

the United States the authority to control waste from vessels. Just as it is important to have uniformity of regulation on the navigable waters of the United States, it is important that the scheme of regulation and the regulations themselves applied in the contiguous zone should be as uniform as possible, within the boundaries of international law, with those applying to the navigable waters. Accordingly, for example, in issuing regulations under section 12, the Secretary of the Department should take into consideration the factors referred to in section 11(a); for example, technological feasibility, economic costs, the types of vessels, their operating patterns. Provision for compliance schedules such as those now in section 11(a)(1) should apply to regulations under section 12. The authority to exempt classes of vessels provided in section 11(c) should be granted to the Secretary in issuing regulations under section 12. The same kind of consultation or as suggested below, hearing, required under section 11(d) should be required under section 12. The same procedure for certification of sewage control equipment provided in section 11(e) should be available under section 12. If, as is suggested later in this statement, the use and maintenance of certified equipment satisfies the requirements of section 11, such use and maintenance should satisfy the requirements of section 12.

5. *Compliance schedules.*—Under section 11(a)(1), in issuing regulations to control sewage discharges the Secretary of the Department is required to establish reasonable schedules for compliance and such schedules are required to distinguish between new and existing vessels. These same requirements should be made applicable in regulating discharge of garbage, litter, or other waste as to which treatment equipment may be developed.

6. *Procedure for issuance of regulations.*—The proposed legislation does not require the Secretary to hold hearings before promulgating his regulations. He is required, under section 11(d), to consult with industry and Federal and State agencies before issuing regulations under section 11 and to give interested persons and agencies a reasonable opportunity to comment on these regulations before they take effect. To assure that all interested parties have their views fully considered, AWO recommends that the legislation require notice and opportunity for a hearing before the regulations are adopted. The Secretary should be required to make findings as to the facts on which regulations are based, and the right of judicial review should be provided to interested parties on the questions of whether findings of fact are based on substantial evidence and whether the regulations are reasonable in light of the findings made.

In addition, the provisions for notice and opportunity for a hearing on the regulations in advance of adoption and for judicial review should be made applicable to regulations under section 12.

7. *Enforcement.*—The provisions for inspection under section 11(j) of the proposed bill may lend themselves to abuse. No limitation as to time or circumstances is imposed on the right of inspectors to board and inspect vessels. The broad inspection procedures may indeed present constitutional questions, at least in the case of criminal prosecutions. Instead of the present provisions of section 11(j), provision could be made for periodic inspection of vessels. The right to board at