PROPERTY PROTECTION

With over 600 million dollars worth of recent off-shore oil leases let off the coast of Santa Barbara and Ventura Counties, California, it is especially worrisome that there is absolutely no provision for protecting shorelines and public and private property against oil pollution occurring from drilling facilities located beyond the 3 mile limit. And, even if shorelines were protected, there is no provision in either Bill regarding the inclusion of boats, marinas, other seaside structures and homes as part of the shoreline definition or adjacent areas which could very well be damaged. Many shoreline communities, like Santa Barbara, depend on tourist trade and resort income for a substantial portion of their yearly earnings. Therefore, it is vitally important that such property rights be protected under the Law.

ACTS OF GOD

Another issue which must be resolved concerns the recovery of losses due to damages from oil pollution which have occurred as a result of an Act of God. Although both Bills correctly do not attempt to place liability on those not responsible where there is an Act of God, neither do they provide for damages or for any measures to remove oil or other matter which has been discharged as a result of an Act of God. In the same vein, there is no provision for removal of the damaging agent when the source of the oil pollution cannot be identified or in other instances when owners or operators are not responsible by Law. Thus, I urge that a section covering this particular issue be included in the Committee's Bill. The section might read as follows: Should the owner or operator of a vessel, shore installation or offshore drilling facility not be required by Law to act, as in the case of a derelict ship or Acts of God, or the source of pollution cannot be identified, the Secretary shall remove such oil or matter or arrange for its removal. Funds for this purpose should be derived from a percentage of Federal oil revenues set aside in a trust fund. The amount of this fund should be determined by the Secretary.

ADDITIONAL ISSUES

In a further review of H.R. 15906 and S. 2760, I discovered that:

1. Both Bills attempt to avoid the limitations of Liability Act of 1851;
2. There is no provision in either Bill to cope with damages resulting from materials (i.e., detergents, etc.) used to remove the oil and other matter;
3. There are no provisions allowing victimized parties to remove pollutants and later be compensated therefor prior to action taken by the Secretary or prior to action taken by the responsible owners or operators; and
4. Since there will be more than one Federal agency affected by this Act, it may be appropriate for the President of the United States to administer the Act instead of the Secretary of the Interior.

CONCLUSION

In conclusion I believe that an "Oil Pollution and Hazardous Substance Control Act" must be enacted and it must be effective. It must contain measures designed to cope with factors referred to in my testimony. Since I believe that H.R. 15906 and S. 2760 do not go far enough in protecting the coastal communities in my District or, for that matter, throughout the nation, I appeal to the Members of this Committee to develop legislation which *will* guarantee protection of our Nation's shorelines.

Mr. TEAGUE. I am particularly interested in this problem because my congressional district in California contains almost 200 miles of shoreline along the Pacific Ocean.

I have a somewhat unique position and responsibility, perhaps. My two principal counties—although now I recently have, until the election at least, part of Los Angeles County—but my two principal counties are Ventura and Santa Barbara.

Very recently the Secretary of Interior, I think quite properly and with what I consider to be reasonable restrictions, has granted leases for exploration and oil drilling, primarily off the coast of Santa Barbara County. It is my recollection that the oil companies have invested