr. NELSON). The provisions of this bill were later incorporated into S. 2805, introduced in the 90th Congress by the chairman (Mr. JACKSON), and the former ranking minority member of the committee, Thomas Kuchel.

S. 2805, and similar other measures, were the subject matter of a unique joint House-Senate colloquium held July 17, 1968. This colloquium, which was jointly sponsored by the Senate Interior Committee and the House Science and Astronautics Committee, provided a forum for Members of Congress and interested parties to meet and discuss these important issues.

During the 91st Congress three bills were introduced dealing with environmental policy and the creation of new overview institutions.

These bills—S. 237, S. 1075, and S. 1752—were all referred to the Senate Interior Committee, and open hearings were held on them in April of this year. Along with the usual notice in the RECORD, personal invitations were sent to Senators who had expressed a particular interest in this area, to attend and participate in the April hearings.

After the hearings, on May 29, 1969, the chairman introduced amendment No. 25. This amendment resulted from suggestions made by administration witnesses. There was general agreement by administration witnesses, including Dr. DuBridge, that a statutory declaration of a national environmental policy would be both appropriate and useful.

Senators will recall that President Nixon had committed himself in the 1968 campaign to a policy of improving the environment in his October 18, 1968, radio address entitled: "A Strategy of Quality: Conservation in

the Seventies." In that address, Candidate Nixon characterized our environmental dilemma in these words:

The battle for the quality of the American environment is a battle against neglect, mismanagement, poor planning and a piecemeal approach to problems of natural resources.

Acting upon that commitment, President Nixon established by Executive order the Environmental Quality Council in May of 1969. This Council is of the highest level. The President, himself, is chairman, and its membership includes the Vice President and five Cabinet members. The council provides the action mechanism to implement environmental policy decisions.

S. 1075, as passed by the Senate, was coordinated with the administration, and was intended to complement the actions taken by the President. As a result, the bill, as reported was cosponsored by every member of the Senate Interior Committee.

As Dr. DuBridge expressed it during the hearings:

I agree completely that one must have independent evaluations of the activities and responsibilities of the various departments, that it must have the best outside advice that one can get, and operate out of the President's Office to bring the best adversary position . . . to the attention of the Council.

That is what the Board of Environmental Quality Advisers, as envisioned by S. 1075, is intended to do.

In June of this year, after thorough discussions, S. 1075 was ordered to be reported by the Committee on Interior and Insular Affairs. Subsequent to this order, the administration through Director Mayo, of the Bureau of the Budget, recommended further amendments. On July 8, the committee, in a unique move, reconsidered the bill and adopted several of the recommended amendments.

On July 8 the bill was once again ordered reported. The report was

filed on July 9 and S. 1075 was passed by the Senate on July 10.

Mr. President, I believe that this historical development is most important for several reasons. First, it shows the amount of work and thought which has gone into this bill. Second, it shows the degree of openness that the committee has displayed during this time. The committee sought suggestions, aid, and participation from Senators, Members of the House, and from the administration. Our committee listened to and acted upon suggestions from many sources.

I believe that it is both timely and appropriate for the Senate to move

forward in completing congressional action on this important and urgent matter by appointing conferees to resolve the differences between the House and Senate passed versions of S. 1075. It should be noted, Mr. President, that the House has already appointed its conferees.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the Presiding Officer appointed Mr. JACKSON, Mr. CHURCH, Mr. NELSON, Mr. ALLOTT, and Mr. JORDAN of Idaho conferees on the part of the Senate.

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**1.2a(4)(d) Dec. 20: Senate agreed to conference report,
pp. 40415-40417, 40421-40427**

**NATIONAL ENVIRONMENTAL POLICY ACT
OF 1969—CONFERENCE REPORT**

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of December 17, 1969, pp. 39701-39702, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is

there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. Mr. President, the House amended the bill as passed by the Senate by striking all after the enacting clause and substituting the text of a new bill. The House bill included provisions similar to those of title III of the Senate bill which would establish a Council on Environmental Quality. It also included a short policy statement, but it omitted most of the provisions of titles I and II of the Senate bill.

The conference report represents a sound compromise worked out in three meetings of the conferees. It is a strong measure which will be an important step toward evolving a sound program of environmental management for the Nation.

S. 1075, the National Environmental Policy Act of 1969, was passed by the Senate on July 10,

1969, had three major titles. Title I provides a "declaration of national environmental policy" which set national goals for environmental management and established supplementary operating procedures for all Federal agencies to follow in planning and decisionmaking which have an impact on man's environment. Title II authorized certain research and data gathering functions. Title III authorized the creation of a three-member Board of Environmental Quality Advisers in the Executive Office of the President.

S. 1075 was amended and passed by the House of Representatives on September 23, 1969. As amended and passed by the House, S. 1075 consisted of one title which authorized the creation of a five-member Council on Environmental Quality.

On October 8, 1969, the Senate disagreed to the amendments of the House of Representatives, agreed to the House's request for a conference, and authorized the Chair to appoint the conferees on the part of the Senate. Prior to the Senate's agreeing to the House's request for a conference on S. 1075, and in connection with debate on S. 7, the Water Quality Improvement Act of 1969, there was a discussion by members of the Senate Public Works Committee and the Senate Interior and Insular Affairs Committee on the relationship between title II of S. 7 and the provisions of S. 1075 as passed by the Senate on July 10, 1969. As a result of that discussion, it was agreed that the Senate conferees on S. 7 and on S. 1075 would seek certain agreed upon changes in each measure in conference committee with the House of Representatives.

The purpose of the agreed upon changes in S. 7 and in S. 1075, which to some extent, dealt with similar subject matter as set out in

the October 8, 1969, CONGRESSIONAL RECORD at pages 29050 through 29089.

It was understood during the discussion of this matter on October 8 that the Senate conferees on S. 1075 would make every possible effort to gain House agreement to the text of S. 1075 as passed by the Senate as well as to the agreed-upon changes discussed on the floor. This understanding was referred to in a motion offered by the chairman of the Interior Committee that the conferees on S. 1075 be instructed to insist upon the provisions of S. 1075 as passed by the Senate and as modified by the agreed-upon changes discussed in connection with debate on S. 7. As was stated on the floor in connection with this motion:

It is also understood, however, that the purpose of a conference committee is to compromise and adjust differences between the House and Senate passed bills, and that the final product of the conference committee will probably have to involve some changes in the language of both the House and Senate passed bills on S. 1075. It is, however, the hope and the intent of all concerned on the Senate side that these changes will not in any way affect the substance of what has been agreed upon. (October 8, 1969, CONGRESSIONAL RECORD, page 29087.)

Mr. President, S. 1075 as agreed upon by the conference committee is very close to the bill as passed by the Senate. Most of the substantive provisions of the Senate passed bill have been retained. In addition, most of the substantive provisions of the agreed-upon changes which were discussed on October 8 were adopted in the report of the conference committee.

Mr. President, I might point out that during the conference, the junior Senator from Washington had an opportunity to work with the junior Senator from Maine, who is the chairman of the Subcommittee on Public Works which is directly involved in the environmental area. It was agreed that certain statements should be ad-

justed in the statement of the Senate managers and this has been done. The junior Senator from

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Maine will comment on that in a moment.

The changes the conference committee made in S. 1075 as passed by the Senate and as agreed upon are reflected in the section-by-section analysis of the conference report accompanying the statement of the managers on the part of the Senate. The changes are also discussed in a separate attachment, titled "Major Changes in S. 1075 as Passed by the Senate."

Mr. President, I ask unanimous consent that the major changes in S. 1075, as passed by the Senate, be printed at the conclusion of my remarks, together with a section-by-section analysis of the bill.

The PRESIDING OFFICER (Mr. DODD in the chair). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. JACKSON. Mr. President, it is my view that S. 1075 as passed by the Senate and now, as agreed upon by the conference committee, is the most important and far-reaching environmental and conservation measure ever enacted by the Congress.

This measure is important because it provides four new approaches to dealing with environmental problems on a preventive and an anticipatory basis. As Members of the Senate are aware, too much of our past history of dealing with environmental problems has been focused on efforts to deal with "crises," and to "reclaim" our resources from past abuses.

First. The first new approach is the statement of national policy and the declaration of national goals found in section 101.

In many respects, the only precedent and parallel to what is proposed

in S. 1075 is in the Full Employment Act of 1946, which declared an historic national policy on management of the economy and established the Council of Economic Advisers. It is my view that S. 1075 will provide an equally important national policy for the management of America's future environment.

A statement of environmental policy is more than a statement of what we believe as a people and as a nation. It establishes priorities and gives expression to our national goals and aspirations. It provides a statutory foundation to watch administrators may refer to it for guidance in making decisions which find environmental values in conflict with other values.

What is involved is a congressional declaration that we do not intend, as a government or as a people, to initiate actions which endanger the continued existence or the health of mankind: That we will not intentionally initiate actions which will do irreparable damage to the air, land, and water which support life on earth.

An environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive in all that we do, to achieve a standard of excellence in man's relationships to his physical surroundings. If there are to be departures from this standard of excellence they should be exceptions to the rule and the policy. And as exceptions, they will have to be justified in the light of public scrutiny as required by section 102.

Second. To insure that the policies and goals defined in this act are infused into the ongoing programs and actions of the Federal Government, the act also establishes some important "action-forcing" procedures. Section 102 authorizes and directs all Federal agencies, to the fullest ex-

tent possible, to administer their existing laws, regulations, and policies in conformance with the policies set forth in this act. It also directs all agencies to assure consideration of the environmental impact of their actions in decisionmaking. It requires agencies which propose actions to consult with appropriate Federal and State agencies having jurisdiction or expertise in environmental matters and to include any comments made by those agencies which outline the environmental considerations involved with such proposals.

