

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON
GOVERNMENT OPERATIONS
HOUSE OF REPRESENTATIVES
NINETY-FIRST CONGRESS
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REORGANIZATION PLAN NO. 3 OF 1970

(Environmental Protection Agency)

WEDNESDAY, JULY 22, 1970

HOUSE OF REPRESENTATIVES,
EXECUTIVE AND LEGISLATIVE REORGANIZATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m. in room 2154, Rayburn House Office Building, Hon. John A. Blatnik (chairman of the subcommittee) presiding.

Present: Representatives John A. Blatnik, Benjamin S. Rosenthal, Chet Holifield, John N. Erlenborn, Clarence J. Brown, and Paul Findley.

Also present: Elmer W. Henderson, subcommittee counsel; Herbert Roback, staff administrator, Military Operations Subcommittee; James A. Ianigan, general counsel; J. Philip Carlson, minority counsel; and William H. Copenhaver, minority professional staff, Committee on Government Operations.

Mr. BLATNIK. The Subcommittee on Executive and Legislative Reorganization will come to order.

We meet in public session to hold hearings to consider President Nixon's Reorganization Plans Nos. 3 and 4 of 1970, submitted to the Congress on July 9 and subsequently, under the Rules of the House, referred to the Committee on Government Operations.

The Reorganization Act permits such plans to become law after 60 days unless either the House or the Senate has passed a resolution of disapproval. No such resolution has been filed to date.

Reorganization Plan No. 3 creates an Environmental Protection Agency which will include by transfer the Federal Water Quality Administration from the Department of the Interior, the National Air Pollution Control Administration from HEW and certain other scattered environmental functions.

Reorganization Plan No. 4 creates a National Oceanic and Atmospheric Administration within the Department of Commerce that will include the Environmental Science Services Administration, now in Commerce, and certain other programs and agencies by transfer.

Both of these plans deal with our physical environment and the President tells us they are necessary for its protection and preservation. In his message, however, he said that in proposing the new Environmental Protection Agency as a separate body, he made an exception to one of his own principles; that is, that new independent agencies normally should not be created. In this case, however, he ad-

vised us that "the arguments against placing environmental protection activities under the jurisdiction of one or another of the existing departments are compelling." One of the purposes of these hearings is to learn what those compelling arguments happen to be.

Likewise, the subcommittee feels that in view of the importance of this reorganization proposal, that as complete a record of testimony and as many answers to as many questions as possible be made available in writing and an official committee print be made available to the Members of the Congress and to all those in the public interested in this very important sector.

This subcommittee is fully aware of the importance of effective governmental action against pollution and of protection for the environment. We need to be certain, however, that reorganization of these functions will serve a proper purpose, will improve conditions and are a more effective and related mechanism to achieve these ends. In the area of water pollution alone, I have lived through a number of transfers and reorganizations and, frankly, I must look upon these changes with a certain degree of skepticism. But we shall approach these plans with open minds and note the justifications that are presented by the administration witnesses.

To provide an orderly record we are considering the pending plans separately: Plan 3 this week and Plan 4 next week. Afterwards we will have additional hearings on each plan as needed. We will make every effort, however, to accommodate those who testify on both plans and to avoid inconvenience, if at all possible.

Plan 3 had its genesis in the President's Advisory Council on Executive Organization. Roy Ash, the chairman of the Council, was unable to appear today but will be with us on Thursday.

We also have had the opportunity and the privilege of meeting with Mr. Ash and most members of his advisory council in previous discussion sessions.

(House Documents 91-366 and 91-364 follow.)

[H. Doc. No. 91-366, 91st Cong., second sess.]

REORGANIZATION PLANS NOS. 3 AND 4 OF 1970

To the Congress of the United States:

As concern with the condition of our physical environment has intensified, it has become increasingly clear that we need to know more about the total environment—land, water and air. It also has become increasingly clear that only by reorganizing our Federal efforts can we develop that knowledge, and effectively ensure the protection, development and enhancement of the total environment itself.

The Government's environmentally-related activities have grown up piecemeal over the years. The time has come to organize them rationally and systematically. As a major step in this direction, I am transmitting today two reorganization plans: one to establish an Environmental Protection Agency, and one to establish, within the Department of Commerce, a National Oceanic and Atmospheric Administration.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Our national government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action.

Despite its complexity, for pollution control purposes the environment must be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness.

Many agency missions, for example, are designed primarily along media lines—air, water, and land. Yet the sources of air, water, and land pollution are interrelated and often interchangeable. A single source may pollute the air with smoke and chemicals, the land with solid wastes, and a river or lake with chemical and other wastes. Control of the air pollution may produce more solid wastes, which then pollute the land or water. Control of the water-polluting effluent may convert it into solid wastes, which must be disposed of on land.

