

ments and letters issued internally and externally to various parties from time to time over the past two years, with none of them being printed in the Federal Register. As a result, considerable confusion has arisen both among state agencies and among industrial companies as to what criteria may be properly applied to these standards. It appears that some of the state standards already deemed to be consistent with the Act are no longer considered as acceptable. The confusing, varying attitude of the Secretary is illustrated by the sentence in his letter of February 13, 1968 to the Governor of Alabama in which he stated:

"In the course of approving the various standards submitted by the States, it has become obvious to me that some of those approved last summer were not of the same quality which we are now requiring."

Part of the difficulty appears to lie in the belief of the Secretary that he has an absolute veto power over the state water quality standards exercised through a fiat power of approval or disapproval, when the Act merely authorizes him to make a determination that the standards are consistent with the objectives of the Act. And, an even greater cause of the confusing, vacillating treatment of state water quality standards is the fact that formal administrative procedures have not been adopted in carrying out the Secretary's function in this regard, despite the fact that Section 12(a) of the Federal Water Pollution Control Act authorizes him to issue regulations regarding any of his functions under the Act.

We respectfully suggest that it would be desirable for the Secretary to follow the procedures set forth in the Administrative Procedure Act. This would involve his printing in the Federal Register the criteria by which he proposes to evaluate the state water quality standards and allowing an appropriate period of time for comment by all interested parties prior to the final promulgation of these criteria. We believe that this procedure would be a constructive contribution toward an orderly administration of the provisions of the Water Quality Act of 1965, and by contributing clarity as to what may be expected by those subject to water pollution control requirements would result in quicker attainment of our mutual goals.

In any event, the perfection of procedures under the Water Quality Act of 1965 so as to carry out the expressed intent of Congress to preserve the primary responsibilities of the States would be highly preferable to setting up a conflicting, centralized regulation of shore installation discharges completely contrary to the intent stated in the Federal Water Pollution Control Act. We strongly urge that any such provisions be deleted from any legislation reported by this distinguished Committee.

SHIPBUILDERS COUNCIL OF AMERICA,
May 10, 1968.

HON. JOHN A. BLATNIK,
Subcommittee on Rivers and Harbors, Committee on Public Works, House of Representatives, Washington, D.C.

DEAR MR. BLATNIK: The Shipbuilders Council of America, whose shipyard members build, convert and repair commercial vessels and other floating equipment, has attempted to assess the ramifications of the various bills concerning control of water pollution, on which you held hearings last month, as they potentially apply to the shipbuilding and ship repairing industry, and respectfully submits the following observations which may be of interest to you and the members of your Committee.

(1) Approximately 93% of all U.S. trade and commerce is presently carried in vessels of other nations, and a substantial portion of our confined Great Lakes trade moves in Canadian vessels. These shocking statistics are merely a reflection of the low national priority which has been assigned merchant shipping and associated shipbuilding activities in this country during the past decade.

(2) Therefore, in the absence of appropriate international agreements, it would appear that legislation requiring water pollution control systems on U.S. flag oceangoing and Great Lakes commercial ships would not reach the major shipping media serving U.S. ports and operating in U.S. estuaries.

(3) In any event, pollution resulting from dumping or spilling of sewage or other materials from ships is insignificant.

(4) The imposition of pollution control systems could have adverse economic repercussions on many shipping operators who are endeavoring to stem the tide