Taken together, the provisions of section 102 direct any Federal agency which takes action that it must take into account environmental management and environmental quality considerations.

Third. The act in title II establishes a Council on Environment Quality in the Executive Office of the President. This Council will provide an institution and an organizational focus at the highest level for the concerns of environmental management. It will provide the President with objective advice and a continuing and comprehensive overview of the fragmented and bewildering Federal jurisdiction involved in some way with the environment. The Council's activities in this area will be complemented by the support of the Office of Environmental Quality proposed in the Water Quality Improvement Act of 1969.

The Council also will establish a system for monitoring environmental indicators, and maintaining records on the status of the environment. The Council will insure that there will be complete and reliable data on environmental indicators available for the anticipation of emerging problems and trends. This data will provide a basis for sound management.

Fourth. Finally in section 201, S. 1075 requires the submission by the President to the Congress and to the

American people of an annual environmental quality report. The purpose of this report is to provide a statement of progress, to establish some baselines, and to tell us how well—or as some suspect how bad—we are doing in managing the environment—the Nation's life support system.

It is the clear intent of the Senate conferees that the annual report should be referred in the Senate to all committees which have exercised jurisdiction over any part of the subject matter contained therein. Absent specific language on the reference of the report, the report would be referred pursuant to the Senate rules. It is the committee's understanding that under the rules all relevant committees may be referred copies of the annual report.

This was the intent of the Senate when S. 1075 was passed. In the section-by-section analysis of section 303 of S. 1075 at page 26 of the committee report No. 91-296 it is expressly stated that:

It is anticipated that the annual report and the recommendations made by the President would be a vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress.

The Senate conferees intend that under the language of the conference report, the annual report would be referred to all appropriate committees of the Senate.

Mr. President, one of the provisions of the Senate passed bill which the conference committee agreed to change requires special comment. Section 101(b) of S. 1075 provided that:

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

The conference committee changed this provision so that it now reads:

(b) The Congress recognizes that *each person should enjoy a healthful environment* and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

I opposed this change in conference committee because it is my belief that the language of the Senate passed bill reaffirmed what is already the law of this land; namely, that every person does have a fundamental and an inalienable right to a healthful environment. If this is not the law of this land, if an individual in this great country of ours cannot at the present time protect his right and the right of his family to a healthful environment, then it is my view that some fundamental changes are in order.

To dispel any doubts about the existence of this right, I intend to introduce an amendment to the National Environmental Policy Act of 1969 as soon as it is signed by the President. This amendment will propose a detailed congressional declaration of a statutory bill of environmental right.

Another provision which should be brought to the attention of the Senate is section 102(e) of the conference report. This section directs all Federal agencies to:

Recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment.

This provision was added to the bill as an amendment I offered in the Senate Interior Committee in June. The purpose of the provision is to give statutory authority to all Federal agencies to par-

ticipate in the development of a positive, forward looking program of international cooperation in dealing with the environmental problems all nations and all people share. Cooperation in dealing with these problems is necessary, for the problems are urgent and serious. Cooperation is also possible because the problems of the environment do not, for the most part, raise questions related to ideology, national security and the balance of world power.

We must seek solutions to environmental problems on an international level because they are international in origin and scope. The earth is a common resource, and cooperative effort will be necessary to protect it. Perhaps also, in the common cause of environmental management, the nations of the earth will find a little more sympathy and understanding for one another.

I am hopeful that the United Nations Conference in 1972 on "the Problems of the Human Environment" will unite leaders of nations throughout the world in the effort of achieving solutions to international environmental problems. I am, however, concerned that at the present time the Federal Government is not doing enough to plan and prepare for the 1972 U.N. Conference. Section 102(E) of the conference report on S. 1075 provides the Federal agencies and the administration with the authority to make a positive and a far-reaching contribution to this international effort to deal with this critical and growing international problem. I am hopeful that this authority will be utilized.

Mr. President, there is a new kind of revolutionary movement underway in this country. This movement is concerned with the integrity of man's life support system—the human environment. The stage for this movement is shifting from what had once

been the exclusive province of a few conservation organizations to the campus, to the urban ghettos, and to the suburbs.

In recent months, the Nation's youth, in high schools, colleges, and universities across the country, have been taking up the banner of environmental awareness and have been seeking measures designed to control technology, and to develop new environmental policies which reflect the full range of diverse values and amenities which man seeks from his environment.

S. 1075 is a response by the Congress to the concerns the Nation's youth are expressing. It makes clear that Congress is responsive to the problems of the future. While the National Environmental Policy Act of 1969 is not a panacea, it is a starting point. A great deal more, however, remains to be done by the Federal Government, both in the form of legislation and executive action, if mankind and human dignity are not to be ground down in the years ahead by the expansive and impersonal technology modern science has created.

Mr. President, the inadequacy of present knowledge, policies, and institutions for environmental management is reflected in our Nation's history, in our national attitudes, and in our contemporary life. It touches every aspect of man's existence. It threatens, it degrades, and destroys the quality life which all men seek.

We see increasing evidence of this inadequacy all around us: haphazard urban and suburban growth; crowding, congestion, and conditions within our central cities which result in civil unrest and detract from man's social and psychological well-being; the loss of valuable open spaces; inconsistent and often, incoherent rural and urban land-use policies; critical air and water pollution problems; di-

minishing recreational opportunity; continuing soil erosion; the degradation of unique ecosystems; needless deforestation; the decline and extinction of fish and wildlife species; faltering and poorly designed transportation systems; poor architectural design and ugliness in public and private structures; rising levels of noise; the continued proliferation of pesticides and chemicals without adequate consideration of the consequences; radiation hazards; thermal pollution; an increasingly ugly landscape cluttered with billboards, powerlines and junkyards; growing scarcity of essential resources; and many, many other environmental quality problems.

A primary function of Government is to improve the institutional policy and the legal framework for dealing with these problems. S. 1075 as agreed to by the conference committee is an important step toward this end.

There should be no doubt in our capability to cope with environmental problems. The historic success of Apollo 11 last month demonstrates that if we—as a nation and as a people—commit our talents and resources to a goal we can do the impossible.

If we can send men to the moon, we can clean our rivers and lakes, and if we can transmit television pictures from another planet, we can monitor and improve the quality of air our children breathe and the open spaces they play in.

The needs and the aspirations of future generations make it our duty to build a sound and operable foundation of national objectives for the management of our resources for our children and their children. The future of succeeding generations in this country is in our hands. It will be shaped by the choices we make. We will not, and they cannot escape the consequences of our choices.

Mr. President, I believe that this bill agreed upon by the conferees is a sound measure. This measure will be an important step toward building a capability within the Federal Government to cope with present and impending environmental problems.

Problems of environmental management may well prove to be the most difficult and the most important problems we have ever faced. I urge the Senate to prepare the Federal Establishment to face them. I urge the approval of the conference report.

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Mr. ALLOTT. Mr. President, as a cosponsor of S. 1075 and as the ranking minority member of the Senate Interior and Insular Affairs Committee, I wish to associate myself generally with the remarks of our distinguished chairman, the Senator from Washington (Mr. JACKSON). I congratulate him for his inde-

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fatigable efforts to achieve final congressional action on the National Environmental Policy Act of 1969. This is a measure of particular significance in this era of ever degrading environment.

Mr. President, at this point, perhaps it would be appropriate to point out that while the explanatory statements relative to the interpretation of the conference report language, as provided by the chairman, are useful, they have not been reviewed, agreed upon, and signed by the other Senate conferees. Only the conference report itself was signed by all the Senate conferees, and therefore, only it was agreed upon and is binding. Unlike the House procedure, Senate rules do not provide for a coordinated and signed statement on the part of the managers for the Senate. Therefore, while I may agree with the chairman in most instances with regard to his

statement, I must reserve the right to disagree with any part of his statement which I believe to be beyond the scope of the discussions and agreement of the conferees during the conference. The vote to be taken here today will be upon the conference report alone. I presume other Senate Members of the conference committee will similarly reserve their rights. I, also, wish to make reference to my remarks of October 8, 1969, as they appear on page 29061 of the CONGRESSIONAL RECORD.

It has been accurately stated that by the enactment of this measure, the Congress is not giving the American people something, rather the Congress is responding to the demands of the American people. The observation that Congress is generally far behind the demands of the people is, for the most part, accurate; but, then, this is an observation that can be made of any representative democracy. The measure of any representative democracy is the lapse of time between the apparency of the will of the people and the positive action on the part of their government. In this case, government response cannot be too soon. We can only hope that it is not too late.

The concept of a high-level council on conservation, natural resources, and environment has had congressional expression for nearly a decade. It first found legislative support from a former chairman of the Senate Interior Committee, the late Senator Murray. In the 86th Congress, he introduced S. 2549, the Resources and Conservation Act, which would have established a high-level council of environmental advisers along with the first expression of a comprehensive environmental policy. While the bill was not enacted into law, the 4 days of hearings before the Senate Interior Committee still serve as a useful reference in this vital area.

Bills of similar purpose were also introduced in the 89th and 90th Congresses.

A unique joint House-Senate colloquium was held on July 17, 1968, which was sponsored by the Senate Interior Committee and the House Science and Astronautics Committee. This colloquium provided a forum for Members of Congress and interested parties to meet and discuss these important issues.

