

and bulk carriers engaged in the domestic and foreign trades of the U.S. As such, Mr. Chairman, we welcome the opportunity to testify before this Committee on this highly important bill, H.R. 14000 (S. 2760), which deals with the vexing problem of pollution of the seas.

I would like to state at the outset that we in shipping have traditionally accorded great concern to all endeavors designed to prevent contamination of the seas by oil or other noxious materials.

My direct testimony will be concerned primarily with those provisions of H.R. 14000 (S. 2760) relating to oil pollution. I might say that my testimony will be of a non-technical nature. Other industry witnesses will be able to comment on the more technical aspects of the problem as it relates to shipping.

First, I would like to comment briefly on the genesis of the legislation dealing with this problem and how it has changed drastically in its progression through the legislative process. Originally, Mr. Chairman, we were invited to testify on proposals which were being heard by the Subcommittee on Oil and Water Pollution of the Senate Committee on Public Works. These bills were S. 1586, introduced by Senator Magnuson; S. 1591, introduced by Senator Muskie; and S. 1604, introduced by Senator Case. The purpose of these bills was to amend Section 2 clause 3 of the Oil Pollution Act of 1924 (33 USC 431, et seq.), by eliminating the word "grossly" from the definition of "discharge" and adding the word "accidental". At that time it was our position that we did not object to the removal of the word "grossly" from clause 3 Sec. 2 of the Oil Pollution Act of 1924 since we could appreciate the enforcement problems involved. We did, however, object to substitution of the word "accidental" in its place.

I would like to point out, Mr. Chairman, that the Committee completely rewrote these bills and transformed the legislation into a much different and radically more drastic proposal. The new bill, S. 2760, which contains provisions upon which we were never afforded an opportunity to express views, was reported out by the Senate Public Works Committee on December 11, 1967, and passed by the Senate on December 12 without the benefit of debate, exchange of ideas, or floor consideration. This Senate-passed bill is before us at the present time in the form of H.R. 14000 and is the subject of our concern and deliberation.

PROVISIONS OF S. 2760 RELATING TO CONTROL OF OIL POLLUTION

In this connection, it would seem appropriate to list the accumulated changes and additions which constitute the greatly expanded Senate-passed bill. Thus, S. 2760 provides:

1. The Oil Pollution Act of 1924 is repealed and the appropriate provisions regarding oil pollution become Section 19 of the Federal Water Pollution Control Act.

2. The phrase "grossly negligent" and the word "willful" are eliminated from the definition of "discharge" as found in the Oil Pollution Act of 1924. "Discharge" is now defined as "any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil".

3. This bill adds a definition of the term "public vessel". The purpose of this definition is to make it clear that the prohibitions of the new section apply to these public vessels but not the penalties.

4. The definition of a "vessel" would include all vessels, both foreign and domestic.

5. Extends coverage of the Act to shore installations.

6. A "public shore installation" is defined as a shore installation operated by the United States, or by a State.

7. The definition of the term "United States" has been expanded so that coverage of the new section applies to the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands.

8. Two definitions in the 1924 Act have been revised. The first is the definition of "person". The definition in the 1924 Act seemed to create an ambiguity by making a distinction between the owner, operator, master, agent, or employee of a vessel and an individual company, corporation, or association. The report accompanying the bill [No. 917] states that there should not be such a distinction as the latter group is, in fact, the owner, etc., of the vessel. The bill uses the more descriptive term "owner or operator" which includes individuals or organizations such as a corporation, etc., that owns, operates, or charters by demise a vessel, or owns or operates a shore installation.