

and to spills within the Contiguous Zone, as well as within the territorial sea and navigable waters of the United States;

(2) legislation to require an oil discharger to pay all of the costs, of removing the oil, incurred by the Secretary of the Interior;

(3) legislation to make the person who discharges or deposits hazardous substances other than oil into navigable waters or the Contiguous Zone responsible for removing the substance, and to empower the Secretary of the Interior to act if such person fails to act, and to recover the costs.

*Oil Pollution Provisions of S. 2760*

S. 2760, passed by the Senate and now before you, would fulfill the Report's recommendations relating to the control of oil pollution in the navigable waters of the United States. It would repeal the Oil Pollution Act, 1924, and incorporate its provisions, with strengthening changes, into the Federal Water Pollution Control Act. Most of these changes were recommended by the Administration last June. The bill would:

(1) Delete the requirement that a "discharge" be "grossly negligent or willful" before liability attaches;

(2) Limit criminal penalties to cases in which the discharge was due to a willful act;

(3) Apply civil penalties to all discharges except emergencies imperiling life or property, unavoidable accident, collision, or stranding, the last two to apply only to vessels;

(4) Expand the Act's coverage to shore installations;

(5) Specifically include in its coverage Puerto Rico, the Virgin Islands, Guam, and American Samoa;

(6) Require the owners of vessels and shore installations to remove discharged oil from navigable waters and adjoining shorelines or to pay the cleanup costs in all cases except where the discharge was caused by an Act of God.

Thus, the discharger has the responsibility to clean up the oil under our direction. We would only act where he fails to meet his responsibility. The Government can then recover its cost and, in the case of a vessel, the owner cannot limit his liability.

We realize that this clean-up provision is quite severe, but we believe there is a clear and present need for this authority as recently demonstrated in Puerto Rico. We hope that it will make those in charge of tankers and shore installations more conscious of their responsibility to the Nation to prevent damage to its natural resources. Those who control the oil should be responsible for bearing this cost rather than the public.

(7) Authorize appropriations to a revolving fund to enable the Secretary in finance such clean-up measures.

In my letter of March 8, 1968, to this Committee, I recommended certain amendments to this portion of S. 2760 in order to facilitate administration of these provisions. The primary purpose of the proposed amendments is to clarify certain provisions of the bill and to delineate more precisely the respective roles of the Department of the Interior and other Federal agencies. We believe quite strongly that the Coast Guard and other agencies must be given a big role in making the legislation work.

*The "Oil and Hazardous Substance Pollution Control Act of 1968"*

The oil pollution control portion of S. 2760 is a major step toward closing yet another chink in our pollution control armor. However, the bill does not reach certain aspects of the recommendations in the Oil Pollution Report. The "Oil and Hazardous Substance Pollution Control Act of 1968," before you as H.R. 15906 and identical bills, addresses itself to additional key areas not covered in S. 2760. S. 2760 and H.R. 15906 are complementary. They do not overlap, but, taken together, they extend our ability to control oil pollution to the Contiguous Zone, the nine-mile strip of ocean beyond our territorial waters, which was established by an International Convention on September 10, 1964.

The bill would further provide for the clean up of large or unusually hazardous discharges of pollutants other than oil. The Water Quality Act of 1965 authorizes the Secretary of the Interior to request the Attorney General to bring suit to secure abatement of pollution which reduces the quality of interstate waters below established water quality standards. However, the legal procedure necessarily delays abatement action for at least six months. Thus, the Federal Government now lacks authority to cope with large and unusually hazardous discharges of material, such as those which occurred recently on the Clinch River