During the 91st Congress, three bills were introduced and referred to the Senate Interior Committee. All three dealt with environmental policy and creation of new overview institutions. Hearings were held and additional consultation and coordination with the administration ensued. As a result, S. 1075 was reported by the committee and passed by the Senate in a form which would provide the President and the executive branch with effective machinery to help it provide the necessary leadership in reversing the deterioration of our environment. In addition, the bill will establish by statute a national environmental policy. I believe it is significant to point out that S. 1075 enjoys the sponsorship of every single member of the Senate Interior Committee.

The Senate Interior Committee has long had an interest in conservation and environmental matters. Recent examples include the establishment of many national parks and monuments, national seashores and lakeshores, national recreation areas, a national trails system, a wild and scenic rivers system, and a wilderness system. The Outdoors Recreation Resources Commission was a product of this committee. Much of this Nation's most precious heritage has been preserved and protected by legislation emanating from the Interior Committee. This committee has also

passed upon legislation to establish the land and water conservation fund.

In the area of water resources, this committee has produced a myriad of legislation to provide for the conservation and wise use of it, including weather modification. The Water Resources Council, the National Water Commission, and the various river basin planning commissions all have their foundations in legislation acted upon by the Interior Committee. The reclamation program, which is under the jurisdiction of this committee, is an environmental program. One only needs to observe the "before" and the "after" with respect to a reclamation project to know this.

In 1964, we passed upon legislation to establish the Public Land Law Review Commission and its companion measure, the Multiple Use and Classification Act. This is truly landmark legislation since our public lands are an important feature of our environment and its quality.

In the field of mineral resources, this committee and the Senate approved a measure, which I have introduced in six successive Congresses, which would establish a national mining and minerals policy. The significance of this measure to environmental quality may not be apparent at first view, but the quality of our environment has a direct relationship to the availability of materials. In addition, during the hearings on this measure, there was a recognition of the need to better control mine waste products by all concerned. Also, technology and the discovery of new materials may lead to the solution of some of our most troublesome environmental problems. Implicit in a national mining and minerals policy is the development of improved methods to recycle both industrial and other wastes and scrap back into the materials stream.

I have taken the time to mention just a few of the legislative achievements of the Interior Committee to demonstrate its long-standing interest and endeavors in the matter of environmental quality. Other committees have also displayed interest in the environmental field, and I do not intend to in any way diminish their achievements.

The President has expressed his concern over the degradation of our environment. Senators will recall that President Nixon had committed himself in the 1968 campaign to a policy of improving the environment in his October 18, 1968, radio address entitled: "A Strategy of Quality: Conservation in the Seventies." In that address, Candidate Nixon characterized our environmental dilemma in these words:

The battle for the quality of the American environment is a battle against neglect, mismanagement, poor planning and a piecemeal approach to problems of natural resources.

Acting upon that commitment, President Nixon established by Executive order the "Environmental Quality Council" in May of 1969. The Council is of the highest level. The President, himself, is Chairman, and its membership includes the Vice President and five cabinet members. The Council provides the action mechanism to implement environmental policy decisions.

S. 1075, as passed by the Senate and as reported from the conference is designed to complement the actions of the President and provide him with workable tools to get on with the task of repairing our damaged environment and preventing further detriment to it.

We can no longer afford to view the environmental problem on a basis of cleaning up our dirt. We must approach it from the stand-point of prevention. Prevention will require planning—long-range planning—and

that planning must rest upon research and new technology. In the 89th and 90th Congresses, I introduced legislation which I believe would assist the Congress to participate in a meaningful way in determining the direction and emphasis of federally financed research. As Senators know, Federal expenditures for research and development approach an annual amount of \$17 billion. The funds for this research and development effort are made available in 13 separate appropriations bills, and at no point does Congress have an opportunity to exercise an overview of our total research and development program. My proposal would provide for the establishment of a nonlegislative joint House and Senate committee to review and report to the Congress on the effectiveness of our overall research and development program, based upon an annual report from the President. Such a mechanism, had it come into existence, could have helped the Congress to have made the necessary decisions with regard to research to have dealt with the many serious problems now facing us in the environmental area. I still hold the belief that some mechanism similar to the one proposed in my bill S. 1305 of the 90th Congress would prove to be useful and helpful.

In summary, the environment is the

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concern of us all. In some respect, nearly every department of the Government is or may be involved in decisions or actions which affect the environment. And, the jurisdiction of the various committees of Congress are similarly affected by environmental considerations. The environment is not the exclusive bailiwick of any committee of Congress nor department of Government. S. 1075 recognizes this fact, and therein lies its strength, appropriateness, and time-

liness. This is truly landmark legislation in history of man and his efforts to protect and improve his environment, and I am proud to be associated with this measure.

Mr. JACKSON. Mr. President, I wish to express my appreciation at this point for the fine cooperation that we have had in trying to work out differences which occurred since the conferees met on S. 1075.

The junior Senator from Maine has been most cooperative. We would have had many unresolved problems had it not been for his cooperation.

Mr. MUSKIE. Mr. President, I wish to express appreciation to the junior Senator from Washington for his cooperation in working out points of difference which otherwise might have been very difficult and could have led to difficulties on the floor of the Senate, which all of us wanted to avoid.

The basic objective of S. 1075 is one to which I think all members of the Committee on Public Works, as well as all members of the Committee on Interior and Insular Affairs subscribed, and that is the concept of developing an overall and total environmental improvement policy. We recognize that in order to do that we will be concerned with the work of many agencies in the executive branch of Government as well as with the work of many committees in Congress.

What we have undertaken to do in our cooperative effort on this bill and in S. 7, which is in conference between the two Houses, is to begin the process of developing a comprehensive review of our environmental policies as well as a comprehensive policy which we hope will emerge out of the work of these disparate executive agencies and eight Senate committees.

I do not intend to prolong my discussion of the bill, but I think the

discussions which I have been privileged to have with the distinguished Senator from Washington and other members of the committee, as well as with members of the Committee on Public Works and the two staffs have raised some points of emphasis to which I should refer in this discussion.

I know my colleagues on the Committee on Public Works, the chairman, the Senator from West Virginia (Mr. RANDOLPH), and the distinguished ranking Republican member (Mr. BOGGS), also might like to ask questions for points of emphasis.

One of the questions that primarily concerned us on the floor of the Senate on October 8, when we last had a discussion among those concerned, and one which concerned us in the discussion of the conference report, was the question of the relationship of this legislation to the established agencies of the executive branch. First of all, we were concerned with those which have an impact upon the environment, actual or potential, and second, we were concerned with those agencies which have responsibilities in the field of environmental improvement.

I would like to refer to some of the insertions in the RECORD made by the distinguished Senator from Washington. He has inserted three principal documents: First, his floor statement, as it is described, in the conference report; second, a section-by-section analysis of the report as amended in conference; and finally, a statement of major changes in S. 1075, as passed by the Senate and as changed by the conference report.

First, I should like to refer to page 4 of the major changes analysis. On page 4 he refers to that part of the discussion which is entitled "section 102 in general" and I should like to read it:

The conference substitute provides that the phrase "to the fullest extent possible" applies with respect to those actions which Congress authorizes and directs to be done under both clauses (1) and (2) of section 102 (in the Senate-passed bill, the phrase applied only to the directive in clause (1)).

Mr. President, what disturbed us about this language in the "major changes analysis" was the impact of the phrase "to the fullest extent possible" upon the executive agencies which have authority under other statutes with respect to the improvement of the quality of our environment, specifically such agencies as the Federal Water Pollution Control Administration and the National Air Pollution Control Administration. Both agencies are of special interest to the Senate Committee on Public Works. Each operates under basic legislation which has been written under the jurisdiction of the Senate Public Works Committee and which has become law. Legislation has been carefully developed over the past 7 or 8 years. We were concerned that S. 1075, through such language as that which I have just quoted, should not have the effect of changing the basic legislation governing the operation of the agencies such as those to which I have referred.

As a result of the discussions with the Senator from Washington and his staff, language was inserted on page 5 of the "major changes document" put into the RECORD by the Senator from Washington which clarifies this point.

That insertion reads:

Many existing agencies such as the National Park Service, the Federal Water Pollution Control Administration, and the National Air Pollution Control Administration already have important responsibilities in the area of environmental control. The provisions of section 102 (as well as 103) are not designed to result in any change in the manner in which they carry out their environmental protection authority.

It is clear then, and this is the clear understanding of the Senator from Washington and his colleagues, and of those of us who serve on the Public Works Committee, that the agencies having authority in the environmental improvement field will continue to operate under their legislative mandates as previously established, and that those legislative mandates are not changed in any way by section 102-5.

The second section of the conference report which is of concern to us is section 103, for the very same reasons that I have discussed already. I shall read this portion of the discussion in the major changes analysis placed in the RECORD by the Senator from Washington.

This portion reads:

This section is based upon a provision of the Senate passed bill [section 102(f)] not in the House amendment. This section, as agreed to by the conferees, provides that all agencies of the federal government shall review their "present statutory authority, administrative regulations, and current policies and procedures to determine whether there are any deficiencies and inconsistencies therein, which prohibit full compliance with the purpose of the provisions" of the bill. If an agency finds such deficiencies or inconsistencies, it is required under this section to propose to the President not later than July 1, 1971, such measures as may be necessary to bring its authority and policies into conformity with the purposes and procedures of the bill.

Now, Mr. President, in the discussion with the Senator from Washington and his staff, it developed that this language had different implications for different kinds of executive agencies, especially with respect to the agencies whose activities have an impact, potentially unfavorable, upon the environment. Obviously, it was the objective of this language to make such agencies environment conscious.

With respect to that objective, I was fully in accord with the Senator from Washington and his committee. However, the second set of executive

agencies affected by that language are those agencies which have authority in the environmental improvement field; more specifically, insofar as the Public Works Committee is concerned, the Federal Water Pollution Control Administration and the National Air Pollution Control Administration.

