

across-the-board basis without taking into consideration the unique characteristics of stone quarries would result in costs being imposed upon stone producers which would be so out-of-line with those imposed upon the producers of competitive materials as to make it impossible for stone producers to sell their products.

The proposals contained in S. 3132 and similar bills would impose direct and very detailed Federal regulation, not only of reclamation practices but also of all aspects of operations within the surface mining industry. Such regulation, moreover, would be imposed in apparent utter disregard of the unique characteristics of stone quarries or other surface mine operations which might also require special consideration in order to avoid disastrous cost and competitive consequences.

*The association's position*

National Crushed Stone Association, on behalf of its members and the industry, vigorously opposes the enactment of S. 3132 or any similar proposal designed to authorize Federal regulation of operations and/or reclamation practices within the surface mining industry.

In support of this position, NCSA submits that—

1. These proposals seek to impose Federal regulation in an area which, by its very nature, can be effectively and realistically regulated only at the state and local level;
2. While ostensibly designed to carry out the recommendations of the Secretary of the Interior's report of the study conducted by him concerning reclamation in the surface mining industry, these proposals go far beyond the recommendations of the report and, indeed, the express intent and direction of the Congress in authorizing the study;
3. These proposals ignore express Congressional direction that proposed reclamation requirements must take into consideration their cost impact upon operators' competitive postures; and
4. These proposals would give to the Secretary of the Interior unprecedented discretionary authority to exercise life-and-death power over the businesses of mine operators and the jobs of their employees without imposing any restrictions whatever upon that discretion by way of either legislative standards or procedural safeguards.

*Effective and Realistic Regulation Possible Only at State and Local Levels*

The area of surface mine operations and reclamation is one which, by its very nature, can be effectively and realistically regulated only on the state or local level. This fact was expressly recognized by Mr. Julian Feiss, Office of the Assistant Secretary for Minerals, Department of the Interior, in his April 13, 1964, address before the Conference on Surface Mining called by the Council of State Governments in Roanoke, Virginia. Mr. Feiss stated:

"In evaluating mine operational problems, I suggest that they be analyzed in terms of your own local land, economy and conservation programs. May I stress the word *local*. A vast open pit operation in the deserts of our Southwestern states is quite different from surface mining operations in Appalachia. Northeast stone quarries which have integrated into both the economy and the scenery for well over 100 years, cannot be compared to gravel pits, temporarily established to furnish road materials for a new superhighway. The degree of destruction, if and when it occurs, and the degree of its duration, is dependent upon climate, physiography, geographic location, vegetation, land values, and other economic aspects which may or may not make rehabilitation desirable; water and stream pollution may be a serious problem in one region; in another, they may not be problems at all."

NCSA wholeheartedly agrees with Mr. Feiss' statement. Surface mine operations and reclamation can be effectively regulated only by the individual state and local governments since only they are in the position of being able to give realistic consideration to the different circumstances and conditions in their own areas.

It is clear, moreover, that state and local governments are well aware of and are increasingly fulfilling their responsibilities in the area of surface mine operations and reclamation practices. Indeed, the conference at which Mr. Feiss made the above remarks was called by the Council of State Governments for the express purpose of reviewing the progress which the various states had made in this area and to coordinate future efforts. At its conclusion, the conference unanimously adopted a resolution which stressed that the regu-