

and reasonable measures to mitigate potential damage of oil discharged into or upon navigable waters or adjoining shorelines."

I should now like to turn to Section 19(h) of S. 2760, which describes the regulatory responsibilities of the Secretary of the Interior. As written, Item (1) of this subsection requires the Secretary to prescribe the methods and procedures to be followed in removing oil from water and shorelines.

To anyone who has read the accounts of attempts to ameliorate the effects of the *Torrey Canyon* and *Ocean Eagle* disasters—or the recent report to the President by the Departments of Interior and Transportation—it should be quite clear that no one yet is in a position to do what this provision asks of the Secretary. Oil spill removal is a field in which there are few experts—where every promising new idea deserves a trial. We suggest, in fact, that the bill should provide funds for federal participation in the research effort in this area, just as it does for acid mine drainage and eutrophication research.

To impose now a legal requirement that specific cleanup methods or procedures be used could well discourage the overall development work needed at this time, and could prohibit the early use of new possibly more effective methods and procedures. We suggest, therefore, that the words in Section 19(h) "set forth the methods and procedures to be followed in removing oil" be changed, so that the Secretary is directed instead to "describe the conditions under which oil shall be removed." It would also be desirable for the Secretary to be asked to "from time to time, issue such research findings, recommendations, and other technical information as may assist in oil removal."

Item (3) of Section 19(h) directs the Secretary to issue regulations that "will assist in preventing the pollution of the navigable waters of the United States." This language is so vague as to provide no guidance as to what type of regulation is contemplated. It could well be broadly construed to go beyond the purposes of Section 19 to permit the Secretary to regulate equipment design or operation. In the area of ship design and equipment, now regulated by another federal agency, it could produce jurisdictional conflicts.

We believe that, where possible, regulatory agencies should be concerned with performance, leaving the means of achieving satisfactory performance to the ingenuity of the regulated. We recognize that the Secretary must be able to issue such regulations as will assist in carrying out the purposes of the act. In our view, however, Items (1) and (2) of Section 19(h), as we recommend they be amended, would give him sufficient powers.

In closing, I should like to thank the Committee once again for the opportunity to appear here today. On behalf of both Mr. Checket and myself, I would like to express the hope that our testimony will prove helpful to you in drafting legislation that is truly responsive to the problem. We shall be happy to answer any questions you may have.

Mr. BLATNIK. Now you briefly call our attention to the areas that are of particular importance and of concern to you.

Mr. GAMMELGARD. Thank you, Mr. Chairman.

PROGRESS UNDER THE WATER QUALITY ACT

Already, as a result of the sense of urgency generated by all this standard-setting activity—and I am talking about the State standard-setting activity of the last several years—one can see signs of real progress. Within my own industry, for example, almost every weekly trade paper carries a story of plans for some major improvement in an oil facility's waste water treatment system.

For these reasons I am confident that the Water Quality Act of 1965, if given a fair trial, will prove effective in achieving a high degree of water quality control. I might add, under that act we can look forward to orderly progress in reducing any type of pollution, including oil pollution, that may result from inadequate or improper waste disposal practices.