We were concerned that the language which I have referred to should not have the effect of forcing the agencies over which we have jurisdiction to conform their basic legislative mandates to the provisions of S. 1075. This is made clear on page 7 of the major changes analysis, which was placed in the RECORD by the Senator from Washington.

I quote from it:

It is not the intent of the Senate conferees that the review required by section 103 would require existing environmental control agencies such as the Federal Water Pollution Control Administration and National Air Pollution Control Administration to review their statutory authority and regulatory policies which are related to maintaining and enhancing the quality of the environment. This section is aimed at those agencies which have little or no authority to consider environmental values.

This language in the "major changes analysis" document clarifies, with the full agreement of the Senator from Washington and his colleagues and myself, their understanding as to the implications of section 103 with respect to those executive agencies which have environmental improvement authority at

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the present time under already existing legislation.

The third point to which I should like to refer, for the purpose of emphasis, is the question of committee jurisdiction with respect to the various areas of environmental concern which are now involved in the jurisdiction of several Senate standing committees.

It was our concern on October 8, when we discussed this matter in the Senate last, and it is our concern now, that S. 1075 shall not have the effect of altering existing committee jurisdictions in this respect. Understandably, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Delaware (Mr. BOGGS), and I are especially concerned with the jurisdiction of the Public Works Committee of the Senate.

I think that in the "major changes analysis" document of the Senator from Washington this is again clarified in the following language, which I read from page 9:

It is the clear intent of the Senate conferees that the annual report would be referred in the Senate to all Committees which have exercised jurisdiction over any part of the subject matter contained therein. Absent specific language on the reference of the report, the report would be referred pursuant to the Senate rules. It is the committees' understanding that under the rules all relevant Committees may be referred copies of the annual report. This was the intent of the Senate when S. 1075 was passed. In the section-by-section analysis of Section 303 of S. 1075 at page 26 of the committee report No. 91-296, it is expressly stated that,

"It is anticipated that the annual report and the recommendations made by the President would be a vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress."

Mr. President, as I say, this was clearly understood on October 8 when we last discussed it on the Senate floor. It was never at issue as between the Senator from Washington and myself. It think it is clearly understood today.

The legislative language which was included in S. 1075 on October 8 was stricken from the conference report because, under House rules, it was considered to be new matter which was subject to a point of order. So I think it is appropriate that on the Senate floor today we reemphasize that it is the intent of the Senate, and of the representatives of both

committees, that when the annual reports of the Council on Environmental Control and its legislative recommendations, as they are developed, reach the floor, they shall be referred to the committees which have had traditional jurisdiction with respect to the subjects of such report and such legislative recommendations.

I want to make one final point, and for this I would like to refer to a document inserted in the RECORD by the Senator from Washington (Mr. JACKSON) this afternoon, entitled "Section-by-Section Analysis." This point is important because, beginning on October 8, and a few days prior to that time, we undertook to do something new in legislative direction. We undertook to place in the Executive Office of the President an agency which was in part the product of S. 1075 and in part the product of S. 7, the Water Quality Improvement Act, which is still in conference between the House and the Senate and which is not likely to be acted on finally in this session of Congress, not because of the subject I am about to touch upon, but because of other matters in this bill which are not touched upon in S. 1075 at all.

The point I wish to raise with respect to the Council on Environmental Quality established by S. 1075 and the Office of Environmental Quality which would be established under title II of S. 7 is that on page 18 of the section-by-section analysis which was inserted in the RECORD by the Senator from Washington (Mr. JACKSON) is found a discussion that clarifies the relationship of these two bodies.

On page 20 of the section-by-section analysis, in a discussion of section 203, is found the following:

SECTION 203

This section provides the Council with general authority to employ staff and acquire the services of experts and consultants. This

provision is designed to provide the Council with the necessary internal staff to assist members of the Council.

It is not intended that the Council will employ, pursuant to this section, a staff which would in any way conflict with the capabilities of the staff of the Office of Environmental Quality which would be created by Title II of the Water Quality Improvement Act of 1969. It is understood that when the Office of Environmental Quality is established, it will mesh with the Council as an integrated agency in the Office of the President—the Council operating on the policy level and Office of Environmental Quality on the staff level.

The professional staff of the Office will be available to the Council (as well as to the President) to assist in implementing existing environmental policy and the provisions of the legislation and to assist in forecasting future environmental problems, values and goals.

In conclusion, and before yielding to my colleagues on the Senate Public Works Committee, I would like to say that I agree with the Senator from Washington (Mr. JACKSON) that S. 1075 can become landmark legislation in the field of environmental quality. Whether it does will depend upon the effectiveness and performance of the new Council on Environmental Quality which S. 1075 would create, the performance of the Office of Environmental Quality which would be established under S. 7, and the coordination and the cooperation of the various executive agencies which have an impact upon the environment and those other agencies which have at present the authority to improve the environment in one respect or another.

In addition to that, the landmark quality of S. 1075 will depend upon the continuing cooperation of the Senate committees—at least seven or eight of them—which have supervisory authority and jurisdiction with respect to executive agencies, such as the Committee on Interior and Insular Affairs, the Committee on Public Works, the Committee on Agriculture and Forestry, the Banking and Currency Committee and its Subcommit-

tee on Housing, the Joint Committee on Atomic Energy, and so many others. And so, in order to really achieve the high-minded objectives of S. 1075 which are crucial, I think, to the future health and welfare of our country, we must move in the direction of coordinating the work of the Congress in this field.

S. 1075 undertakes to take important steps in the direction of coordinating the efforts of the executive agencies. We must now go beyond that in the Congress of the United States to coordinate the work of the senatorial and House committees. The Senator from Washington, other members of our two committees and I have discussed this objective as well.

There is pending, for example, in the Committee on Government Operations, Senate Resolution 78, which I first introduced two Congresses ago, to create a Senate Select Committee on Technology and the Human Environment, whose objective is this kind of coordination.

The Senator from Washington (Mr. JACKSON), in the course of our discussions, indicated his preference for the Senate and the House to coordinate their work more closely in the environmental field. I concur with him that it would be preferable to create a nonlegislative joint committee patterned on the basis of the select committee which I have proposed, and I am glad to join with him and interested Members on this side and in the House to undertake to create that kind of joint committee as early as possible in the next session of the Congress. We are agreed on that objective. We have in mind the kind of work which is envisaged in Senate Resolution 78.

So I would like to think that, notwithstanding the difficulties and the differences of opinion that the Senator from Washington (Mr. JACKSON) and I have had with respect to S.

1075 and S. 7, out of the labor pains of this creation we have begun a period of cooperation and coordination in the Senate's work in the field of the improvement of environmental quality which will result in a wiser, more effective policy in this field.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. JACKSON. I wish to express my concurrence in the comments made by the able Senator from Maine, with special reference to the need for a joint nonlegislative committee on the environment. I would hope that would be the first order of business next year. I think we can move expeditiously in the Senate. If we can have similar cooperation in the House, we can have it enacted into law in the next session.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, as a member of the Public Works Committee of the Senate, I have a couple of questions I would like to ask the distinguished Senator from Maine.

Is my understanding correct that all reports and legislative proposals as a result of S. 1075 will be referred to all committees with established jurisdiction in the field? For example, any report or legislative proposal involving water pol-

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lution would be referred to the Committee on Public Works. Is that correct?

Mr. MUSKIE. Yes. That is the clear understanding of the Senator from Washington (Mr. JACKSON), myself, and the two staffs. There is no fuzziness or doubt on that point at all.

Mr. BOGGS. Am I correct that the thrust of the directions contained in

S. 1075 deals with what we might call the environmental impact agencies rather than the environmental enhancement agencies, such as the Federal Water Pollution Control Administration or National Air Pollution Control Administration?

Mr. MUSKIE. Yes. Sections 102 and 103, and I think section 105, contain language designed by the Senate Committee on Interior and Insular Affairs to apply strong pressures on those agencies that have an impact on the environment—the Bureau of Public Roads, for example, the Atomic Energy Commission, and others. This strong language in that section is intended to bring pressure on those agencies to become environment conscious, to bring pressure upon them to respond to the needs of environmental quality, to bring pressure upon them to develop legislation to deal with those cases where their legislative authority does not enable them to respond to these values effectively, and to reorient them toward a consciousness of and sensitivity to the environment.

Of course this legislation does not impose a responsibility or an obligation on those environmental-impact agencies to make final decisions with respect to the nature and extent of the environmental impact of their activities. Rather than performing self-policing functions, I understand that the nature and extent of environmental impact will be determined by the environmental control agencies.

With regard to the environmental improvement agencies such as the Federal Water Improvement Administration and the Air Quality Administration, it is clearly understood that those agencies will operate on the basis of the legislative charter that has been created and is not modified in any way by S. 1075.

Mr. BOGGS. I thank the Senator. Can he tell me how the staff of the

Environmental Policy Council will mesh with the staff of the Office of Environmental Quality when it is established?

Mr. MUSKIE. As I indicated from the language I read from the section-by-section analysis put in the RECORD by the Senator from Washington (Mr. JACKSON), the Office of Environmental Quality which would be created by title II of S. 7, would constitute the staff of the secretariat of the Council of Environmental Quality established by S. 1075, and the two would be meshed together in a way to produce a strong agency, strong at the board level and at the staff level, to begin the development of a coordinated Federal policy in the environmental field.

Mr. BOGGS. Mr. President, I thank the distinguished Senator from Maine for yielding, and for his answers to these questions. I take this opportunity to congratulate and commend him and the distinguished Senator from Washington (Mr. JACKSON) for the excellent and outstanding work both have done in this field, and for their cooperation in working together and bringing forth a sound agreement on the language in this bill, including its legislative history.

