

words "or any other person" be added to this subsection and, of course, that the reference to shore installations be deleted.

Because actual physical removal is often impractical, a literal interpretation of the term "removal" would be unreasonable in many cases. Therefore, we urge that a definition of the term be included in the bill, and we suggest the following language:

"'Remove' or 'removal' means the taking of all appropriate and reasonable measures to mitigate potential damage of oil discharged into or upon navigable waters or adjoining shorelines."

Turning now to section 19(h), which describes the regulatory responsibility of the Secretary of the Interior, as written, item (1) of this subsection requires the Secretary to prescribe the methods 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.

Skipping a little, 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.

Thank you.

Mr. BLATNIK. Thank you for an obviously very well thought out and precisely presented series of recommendations, which will be given very close attention and evaluation, discussion, both by the staff and members of the committee. And we obviously will require continuing dialogue and discussion with you or representatives on the technical and legal aspects.

Mr. GAMMELGARD. That we will be pleased to do.

Mr. BLATNIK. We are more interested in accomplishing constructive