

APPENDIX

STATEMENT OF REPRESENTATIVE PATSY T. MINK OF HAWAII

Mr. Chairman and Members of the Committee on Public Waters: I wish to offer my support for the bills now pending before this subcommittee which will extend and improve the methods of controlling oil pollution of our harbors, lakes, rivers and other waterways. We in Hawaii have recently come face-to-face with the hardships of this problem and we realize fully that existing controls to prevent this damage are outdated, outmoded and non-workable in this age of increased emphasis on trade between nations.

The story of the unexpected oil slick which darkened the picturesque white surf on Waikiki Beach in Hawaii was read by millions of persons around the world in their daily newspapers in recent weeks. The beach that represents the carefree vacation site for so many persons suddenly turned into a strip of gummy-polluted water. Surfers who took their boards out to catch the high water found they had no control over their actions. Swimmers came to the surface covered with an oil solution.

Admittedly, it was a public health hazard, but also, the mere mention of oil on Waikiki Beach cost my State countless tourists and will ultimately be felt in loss of income from our major industry. It is, therefore, a matter of major concern for Hawaii.

We know that many transport and freight vessels recognize the provisions of the "International Convention for Prevention of Pollution of the Sea by Oil, 1954", which generally prohibits the discharging of fuels within a 50-mile area of a shore, but many others from countries which are not signatories to this convention do not now observe these rules. The present Oil Pollution Control Act of 1924 provides for penalties for any willful or grossly negligent discharge of oil within the territorial limits of the U.S., a distance of only three miles from beaches such as Waikiki.

S. 2760, already adopted by the Senate, would repeal the 1924 Oil Pollution Act and would delete the reference to "grossly negligent" or "willful" now found in the definition of "discharge" in the 1924 Act. This would eliminate the largest escape clause for persons who do cause pollution and it would bring all persons who discharge oil into navigable waters under the scrutiny of an investigation.

The bill also expands the coverage of the Act to shore installations which are located in or adjacent to the navigable waters of the U.S. It would make it unlawful to discharge or permit the discharge of oil into or upon the navigable waters of the U.S. except in cases of an emergency imperiling life or property or in case of unavoidable accident, collision, or stranding or except as permitted by regulations prescribed by the Secretary of Interior.

Both vessel and shore installation owners and operators would be required by the bill to remove discharged oil from the navigable waters of the U.S. or pay the cleanup costs in all cases except where the discharge is due to an Act of God.

The Secretary of Interior would also be authorized by the bill to take steps either directly or by contract to remove the discharged matter from the navigable waters of the U.S. or adjoining shoreline whenever the discharger fails to act for any reason and to recover the cost of the cleanup from the discharger. The owner or operator in the case of a vessel could not limit the recovery of the cost to the value of the vessel and its cargo.

I must agree with the Secretary of the Interior that H.R. 15906 expands even further the controls available to prevent oil pollution. In addition to key control features of S. 2760, this bill would extend the prohibition against oil pollution in the navigable waters of the U.S. to the Contiguous Zone, the 9-mile strip of