I think this language protects the jurisdiction of other committees that have exercised jurisdiction in the environmental field, while preserving the basic intent of S. 1075.

Mr. MUSKIE. I thank the Senator. I am happy to yield now to the distinguished chairman of the Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH). I appreciate the confidence he has shown in permitting me to conduct these negotiations with Senator JACKSON, and the confidence he has expressed in the results we have produced.

Mr. RANDOLPH. Mr. President, my knowledgeable colleagues, the

Senator from Maine (Mr. MUSKIE), the Senator from Washington (Mr. JACKSON), the Senator from Colorado (Mr. ALLOTT), and the Senator from Delaware (Mr. BOGGS) have discussed this legislation which is of concern, not only because of congressional committee jurisdiction, but to Congress and the people of the United States. Today, approximately 203 million persons live in an area that is becoming increasingly confined. Because of the problems of urban development, mobility of people, and the methods by which products are moved from one point to another our society and our environment are constantly changing.

I wish to stress—and do it very briefly, I hope—what I believe has come out of the discussion today and prior conferences that have been held by members of the Public Works Committee and the Committee on Interior and Insular Affairs. There may have been some elements of misunderstanding. If there were, they have been resolved. If there were some elements of controversy, they have been dissipated.

I think that we have, through these deliberations, come closer together. This is important if we are to deal with environmental quality effectively. It is only of recent years, Mr. President, though environmental quality means so much to every facet of our society, that the Congress has given specific attention to this subject.

I serve not only as the chairman of the Senate Public Works Committee, but of our Subcommittee on Roads. We recognize, as my able colleague from Maine and others in this body have recognized, that in America, as we put down a mile of highway, no matter what type of road it is, we are not only placing cement or asphalt on the earth, but we are enabling people to move from one point to another.

So in 1968, it was my purpose, and the Senate and Congress agreed, that we would write into the Federal Aid Highway Act that year the first approach to this matter of relocation, bringing people into the conferences before an actual decision was made as to where a road would go, either by the State or Federal Government, or by an agreement of both agencies. The Federal Aid Highway Act is an example of how we are making the people a part of policymaking, even though they, in a sense, are laymen rather than experts, that they would have a part in thinking these matters through.

The Senator from Maine (Mr. MUSKIE) and other Senators who have followed these matters know that it is important that we take people into our confidence before the fact rather than after the fact, in order to provide the opportunity for discussion of the many approaches which can bring a catalyst into being. And so, in the 1968 act, we dealt with matters such as relocation. As the Senator from Washington (Mr. JACKSON) knows, this is a matter of environmental quality for the people whose lives are affected by highways. We are facing up to our responsibility for the first time, to provide prompt compensation for those who are displaced in business and industry, or in their places of residence.

I use only this one legislative enactment of Congress to indicate that we are moving more broadly and more sufficiently to improve environmental quality. I could discuss, of course, the Corps of Engineers of the U.S. Army, and how now they are beginning to look at environmental matters as never before, because in the Congress of the United States, and the Committee on Public Works they have provided leadership and required them to consider environmental quality.

We find environmental quality interwoven with whatever we do. Whether it is building a road or constructing a bridge, whether it is in the impoundment of water or constructing a building, we must realize that we are working not only with statistics and figures, but we are working with people. The lives of people are involved.

I think it is important for the RECORD to reflect that Senators have given their attention in recent weeks and days to this matter, have attempted to bring S. 1075 and S. 7 together to resolve jurisdictional problems and to lay down the ground rules that will guide us to doing a better job in the months and years ahead.

The stress has been here today on the coordination and the cooperation. I think this is a very real partnership among Senator JACKSON, Senator MUSKIE, Senator ALLOTT, and Senator BOGGS.

I think we are merging our efforts. We have arrived at an agreement. We must not fragment this effort. We must pool our efforts to assure for future generations an environment in which people can live and grow.

We must assure that consideration of legislation, which affects the environment in which people live, by people and committees who are dedicated to this very real task that lies before us. The resolution of differences between S. 1075 and S. 7, now H.R. 4148, provides this assurance.

As chairman of the Committee on Public Works, I congratulate all of those Senators who have carried on these negotiations. They were negotiations in the very best sense of the word. Although

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all of the members of the Committee on Public Works did not engage in the various negotiations, they were kept completely informed of what the

Senator from Maine (Mr. MUSKIE) was thinking and what his plans were. The Senator from Delaware (Mr. BOGGS), who well represents the viewpoint of the minority, although there is no minority within our committee, was present during most of those negotiations.

Mr. MUSKIE. Mr. President, I thank my distinguished chairman.

I have taken more time than I expected this afternoon. However, this is an opportunity to make clear our understanding. The record is clear.

I express my appreciation to the Senator from Washington (Mr. JACKSON), the Senator from Colorado (Mr. ALLOTT), and my colleagues on the Senate Public Works Committee.

Mr. JACKSON. Mr. President, I express my appreciation to the able chairman of the Public Works Committee, the Senator from West Virginia (Mr. RANDOLPH), for the support and understanding we have received from all of our colleagues on both committees.

I express my appreciation also to the Senator from Maine (Mr. MUSKIE), with whom I have worked very closely, the Senator from Delaware (Mr. BOGGS), and the Senator from Colorado (Mr. ALLOTT), and for the fine cooperation of the staff.

Mr. President, I ask unanimous consent that the conference report on S. 1075 be printed at this point in the RECORD.

[Conference Report reprinted following statement, see General 1.2a(3) for text.]

[p. 40426]

Mr. JACKSON. Mr. President, I move the adoption of the conference report.

The motion was agreed to.

[p. 40427]

**1.2a(4)(e) Dec 22: House agreed to conference report,
pp. 40923-40928**

**CONFERENCE REPORT ON S. 1075, NA-
TIONAL ENVIRONMENTAL POLICY ACT
OF 1969**

Mr. DINGELL. Mr. Speaker, I call up the conference report on the bill (S. 1075) to declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GROSS. Mr. Speaker, reserving the right to object, does the gentleman propose to take some time to explain this conference report?

Mr. DINGELL. In answer to the question of my good friend, the gentleman from Iowa, the answer is yes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1969.)

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The gentleman from Michigan is recognized for 1 hour.

Mr. DINGELL. Mr. Speaker, S. 1075, as originally passed by the Senate, contained three titles in the bill. Title I provided for a declaration by the Congress of a national environmental policy; title II provided the necessary authorization for the Federal agencies to carry out the purposes of the act in conjunction with their existing ongoing programs and activities; and title III provided for the creation of a Board of Environmental Quality Advisers in the Executive Office of the President.

Mr. Speaker, as the Members of the House will recall, the House struck out of the Senate bill all after the enacting clause and inserted in lieu thereof a substitute amendment. The House amendment to the bill was very similar to title III of the Senate-passed bill except for the name "Board of Environmental Quality Advisers" which was changed to read "Council on Environmental Quality." There were no provisions in the House amendment similar to titles I and II of the bill as originally passed by the Senate.

Mr. Speaker, the committee of conference has agreed to a substitute for both the Senate bill and the House amendment. The substitute is in effect title I of the bill as originally passed by the Senate and the House amendment to the bill.

Except for technical, clarifying, and conforming changes, following is a brief explanation of the differences between the bill, as passed by the House, and the substitute, as provided by the conference agreement:

PROVISIONS OF THE CONFERENCE SUBSTITUTE

Section 1 of the Senate bill provided that the bill may be cited as the "National Environmental Policy Act of 1969". Section 2 of the Senate bill contained a statement of the purpose of the bill. There were no similar provisions in the House amendment. The conference substitute conforms to the Senate bill with respect to these two sections.

Title I of the bill provides for a declaration of a national environmental policy. There was no similar provision in the House amendment to the bill.

Section 101 of the Senate bill contained a recognition by Congress of (1) the critical dependency of man on his environment, (2) the profound influences which the factors of contemporary life have had and will have on the environment, and (3) certain specified goals in the management of the environment which the Federal Government should, as a matter of national policy, attain by use of all possible means, consistent with other essential considerations of national policy. The House amendment (in the first section thereof) contained a general statement of national environmental policy, but did not include specified policy goals. The first section of the House amendment also stated that the Federal Government should achieve the general policy in cooperation with State and local governments and certain specified public and private organizations and that financial and technical assistance should be among the means and measures used by the Federal Government to achieve the policy. Under the conference agreement, the language of the House amendment is substantially retained in section 101(a) of the conference substitute.

The national goals of environmental policy specified in the Senate bill are set forth in section 101(b) of the conference substitute. Some of the national goals are as follows:

- (1) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (2) attain the widest range of beneficial uses of the environment;
- (3) preserve important historic, cultural, and natural aspects of our national heritage;
- (4) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (5) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Section 101(c) of the conference substitute states that "Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and en-

hancement of the environment. There was no similar provision in the House amendment.

Section 102 of the conference substitute is based on section 102 of the Senate bill. There was no comparable provision in the House amendment. Under the conference substitute, the Congress authorizes and directs that, to the fullest extent possible: (1) the Federal laws, regulations, and policies be administered in accordance with the policies set forth in the bill; and (2) all Federal agencies shall—

(A) utilize a systematic, interdisciplinary approach to insure integrated use of the sciences and arts in any official planning or decision-making which may have an impact on the environment:

(B) in consultation with the Council on Environmental Quality, identify and develop methods and procedures to insure that unqualified environmental amenities will be considered in the agency decision-making process, along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation or other major Federal actions of a detailed statement by the responsible official on the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the proposal be adopted, alternatives to the proposed action, the relationship between the short-term uses of

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the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved. Prior to making any such detailed statement, the responsible Federal official would be required to consult with and obtain the comments of any Federal agency having jurisdiction by law or special expertise with aspect to any environmental impact involved and the comments of any such agency, together with the comments and views of appropriate State and local agencies, would be required thereafter to be made available to the President, the Council on Environmental Quality, and the public.

