



**THE
MARINE
PROTECTION,
RESEARCH AND
SANCTUARIES ACT
OF 1972**

(Ocean Dumping)

HIGHLIGHTS

ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

*“Roll on, thou deep and dark blue ocean—
roll!*

10,000 fleets sweep over thee in vain;

Man marks the earth with ruin—

His control stops with the shore.”

—BYRON

*“The moving waters at their priest-like
task*

*Of pure ablution round earth’s human
shores.”*

—KEATS

Throughout countless millennia the mighty ocean has been impervious to man's weak assaults. The boast of Byron and the respect of Keats were well-deserved. But time has brought change. Today, man, armed with pollutants—sewage, chemicals, garbage, oil, debris, explosives, radioactive materials—has the power to destroy the life-giving and cleansing capabilities of the ocean.

The ocean's only natural defense had been its size. Now that man can defeat this size, it remains to him to protect the ocean.

That protection is a new law, the Marine Protection, Research and Sanctuaries Act of 1972, passed by Congress on October 13 and signed by President Nixon on October 23. In legend, Neptune, the God of Waters, carried a trident, a three-pronged spear, as a weapon. Fittingly, man's weapon is also a trident. It has three main thrusts: regulation of dumping, research aimed at finding ways to end all ocean dumping and the creation of marine sanctuaries.

The Federal agencies given responsibility for protecting the oceans are the Department of Commerce, the Army Corps of Engineers, the Coast Guard and the U.S. Environmental Protection Agency (EPA).

HOW BIG A PROBLEM?

Oceans cover more than 70 percent of the earth's surface, a total area of about 140 million square miles. In fact, our planet is habitable only because so much of its surface is water. Oceans are a critical environmental factor, contributing to the atmospheric balance of oxygen and carbon dioxide, affecting the global climate and providing the base for the world's hydrologic system. They are an important source of indispensable protein for many countries. An estimated 63 million metric tons of fish came from the sea in 1969.

The coastlines of the United States are long and diverse, ranging from the tropical waters of Florida to Alaska's Arctic shore, from rock-bound Maine to sandy Hawaiian beaches. These areas are the habitat for much of our fish and wildlife, places of recreation and psychic revitalization and sources of employment. Regrettably, these waters are also the final receptacle for wastes carried by our rivers or dumped directly from barges, ships and pipelines. But unlike rivers and lakes, the oceans have no outlet for the refuse dumped into them.

Direct dumping off the U.S. coasts accounts for more than 50 million tons of wastes each year. About 80 percent is dredge spoils, 10 percent is industrial wastes and 9 percent is sewage sludge. The remaining one percent is made up of construction and demolition debris, solid waste, explosives, chemical munitions, radioactive wastes and miscellaneous materials.

Up to now, the amount of wastes dumped directly into the ocean has been a small portion of the total volume of its pollutants. Most pollutants are brought by rivers and streams, but the new Federal Water Pollution Control Act of 1972 will limit the amount of pollution that may be discharged into rivers and streams. Every indication, however, pointed to a substantial increase in direct ocean dumping if this disposal method had been left uncontrolled. For example, in 1959, industrial wastes disposed of by ocean dumping approximated 2.2 million tons. By 1968, the amount had increased to over 4.7 million tons, a 114 percent increase in nine years. In the same period, the amount of sewage sludge dumped increased by 61 percent, from 2.8 million tons to 4.5 millions tons.

The Marine Protection, Research, and Sanctuaries Act should help to solve this problem.

REGULATION OF DUMPING

The new law absolutely bans dumping of radiological, chemical or biological warfare agents and high-level radioactive wastes. With one exception, permits are required for transporting materials for ocean dumping and for the dumping itself. The Corps of Engineers issues permits for dredge spoils; EPA for all other materials.

The exception is fish wastes. Since they are a natural ocean waste product, no permit is required unless harbors or other protected waters as the receiving waters are involved, or unless the EPA Administrator finds that such deposits in certain offshore areas could endanger health, the environment or ecological systems.

Dumping sites are designated by the EPA Administrator and, wherever possible, will be located beyond the Continental Shelf. This is a vital provision since about 90 percent of known marine life is concentrated above the Continental Shelf.

Citizen Action: An individual may initiate a civil suit to enjoin any person, including any Federal, State or local government or agency, who is alleged to be violating any prohibition, limitation, criterion or permit established or issued under this law.

An individual, however, cannot go to court until at least 60 days after notice of violation has been given to the violator and to either the EPA Administrator or the Secretary of the Army. Also, no action can be started if the government is already diligently prosecuting the violator.

Whenever it deems appropriate, the court may award litigation costs, including reasonable attorney and expert witness fees, to any party.

In evaluating permit applications, both EPA and the Corps of Engineers must consider:

- The need for the proposed dumping.
- The effect on human health and welfare, including economic, esthetic and recreational values.
- The effect on fisheries, resources, plankton, fish, shellfish, wildlife, shorelines, beaches and marine ecosystems.
- The effect of dumping particular volumes and concentrations of materials and the persistence of the effect.
- The effect on other ocean uses such as scientific study, fishing and other resource exploitation.
- Appropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring the use of such alternate locations or methods.

The law provides for both civil and criminal penalties for violations, but there is no penalty for dumping materials from a vessel as emergency action to safeguard life at sea. The Coast Guard is responsible for surveillance and enforcement necessary to prevent unlawful transportation of material for dumping or unlawful dumping.

RESEARCH TO END ALL OCEAN DUMPING

The basic research objective of the law is to find ways to minimize or to end all ocean dumping within five years. It will cover the effects of dumping materials into ocean or coastal waters and into the Great Lakes or their connecting waters.

The law charges the Secretary of Commerce with responsibility for a comprehensive and continuing research program involving the possible long-range effects of pollution, overfishing or man-induced changes in ocean ecosystems. Research efforts are to be coordinated with EPA and the Coast Guard.

MARINE SANCTUARIES

The Secretary of Commerce is also authorized to designate as marine sanctuaries those areas that should be preserved or restored for their conservation, recreational, ecological or esthetic values. These may be situated in ocean waters as far as the outer edge of the Continental Shelf, in other coastal waters or the Great Lakes and their connecting waters.

Once an area is designated a marine sanctuary, no permits, licenses or other authorizations can be issued unless the Secretary of Commerce determines that the permitted activity is consistent with the purposes of the Sanctuary.

The oceans are man's common heritage, his fortune and, indeed, his future. For if man is to survive, the oceans must be able to go about their endless "task of pure ablution round earth's human shores."

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*It's time for the people who talk about pollution
to join the people who do things about pollution.*