

STATEMENT OF ROBERT E. BURT, DIRECTOR, AIR AND WATER RESOURCES,
CALIFORNIA MANUFACTURERS ASSOCIATION

Mr. Chairman and Members. The California Manufacturers Association (CMA) representing virtually all major manufacturers with plants in California, has a vital interest in water quality legislation. The CMA has supported and will support all legislative efforts necessary to eliminate pollution. The following comments are divided into two parts, those which refer to bills as they are now before the committee and those which refer to areas where administration of existing law would seem to call for some Congressional clarification that might eventually be embodied in one of the subject bills.

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COMMENTS ON S. 2760, H.R. 15906 AND H.R. 15907

In these bills as written, CMA desires to comment upon only one general aspect: control of shore establishments. Our fundamental point is that we believe the controls authorized should be related to the problem which is under discussion: spillages. Those proposed extend much, much further. Under S. 2760 as it passed the Senate, the Secretary of the Interior is authorized control of any discharge to navigable waters which contains any oil materials whatsoever. Since oil materials are present throughout our industrial civilization, the authority would apply to virtually *all* discharges to public waters including most public sewage discharges. The Secretary is authorized to issue regulations governing all such discharges and to direct cleanup. H.R. 15906 would extend similar authority to amelioration of the effects of *all matter* discharged to navigable waters.

On the basis of past performance, we feel sure that the effect of the bill will be to single out oil, and every discharge which contains any oil whatsoever and remove it from state jurisdiction wherever navigable waters go. This effect seems certain from the past record of how the Secretary of the Interior has interpreted his authority in the area of water quality control. Speaking bluntly, we fear that this authority would most likely be used against the manufacturing community.

We can understand the case for more effective action against spillages, but we strongly object to superseding the system of state controls, based upon federally approved water quality standards, which is now just getting well established.

As a suggestion, the authority granted could be directed against the basic problem cited, spillages, by excluding secretarial action with respect to any discharge which fails to lower the quality of the receiving waters below some reasonable standard. An amendment to accomplish this intent might be stated:

"Action under this section is excluded in any case where:

- (a) the discharge does not cause the quality of the receiving waters to be degraded below the standards established under Section 10 of Public Law 660;
- (b) the receiving waters do not have standards established under Section 10 of Public Law 660, and the discharge does not cause the appearance of visible oil or grease on or in the receiving waters or on the bottom, the shore, rocks, channel banks or structures."

We do not hold any particular brief for the general standard cited in (b) above. It is quoted from a typical standard established in industrial waters in California, that for harbors in Los Angeles county.

To adopt an amendment such as the foregoing would give full authority to attack the problem of spillages, while not superseding the established program of state control of routine discharges.

If it is desired to include "all matter" under the law, then it would seem appropriate to define spillage in the law in some such language as that used on Page 15 of the Oil Pollution Report to the President (where it cites the nature of changes needed in present law): . . . "discharges of pollutants which represent a substantial and imminent danger to health and welfare . . ."