

FEDERAL CONTROL OF OIL RELEASES FROM SHORE FACILITIES

This brings me to what we in the petroleum industry believe to be one of the most important questions raised by S. 2760. This is the question of whether additional Federal legislation is needed or actually can bring about a better control of accidental oil releases, or releases of any other common pollutant, from shore facilities.

Federal regulation of vessels within our territorial waters is clearly desirable because the vessels move from place to place. Regulation of mobile sources of pollution by multiple jurisdictions is just not practical. In the air pollution control field, we have the example of the automobile, whose pollutants are controlled on a national basis and not a State by State basis.

Turning now to page 4, we point to several declarations of policy in the Water Control Act, which I think are quite important:

It is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

The declaration goes on to say:

Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

In general enforcement section of the act:

Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not . . . be displaced by Federal enforcement action.

At this point I would like to add the statement that I completely agree with Mr. Oeming's statement yesterday, which, as I got the message, was that Michigan was able, willing, and wanted to take care of pollution from shore installations in their State.

As we see it, the net effect of including shore installations in S. 2760 would be to render the policy declaration of the Federal Water Pollution Control Act meaningless and to open the door to direct Federal regulation of not only oil as a pollutant, but of every water pollutant from every possible source along every waterway in the Nation.

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As we see it, such figures by themselves do not build a plausible case for Federal regulation of shore facilities. The figures show that there are huge amounts of oil being handled every year. Yet to find just three significant shore mishaps to cite—one of which did not even involve oil—the Departments had to search the records back to 1962. And I am referring to the report to the President by the Departments of Interior and Transportation. Even the largest shore spill cited was only one one-thousandth of 1 percent of all the oil handled in the United States that year, and that was a spill of some 40,000-odd barrels.

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