In addition, the Federal agencies would be required to—

(D) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend support to

programs and other ventures designed to maximize international cooperation in anticipating and preventing a decline in the world environment;

(F) make available to State and local governments and individuals and organizations advice and information useful in restoring, maintaining and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established under title II of the bill.

Section 103 is based upon a provision of the Senate bill (section 102(f)) which was not in the House amendment. This section provides that all agencies of the Federal Government shall review their "present statutory authority, administrative regulations, and current policies and procedures to determine whether there are any deficiencies and inconsistencies therein which prohibit full compliance with the purpose and provisions" of the bill. If an agency finds such deficiencies or inconsistencies, it is required under this section to propose to the President not later than July 1, 1971, such measures as may be necessary to bring its authority and policies into conformity with the intent, purposes, and procedures of the bill.

Section 104, which was not in the House amendment, provides that nothing in sections 102 or 103 shall affect the specific statutory obligations of any Federal agency—

(1) to comply with criteria and standards of environmental quality;

(2) to coordinate or consult with any Federal or State agency; or

(3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Section 105 declares that the policies and goals set forth in the bill are supplementary to those set forth in existing authorities of Federal agencies. The effect of this section is to give recognition of the fact that the bill does not repeal existing law and that it does not obviate the requirement that the Federal agencies conduct their activities in accordance with the provisions of this bill unless to do so would clearly violate their existing statutory authorizations.

Title II of the bill has to do with the establishment of the Council on Environmental Quality and is essentially the same as the House amendment to S. 1075.

Section 201 of the conference substitute requires the President to submit to the Congress annually, beginning July 1, 1970, an Environmental Quality Report which will set forth an up-to-date inventory of the American environment, broadly and generally

identified, together with an estimate of the impact of visible future trends upon the environment. Such report shall also include a review of the programs and activities of the Federal, State, and local governments, as well as those of nongovernmental groups, with respect to environmental conditions, together with recommendations for remedying the deficiencies of existing programs, including legislative recommendations.

Section 202 of the conference substitute establishes in the Executive Office of the President a Council on Environmental Quality composed of three members appointed by the President by and with the advice and consent of the Senate. One of the members shall be designated by the President as the chairman of the Council. The conference substitute provision is basically the House provision except that the membership of the Council would be reduced from five to three and the members of the Council would have to be approved by and with the advice and consent of the Senate.

Section 203 of the conference substitute (which were contained in both the House amendment and the bill as it originally passed the Senate) would permit the Council to hire such officers and employees as are necessary to carry out the purposes of the Act and also would permit the Council to hire such experts and consultants as may be appropriate.

The House amendment set forth the following duties and functions of the Council on Environmental Quality—

(1) to assist the President in the preparation of the Environmental Quality Report;

(2) to gather information on the short- and long-term problems that merit Council attention, together with a continuing analysis of these problems as they may affect the policies stated in section 101;

(3) to maintain a continuing review of Federal programs and activities as they may affect the policies declared in section 101, and to keep the President informed on the degree to which those programs and activities may be consistent with those policies;

(4) to develop and to recommend policies to the President, on the basis of its activities, whereby the quality of our environment may be enhanced, consistent with our social, economic and other requirements;

(5) to make studies and recommendations relating to environmental considerations, as the President may direct; and

(6) to report at least once each year to the President.

Section 204 of the conference substitute contains the functions and duties listed above and also adds the following functions and duties (which, under title II of the bill as it originally passed the Senate, would

have been the responsibilities of other Federal agencies)—

(1) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality; and

(2) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes.

Section 205 of the conference substitute sets forth those public and private organizations with which the Council on Environmental Quality shall consult in carrying out its functions and duties under the Act and states that the Council should utilize, to the fullest extent possible, the services, facilities, and information of public and private organizations and individuals in carrying out such functions and duties. Section 205 conforms to the language in section 7 of the House amendment, with the exception that the conference substitute provision specifies that the Council shall consult also with the Citizens' Advisory Committee on Environmental Quality, which was established in May, 1969, by Executive Order of the President.

Section 206 provides that the Chairman of the Council on Environmental Quality shall be compensated at the rate provided for at Level II of the Executive Schedule Pay Rates, and that the other members of the Council shall be compensated at the rate provided for in Level IV of such Rates. This section conforms with the rates of compensation provided for in both the House amendment and the bill as it originally passed the Senate.

Section 207 of the conference substitute authorizes the appropriation of not to exceed \$300,000 in fiscal year 1970, \$700,000 in fiscal year 1971, and \$1,000,000 in each fiscal year thereafter, to carry out the purposes of the Act. Under the House amendment, the same amounts were authorized to be appropriated except with respect to fiscal year 1971, for which \$500,000 was authorized.

Mr. Speaker, before closing I would like to take this opportunity to pay tribute to my colleagues, particularly to my distinguished chairman, the Honorable EDWARD A. GARMATZ, the members of the Merchant Marine and Fisheries Committee, and the House and Senate conference committee, who have worked so courageously and diligently in seeing that this legislation came to fruition. It has been a long

and hard-fought battle, but we have been successful, and I cannot congratulate my colleagues enough.

Mr. Speaker, my efforts on behalf of this legislation date back to March of 1967, when in the first session of the 90th Congress, I and several other members of the House introduced similar legislation to provide for the establishment of a Council on Environmental Quality. Although no action—other than hearings—was taken in the 90th Congress, much valuable groundwork was laid.

In February of this year, I again introduced legislation and was most fortunate in having it referred to the Committee on Merchant Marine and Fisheries, and subsequently to the Subcommittee on Fisheries and Wildlife Conservation, the subcommittee I have the honor of chairing. The subcommittee held 7 full days of hearings on the legislation, and as a result of the hearings, H.R. 12549, which was reported by the committee and passed by the House, was cosponsored by all the members of the subcommittee. As you will probably recall, the bill passed on the floor of the House overwhelmingly with a vote of 372 to 15.

Mr. Speaker, the passage of this legislation will constitute one of the most significant steps ever taken in the field of conservation. With the establishment of the Council on Environmental Quality, we can now move forward to preserve and enhance our air, aquatic, and terrestrial environments, and at the same time it will offer us an opportunity to carry out the policies and goals set forth in the bill to provide each citizen of this great country a healthful environment.

Mr. Speaker, I strongly recommend the adoption of this conference report.

Mr. Speaker, I have reviewed the state-

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ment of the chairman of the Senate Interior and Insular Affairs Committee and find no inconsistencies in his statement with that of the statement on the part of the House managers.

Mr. Speaker, a communication from the gentleman from Maryland follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., December 20, 1969.

HON. JOHN D. DINGELL,
House Committee on Merchant Marine and Fisheries, Rayburn House Office Building, Washington, D.C.

DEAR JOHN: It is my understanding that the Conference Report on S. 1075 will shortly be scheduled for Floor consideration. I have had an opportunity to review the Conference Report.

I have a few questions concerning the effects of the legislation which I would like to address to you for clarification on the Floor. Four questions are enclosed.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

QUESTIONS BY MR. FALLON

I have had an opportunity to review the Conference Report on S. 1075. I have a few questions concerning the effects of the legislation which I would like to address to the gentleman.

1. Would the gentleman advise as to the intent of the House Conferees with regard to committee jurisdiction concerning the annual report required of the President by Section 201 and the recommendations made therein?

Answer: It is the clear intent of the House Conferees that the annual report required by Section 201 would be referred in the House of Representatives to all committees which have exercised jurisdiction over any part of the subject matter contained therein. The House Conferees' refusal to accept specific language for inclusion in the Conference Report was based upon a parliamentary technicality and was in no way intended to place executive jurisdiction over the President's report in any one committee.

The House Conferees intend that under the language of the Conference Report, the annual report and the recommendations made by the President would be the vehicle for oversight hearings and hearings by the appropriate legislative committees of the House, and the referral of the annual report would be made to all appropriate committees.

2. H.R. 4148 which is now in conference includes provision for the Office of Environmental Quality which would serve to advise the Council of Environmental Quality which is established in S. 1075. Is there any conflict between the Office and the Council?

Answer: Title II establishes a Council on Environmental Quality in the Executive Office of the President. This Council will provide an institution and an organizational focus at the highest level for the concerns of environmental management. It will provide the President with objective advice, and a continuing and comprehensive overview of the Federal jurisdictions involved with the environment. The Council's activities in this area will be complemented by the support of the Office of Environmental Quality proposed in H.R. 4148, the Water Quality Improvement Act of 1969. It is not intended that the Council will employ, pursuant to Section 203, a staff which would in any way conflict with the capabilities of the staff of the Office of Environmental Quality.

It is further understood that, when the Office of Environmental Quality is established, it will mesh with the Council as an integrated agency in the Office of the President—the Council operating on the policy level and the Office of Environmental Quality on the staff level. The professional staff of the Office will be available to the Council to assist in the implementation of existing environmental policy and the provisions of the legislation and to assist in forecasting future environmental problems, values and goals.

3. Is it intended that the Council become involved in the day to day operation of the Federal agencies, specific project, or in inter-agency conflicts which arise from time to time?

Answer: In including Section 204, Item (3), pertaining to the duties and functions of the Council, the Conferees on the part of the House did not view this direction to the Council as implying a project-by-project review and commentary on Federal programs. Rather, it is intended that the Council will periodically examine the general direction and impact of Federal programs in relation to environmental trends and problems and recommend general changes in direction or supplementation of such programs when they appear to be appropriate.

