

Dr. WEINBERGER. Yes, sir. It represents some of the best thinking, best available information dealing with the protection of our water for various uses. Some of the information is descriptive, some of it indicates we should be protecting the amenities, the senses of people, other recommendations are rather specific, scientific, quantitative, in such areas as toxicants, such areas as thermal radioactivity, and the like.

Mr. FULTON. Could I ask on that point?

Mr. DADDARIO. Have you finished?

Dr. WEINBERGER. Yes.

Mr. FULTON. The question comes up whether certain activities in various geographical areas are not socially destructive and should not be carried on. For example, the pollutants and the cost of cleaning up the pollutants might be more than the particular activity is either socially or economically worth.

In the case of rivers, how do we get around the fact that the Federal jurisdiction of rivers was originally limited to navigable rivers? That is, rivers used either for navigation by boats or logging, so that you had some small navigable rivers? How did the Government get jurisdiction? Would the Government have jurisdiction, for example, in the State of Pennsylvania where it is going to cost billions to clear up old mines, much more than was ever gotten out of them? Does the Government have jurisdiction, for example, in Pennsylvania and Ohio and other States to limit surface mining because it is going to cause so much trouble 1,500 miles down the Mississippi River? Should there be a limit? Can the Government move into such a field where we might just outlaw a whole industry as not being either economically or socially beneficial to the whole country?

I am on the Space Committee. When you see these new pictures of the earth from 200,000 miles out, we look like we are a sink. You can see the clouds twirling all over the earth, not just State by State. When we say we can come up with solutions, maybe that is a slightly inadequate statement.

So my point is basically, on jurisdiction, How do we approach this? Is this a new field or an extension of the old?

Dr. WEINBERGER. I do not think I am really competent to talk about all of the jurisdictional matters which you raise.

Mr. FULTON. You can put a statement in the record.

Dr. WEINBERGER. I will be happy to do that.

Mr. FULTON. Thank you.

(The information requested is as follows:)

The Water Quality Act of 1965, which amended the Federal Water Pollution Control Act to provide for the establishment of water quality standards for interstate waters or portions thereof and to make the discharge of matter which reduces the quality of such waters below the water quality standards established under the Act subject to abatement, specifically provides that "nothing in this subsection (Section 10(c) of the basic Act as thus amended) shall . . . extend Federal jurisdiction over water not otherwise authorized by this Act." The basic Act was amended by the Federal Water Pollution Control Act Amendments of 1961 to make the pollution of navigable waters, as well as interstate waters, which endangers the health or welfare of persons, subject to the Act's abatement authority.

The Act does not confer, nor would we expect to exercise, arbitrary power to outlaw an industry as socially or economically undesirable. Its provisions respecting the establishment and implementation of water quality standards, and the abatement of pollution, are set about with safeguards against unreasonable action.