

cised, but simply to raise the question and not to submit specific language isn't doing the whole job I think you can do for the industry. It would be helpful for us to have specific language to look at when the time comes to consider this legislation in executive session.

Mr. OLSEN. Thank you, Senator, and we will be most pleased to do this. This is what we have been attempting to do with the Department for some 2 years in working out something that was feasible and most certainly we are ready, willing, and anxious to work with this committee.

Senator CHURCH. To do the same with this committee.

Mr. OLSEN. Yes, sir. In view of the position of this committee relative to backfilling I will not go into any more detail as to the impact of backfilling on our western phosphate lands, but let us just say that it would create a tremendous impact on our industry and on the landowners who hope to develop their lands and use them for phosphate mining. Unfortunately, there is nothing in the scope or intent provisions of the bill which give us any help either. The scope and intent provisions of the bill simply state that the regulations shall prevent or eliminate the burdens of mining upon the land and we respectfully submit that if you prevent them or eliminate them as required by the bill you eliminate mining. So here again we are without any standard and we are working with an unworkable situation and again we would be glad to work with the committee in this respect.

As a matter of fact, we would suggest that the purpose clauses state clearly that the purpose is to prevent where reasonably possible, or to reduce the adverse effects of mining but not to absolutely eliminate any alleged adverse effects. We feel that there should be no inconsistency or ambiguity in this regard and here again we would be pleased to work with the committee in drafting such legislation.

Senator CHURCH. Do you know of any kind of mining, Mr. Olsen, that does not, in fact, impose some burden upon the mine?

Mr. OLSEN. We don't know, Senator Church, and for that reason, when we noted that this proposed legislation has as its purpose that objective to eliminate these burdens, we were concerned.

We should also like to point out that, despite some statements that we have heard here, already, relative to these bills, under the provisions of S. 3132 the law could have a retroactive application requiring us to reclaim lands that have already been mined.

We have detailed the provisions of the bill which make this very clear but the fact is if you read the bill it does have retroactive application. I think that we can all understand the effect on the miner if we add a cost to his mining operation after he has mined and sold his product. It creates another impossible situation. We believe that both acts should stipulate that only those portions of a surface mine which are opened up and the waste disposal areas resulting therefrom after the effective date of the act or of the State plan or Federal regulations would be subject to those regulations. We feel this is only reasonable under the circumstances.

Senator CHURCH. May I ask at this point, Mr. Olsen, if you have any similar fears concerning the proposed regulations of the Department itself?