It is not the Conferees' intent that the Council be involved in the day-to-day decision-making processes of the Federal Government or that it be involved in the resolution of particular conflict between agencies and departments. These functions can best be performed by the Bureau of the Budget, the President's Interagency Cabinet-level Council on the Environment or by the President himself.

4. What would be the effect of this legislation on the Federal Water Pollution Control Agency?

Answer: Many existing agencies such as the Federal Water Pollution Control Agency already have important responsibilities in the area of environment control. The provisions of Section 102 and 103 are not designed to result in any change in the manner in which they carry out their environmental protection authority. This provision is primarily designed to assure consideration of environmental matters by agencies in their planning and decision-making—but most especially those agencies who now have little or no legislative authority to take environmental considerations into account.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the conference report on environmental quality.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, I consider this a very important bill.

I support the conference report and statement of the House managers on S. 1075 to establish a national policy for the environment, and to provide for the establishment of a Council on Environmental Quality. I urge my colleagues to adopt this report.

S. 1075, as passed by the House, would establish a five-member Council on Environmental Quality appointed by the President whose principal duty would be to assist the President in the preparation of an annual environmental quality report. Additionally, the Council would make and furnish to the President such studies, together with policy and legislative recommendations in the area of environmental quality as the President might request. The bill contained a brief state-

ment of policy recognizing the impact of man's activity on all components of the natural environment, and the critical importance of restoring and maintaining environmental quality for the welfare of mankind.

The Senate bill would establish a comparable three-member Board on Environmental Quality which would perform essentially the same functions called for in the House bill. The Senate, however, substantially increased the responsibilities of this advisory group so that it would have continuing statutory authority and responsibility to monitor the quality of the environment and review the activities of the Federal Government to determine the extent to which its programs contribute to the achievement of environmental quality. The Senate bill would thus create a more dynamic council, one that need not wait for an executive request to pursue the policy mandate of the Congress. I believe this is an important and significant strengthening of the Council.

The Senate bill also contained a more detailed statement of policy and, most significantly, positive direction to all agencies of the Federal Government that they shall administer their programs to the fullest extent possible in a manner which reflects the declaration of national environmental policy set forth in the bill.

What the conference has done, in essence, is to adopt the basic House version of S. 1075 with respect to the establishment of the Council, together with the strengthening provisions I have mentioned previously, and that portion of the Senate bill setting forth detailed policy statements and agency directives.

Title I of the conference bill sets forth the statements of policy and requirements for implementation of these policies while title II of the bill establishes the Council on Environmental Quality.

Mr. Speaker, the work of the conference has produced a careful blending of the House and Senate-passed bills while retaining the basic thrust of both. This legislation stands as a commitment of the Federal Government to the American people that the quality of life in this country in terms of its basic environmental components will be restored and maintained for our own benefit and that of succeeding generations of Americans.

Again, Mr. Speaker, I urge adoption of the conference report.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my good friend the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I rise in strong support of the conference report on S. 1075, the National Environmental Policy Act of 1969. The bill as agreed upon by the conference is a landmark in the history of conservation legislation.

While this landmark legislation is not as strong and inclusive as I would pre-

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fer it to be, it provides the foundation upon which this Congress and future Congresses can forge ahead toward the goal of providing all Americans with a quality environment in which they can live.

Mr. Speaker, the importance of this legislation cannot be overstated. My colleagues in this body should well understand the need and goals behind this legislation. In this Nation today, we read with ever increasing frequency about the pollution of our waters, pollution of the air we breathe, the scarring of our natural landscape, through the exploitation of our resources. The profound impact of man's activity through technological advances, to accommodate the growing urbanization, resource exploitation, and the industrial expansion has a direct interrela-

tion to the health and welfare of all Americans.

The report of the conference committee seeks to meet this challenge by recognizing the need for a coordinated Federal program to attack the abuses so nonchalantly inflicted upon all mankind. The bill as reported by the committee of conference proposes a Council on Environmental Quality to coordinate the directives that each Federal agency examine its authority and programs, and to administer and interpret that authority and programs so as to assure for all Americans a safe, healthful, productive, esthetic, and cultural environment.

I am privileged to have sponsored a similar measure, H.R. 12900, in this first session of the 91st Congress. I have also witnessed during this first session of the 91st Congress a number of converts to our environmental concerns. I am thankful for their concern and support because it expresses the responsibility of Congress to the public demand. That public demand is for a coordinated Federal program directed toward the protection of our environment.

Mr. Speaker, I most strongly support the adoption of the conference report and urge my colleagues to support its adoption.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Speaker, I would like to ask the distinguished gentleman from Michigan a question. It is my understanding this legislation contains several questions about jurisdiction of various committees in the House. It was my understanding there was to be a statement on the part of the managers, or on the part of the gentleman from Michigan, on the subject.

Mr. DINGELL. Mr. Speaker, I assure the gentleman from Ohio the

statement will be in my extension of remarks.

Mr. HARSHA. Do I have the gentleman's assurance this will not invade the jurisdiction of the Public Works Committee in particular?

Mr. DINGELL. Mr. Speaker, it is not the intention of this committee to impair or alter or change in any fashion the jurisdiction of any sitting committee in this body.

Mr. HARSHA. Mr. Speaker, I thank the gentleman.

Mr. GARMATZ. Mr. Speaker, I would like to join my colleagues in recommending passage of the conference report on S. 1075. This legislation, if enacted, would provide for the establishment of a Council on Environmental Quality.

The Council, which would be composed of outstanding and qualified leaders of the scientific, industrial and business community, would oversee and review all national policies relating to our environment; it would report directly to the President and recommend national programs to foster and promote the improvement of the Nation's total environmental quality.

One of the vital functions of this Council would be to consult with State and local governments and other interested groups and individuals, and to utilize the services, facilities and information of these agencies and organizations. I consider this to be an extremely important and significant function, since, for the first time, it would establish an effective liaison between the Federal Government and individual States, thereby creating a long-needed central clearinghouse of information.

Mr. Speaker, the ugly and devastating disease of pollution has contaminated every aspect of our environment—air, land, and water. The problem is so vast and interrelated, one segment of the environment cannot be separated from another. The

only logical and practical approach is a broad-ranging, coordinated Federal program, as proposed in this legislation.

Establishing such a Council will not solve all our massive pollution problems. It will, however, constitute the most significant step yet taken to conserve and preserve our natural resources for future generations.

I also think it is fitting to add a word of praise about my distinguished colleague, JOHN DINGELL, because it is he—more than any other—who pioneered the movement that gradually evolved into the legislation we have before us today. Although we are considering the Senate bill, I think it is important to recognize that Congressman Dingell's efforts date back to March, 1967, when he first introduced legislation on this issue. As chairman of our Subcommittee on Fisheries and Wildlife Conservation, he also sacrificed much in personal time and effort in a series of seven hearings—which he chaired in May and June of this year. An impressive record was established at those hearings, which were held both morning and afternoon—on each of the 7 days.

Mr. Speaker, I am sure that this important legislation will be passed and enacted expeditiously, so that we can all get on with the job of protecting our environment from further destruction by man.

Mr. ASPINALL. Mr. Speaker, the conference report on S. 1075, which is now before this House for consideration, brings to the attention of the Members of Congress the many facets of the problems of environmental quality which are continually coming before the Congress of the United States for consideration and solution. Most apparent of these various problems is the matter of jurisdiction of not only the executive departments but also the committees of Congress. For the first time, to my knowledge,

since I have been a Member of Congress—some 21 years—the conferees appointed from this body included members of two different standing committees of the House. I do not see how the matter could have been resolved otherwise, although I would be the first one to admit that perhaps other committees of the House should have had representation on the conference committee in addition to those two committees handling the conference report. As a House conferee, I have signed the conference report but I have refused to sign the statement of the managers on the part of the House. This is the first time that I have found myself in this unenviable position. However, I find that I cannot read into the language that was finally agreed upon by the conferees the interpretation that is given to it in the statement of the House managers. I desire my position to be clearly set forth.

The two principal purposes of S. 1075 are: First, to state congressional policy with respect to protecting our natural environment; and, second, to establish a Council on Environmental Quality to alert this Nation with respect to environmental problems that we must face up to and resolve in the years ahead. The legislation which has emerged from the conference committee accomplishes both of these purposes. And while environmental problems are already receiving increased attention in connection with ongoing Federal programs, I believed that this legislation will add new emphasis and urgency to their solution. Thus, the language of the conference report has my approval. However, the statement of managers, in certain respects, does not accurately interpret the language in the conference report.

Since I first became involved in this legislation at the time it was considered in the House, it has been my purpose to try to establish an orderly procedure for bringing the operations

of all existing Federal agencies into compliance with the environmental policy requirements of this legislation. It has been my position from the beginning that existing Federal agencies should not be given new statutory authority by this legislation. All agencies should cooperate so far as possible under their existing authority in complying with the congressional statement of environmental policy and should seek, through normal procedures, the authority they need to fully comply with this policy. This agency procedure is established in sections 102 and 103 of the conference report, the final language of which is language that I suggested to the conference committee.

