

mishaps to cite—one of which did not even involve oil—the departments had to search the records back to 1962. Even the largest shore spill cited was only one-one thousandth of one percent of all the oil handled in the United States that year.

Federal occupation of any field ought to be based on demonstrated needs, not merely on possibilities—and there ought to be some evidence of state failure or inability to do what is required.

In our opinion, it would be a mistake to abandon or bypass the orderly procedures established in the 1965 amendments to the Federal Water Pollution Control Act, before they have even been given a trial. So far the Secretary of the Interior has approved water quality standards covering all common water pollutants—including oil—for a majority of the states. Hopefully, the other states will soon also receive approval of their proposals.

In no case we know of has approval of any state's standards been held up or refused because of imperfections in proposals for dealing with pollution by oil. Clearly, if the Secretary of the Interior has reason to believe any state has not made adequate provision for dealing with oil pollution, he has the authority, under present law, to withhold approval of the state's standards and implementation plans, or, if necessary, to set and enforce standards of his own.

PRACTICAL DIFFICULTIES IN CONTROL OF SHORE INSTALLATIONS

As a practical matter, the federal government would probably find it difficult to exercise effective control over all shore installations. It must be remembered that S. 2760 would apply to countless thousands of shore installations, both little and big, most of which have no connection with the oil industry. Included would be factories and utilities that use oil for fuel, lubrication, or cooling. And many other users would be affected as well.

Although attention is naturally focused on more obvious, readily identifiable potential sources of oil—such as shoreside terminal and loading facilities and refineries—the fact is that these facilities are not a major factor in the overall oil pollution problem. The need for special precautions at such facilities has long been recognized, and therefore, the risk of pollution is actually smaller there than elsewhere.

Many less obvious on-shore sources, which S. 2760 would not cover, can and do contribute to accidental oil pollution. For example, hundreds of gallons of fuel oil recently showed up in a major East Coast harbor. Investigation by the port authority revealed that the oil had leaked from a fuel storage tank in the basement of a city school into a sewer and eventually the harbor. It is difficult to see how either federal or state regulation could help in such instances.

It is difficult to see how the federal government could deal more effectively with such problems than the states. It seems quite possible that federal involvement would tend to slow down, rather than expedite, action in local problem situations. Moreover, it would take unnecessary duplication of existing state and local enforcement personnel.

There is another consideration. In view of the penalties—both criminal and civil—that could be imposed under S. 2760, some shore installations might be less inclined to admit responsibility for an accidental discharge if they could avoid doing so. Thus the number of unacknowledged spills from various sources could well increase.

In short, direct federal regulation of shore installations would establish a precedent that is inconsistent with the spirit of the Water Pollution Control Act; it is not justified on the basis of need; it holds little promise of providing better solutions than state and local control; and it could actually discourage present sincere efforts to solve the problem on a local basis.

COOPERATIVE PROGRAMS AT MAJOR HARBORS

This brings me to something I think the Committee will be interested to hear about. I am referring to cooperative efforts of petroleum companies and others to provide for swift action to contain and remove spilled oil at major harbors and along major waterways where petroleum cargo vessel traffic creates a potential for such spills.

Briefly, these efforts follow this general pattern:

The oil companies and other industries with terminal facilities on the harbor meet with representatives of interested government agencies, such as the local