Section 102 tells the agencies to follow to the fullest extent possible under their existing authority the procedures required to make their operations consistent with the environmental policy established in this act; and section 103

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tells them to review their statutory authority and, if there are deficiencies or inconsistencies which prohibit full compliance with the purposes and provisions of this act, to report not later than July 1, 1971, what additional authority is needed to permit them to operate in conformity with this act. There is no language in these two sections to support the interpretation given in the statement of managers which reads:

The House conferees are of the view that the new language does not in any way limit the Congressional authorization and directive to all agencies of the Federal Government set out in subparagraphs (A) through (H) of clause (2) of section 102. The purpose of the new language is to make it clear that each agency of the Federal Government shall comply with the directives set out in such subparagraphs (A) through (H) unless the existing law applicable to such agency's operations expressly prohibits or makes full compliance with one of the

directives impossible. * * * the intent of the conferees is that all Federal agencies shall comply with the provisions of section 102 "to the fullest extent possible," unless, of course, there is found to be a clear conflict between its existing statutory authority and the bill.

The conference report language requires the agencies to determine whether there are any deficiencies in their statutory authority which prohibit compliance and you cannot make "deficiencies in statutory authority" mean "clear conflict between its existing statutory authority and the bill" merely by statements of intent and interpretation in the statement of managers. A deficiency in an agency statutory authority which prohibits compliance cannot be interpreted to mean that—

Each agency * * * shall comply * * * unless the existing law applicable to such agency's operations expressly prohibits or makes full compliance * * * impossible.

Mr. Speaker, I do not believe that this matter is of such urgency that we cannot take the time to follow an orderly procedure in requiring all agencies to get their operations in line with the environmental policy, needs, and goals of this Nation. They can do that by proceeding as required in the conference report to examine their authority and move quickly to recommend the necessary changes. The new statutory authority that is needed can then be recommended to the Congress and can be considered by the committees of Congress having jurisdiction.

I recommend approval of the conference report.

Mr. GALIFIANAKIS. Mr. Speaker, I am very pleased to see the results of the House-Senate conference committee on S. 1075, the National Environmental Policy Act of 1969. Our colleagues have brought forth an excellent piece of legislation which will, in my opinion, become a landmark in society's struggle to preserve the quality of our surroundings while continuing to enjoy high standards of living.

This legislation is further demonstration of congressional leadership in resolving the basic conflicts of using the environment. It caps a decade of response to public concern which has generated laws for pollution abatement, natural resource management, recreation and natural beauty. The enthusiastic administration of these laws by the executive branch should bring a restoration of environmental quality in the United States of which we may all be proud.

The activities of Government agencies will all be subjected to a thorough review, under the terms of this bill, to judge their impact on the environment and to minimize adverse effects. A great deal of scientific knowledge will be necessary to avoid subjective judgment and to form a basis for enforcement which is incontrovertible. I would call to the attention of the Congress, Mr. Speaker, the important facilities and the trained scientists and engineers now at work in North Carolina on these very problems. The research triangle area of Raleigh, Durham, and Chapel Hill houses three progressive institutions of higher learning. In addition the National Institute of Environmental Health and major laboratories of the National Air Pollution Control Administration are located in the area.

It is clear that these technical organizations will play a major role in implementing the bill we have before us today. The interplay of ideas facilitated by the proximity of many different laboratories and training centers will make North Carolina a focal point for Government and private sector management personnel as they seek the facts to bring their programs into consonance with the new National Environmental Policy Act.

Mr. HARSHA. Mr. Speaker, I am happy to have the assurance of the gentleman from Michigan (Mr. DINGELL) that there is no intent to in-

fringe upon the jurisdiction of any committee in this Congress.

However, I am still concerned about the sweeping effect this legislation could have on the substantive law and the jurisdiction of practically every committee in this Congress.

Functions and responsibilities of the Federal agencies are substantively changed in the House substitute for S. 1075. These changes have a definite bearing on the interpretation of existing laws and administration of programs which are under the jurisdiction of committees other than the originating committee of this legislation in the House. In addition the annual environmental quality report which would include legislative recommendations for realigning agency functions and responsibilities conceivably could be referred to that one originating committee and in effect make them an oversight committee for a myriad of programs presently under the jurisdiction of other committees.

I trust this is not the case and that the remarks of the gentleman from Michigan (Mr. DINGELL) will preclude any such action.

While I appreciate the assurances of the gentleman from Michigan I still have deep reservations about this conference report and feel I must warn the Members that they should be on guard against the ramifications of a measure that is so loose and ambiguous as this.

I fear that the purpose of this bill is to cause a change in the organization of the House of Representatives and to reorganize the administrative agencies for the purpose of transferring jurisdiction and powers to certain committees of this body.

Lest this sound too strong an accusation, I would remind this body that the President of the United States was the first to organize a Council of this nature. Under the guise for sup-

port of such a concept and with a view toward providing the benefits of a legislative organized body, S. 1075 and its original counterparts were set before the bodies of Congress.

However, if we read this bill and if we look at what it does, we discover it does absolutely nothing to control pollution. The language is vague and strange. The exposition which we may find in the CONGRESSIONAL RECORD of December 20 where the other body acted gives us cause to wonder. For example, I would invite the attention of my colleagues to the RECORD of December 20, 1969, page 40423, at the point where the distinguished junior Senator from Maine addresses himself to the meaning of this legislation. At that point the concern of the Public Works Committee of the other body was expressed because the language is such that it could be read and interpreted to mean that the jurisdiction of that committee in that body over various areas of environmental concern would be altered. It is my understanding of the RECORD that assurances were given to the Public Works Committee of the Senate by that body that this was not the case. I must admit that I would feel considerably more content about this bill if similar assurances were given in this body.

I would like, if I might, to invite the attention of my colleagues to page 40425 of the RECORD of December 20. In this, the distinguished junior Senator from Maine distinguishes between environmental control agencies and those agencies which have a strong impact upon the environment. In the latter category, he means the Bureau of Public Roads, for example, as well as the Atomic Energy Commission. He further states that the nature and extent of environmental impact with regard to these agencies will be determined by the environment control agencies.

Now this might be a desirable thing; I do not know and I do not say

at this time that it is not. I do say, however, that this is a major revision of the administrative functions of the U.S. Government and is indeed far beyond the concept of that which the House in its wisdom thought it was passing when H.R. 12549 was considered by this body.

Obviously there was considerable reservation in the Senator from Maine's mind about this bill or there would have been no need for the colloquy.

In other words, reasonable minds
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could come to different conclusions about this legislation because it is so loose and ambiguous.

The impact of S. 1075, if it becomes law, I am convinced would be so wide sweeping as to involve every branch of the Government, every committee of Congress, every agency, and every program of the Nation. This is such an important matter that I am convinced that we here should consider it very, very carefully and make a clear record as to exactly the direction in which we wish the various elements of our Government, to move.

I regret that so important a matter is being handled in so light a manner. I realize the Members desire to adjourn for Christmas and that the hour is late and that we are all tired, but this is no subject to merely brush aside. I had hoped that this matter could be laid over until Congress reconvenes, providing the Congress with ample time to fully understand the complete ramifications of this legislation.

Mr. Speaker, I fear, too, that there may be a measure of politics in the action forced upon us here tonight.

Frequently, it is the practice in the American political arena to use emotionally charged words or phrases as a disguise for actions completely divorced from the true intent of the ap-

parent purpose. I believe we have such a case here.

As we all know, the word "environment" has become emotionally charged. We are given to understand that a major thrust of the President's state of the Union address will concern itself with the subject. We have been told—and the CONGRESSIONAL RECORD supports it—that an effort is being made among the campuses of the country to make "environment" an issue leading to demonstrations of various types. It is my understanding indeed that high-placed Government officials in the legislative branch have extended their support for these demonstrations.

I would take the liberty, Mr. Speaker, of reminding this body that whenever a subject becomes so infused with emotion, the danger arises that it can be used to defeat the very purposes which it purports to support.

I suggest to this body that we have such a case here in S. 1075.

I have devoted much of the time that I have spent serving in this body to the creation, support and passage of pollution control legislation. I believe that I am thoroughly familiar with our problems in water pollution, our problems with the administrative agencies, and our problems in accomplishing the efforts made toward improving the environment. I am woe-fully aware of the problems that have not yet been solved; and I shall support as I have in the past, any legitimate effort to solve these problems but I cannot stand idly by and watch this most serious problem of our Nation and indeed of all the nations be used as a thin disguise of politically motivated moves.

Mr. Speaker, this matter should be laid aside until Congress reconvenes in January so that Members can be adequately apprised of the full import of this measure.

Mr. FARBSTEN. Mr. Speaker, I fully supported S. 1075 when it came

to the floor of the House in October, and I continue to support it today. However, I hope that its passage will not serve as an excuse for substantive legislation action.

The bill establishes a national policy for the environment. Unfortunately, policy standards can easily get lost in the bureaucratic maze.

The bill authorizes studies and research on environmental problems. All too often, research has been used by the Federal Government as an excuse for action. The Federal Government has studied environmental problems to death. We know that our air and waters are polluted. It does us a great deal more good to establish programs to do away with this situation than to study the extent of it from every possible angle.

The bill also establishes a Board of Environmental Quality Advisers. More bureaucracy need not bring more action.

I hope that before this Congress adjourns next year, it can take some of the substantive steps necessary to demonstrate a genuine commitment to do something about the environment.

In the area of auto-caused air pol-

lution, this means ignoring the pressure of the auto-oil complex and passing strict new standards for pollution control, controlling the use of additives in fuels, and making it clear in many other ways as well that the Federal Government is not going to sit idly by and let the automobile suffocate us all.

In the area of water pollution, this means enactment of legislation like the Regional Water Quality Act of 1970, to make the polluter pay for the cost of his pollution. It also means more money for water pollution abatement. I am the House sponsor of that bill.

It means that the Federal Government should be policing its own dispoiling of the environment.

The bill we have before us, S. 1075, is certainly a good bill and deserves enactment, but it must not be used as an excuse for substantive action.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

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