Similarly, some pollutants—chemicals, radiation, pesticides—appear in all media. Successful control of them at present requires the coordinated efforts of a variety of separate agencies and departments. The results are not always successful.

A far more effective approach to pollution control would:

- Identify pollutants.
- Trace them through the entire ecological chain, observing and recording changes in form as they occur.
- Determine the total exposure of man and his environment.
- Examine interactions among forms of pollution.
- Identify where in the ecological chain interdiction would be most appropriate.

In organizational terms, this requires pulling together into one agency a variety of research, monitoring, standard-setting and enforcement activities now scattered through several departments and agencies. It also requires that the new agency include sufficient support elements—in research and in aids to State and local anti-pollution programs, for example—to give it the needed strength and potential for carrying out its mission. The new agency would also, of course, draw upon the results of research conducted by other agencies.

Components of the EPA

Under the terms of Reorganization Plan No. 3, the following would be moved to the new Environmental Protection Agency:

- The functions carried out by the Federal Water Quality Administration (from the Department of the Interior).
- Functions with respect to pesticides studies now vested in the Department of the Interior.
- The functions carried out by the National Air Pollution Control Administration (from the Department of Health, Education, and Welfare).
- The functions carried out by the Bureau of Solid Waste Management and the Bureau of Water Pollution, and portions of the functions carried out by the Bureau of Radiological Health of the Environmental Control Administration (from the Department of Health, Education and Welfare).
- Certain functions with respect to pesticides carried out by the Food and Drug Administration (from the Department of Health, Education and Welfare).
- Authority to perform studies relating to ecological systems now vested in the Council on Environmental Quality.
- Certain functions respecting radiation criteria and standards now vested in the Atomic Energy Commission and the Federal Radiation Council.
- Functions respecting pesticides registration and related activities now carried out by the Agricultural Research Service (from the Department of Agriculture).

With its broad mandate, EPA would also develop competence in areas of environmental protection that have not previously been given enough attention, such, for example, as the problem of noise, and it would provide an organization to which new programs in these areas could be added.

In brief, these are the principal functions to be transferred:

Federal Water Quality Administration.—Charged with the control of pollutants which impair water quality, it is broadly concerned with the impact of degraded water quality. It performs a wide variety of functions, including research, standard-setting and enforcement, and provides construction grants and technical assistance.

Certain pesticides research authority from the Department of the Interior.—Authority for research on the effects of pesticides on fish and wildlife would be provided to the EPA through transfer of the specialized research authority of the pesticides act enacted in 1958. Interior would retain its responsibility to do research on all factors affecting fish and wildlife. Under this provision, only one laboratory would be transferred to the EPA—the Gulf Breeze Biological

Laboratory of the Bureau of Commercial Fisheries. The EPA would work closely with the fish and wildlife laboratories remaining with the Bureau of Sport Fisheries and Wildlife.

National Air Pollution Control Administration.—As the principal Federal agency concerned with air pollution, it conducts research on the effects of air pollution, operates a monitoring network, and promulgates criteria which serve as the basis for setting air quality standards. Its regulatory functions are similar to those of the Federal Water Quality Administration. NAPCA is responsible for administering the Clean Air Act, which involves designating air quality regions, approving State standards, and providing financial and technical assistance to State Control agencies to enable them to comply with the Act's provisions. It also sets and enforces Federal automotive emission standards.

Elements of the Environmental Control Administration.—ECA is the focal point within HEW for evaluation and control of a broad range of environmental health problems, including water quality, solid wastes, and radiation. Programs in the ECA involve research, development of criteria and standards, and the administration of planning and demonstration grants. From the ECA, the activities of the Bureaus of Water Hygiene and Solid Water Management and portions of the activities of the Bureau of Radiological Health would be transferred. Other functions of the ECA including those related to the regulation of radiation from consumer products and occupational safety and health would remain in HEW.

Pesticides research and standard-setting programs of the Food and Drug Administration.—FDA's pesticides program consists of setting and enforcing standards which limit pesticide residues in food. EPA would have the authority to set pesticide standards and to monitor compliance with them, as well as to conduct related research. However, as an integral part of its food protection activities, FDA would retain its authority to remove from the market food with excess pesticide residues.

General ecological research from the Council on Environmental Quality.—This authority to perform studies and research relating to ecological systems would be in addition to EPA's other specific research authorities, and it would help EPA to measure the impact of pollutants. The Council on Environmental Quality would retain its authority to conduct studies and research relating to environmental quality.

Environmental radiation standards programs.—The Atomic Energy Commission is now responsible for establishing environmental radiation standards and emission limits for radioactivity. Those standards have been based largely on broad guidelines recommended by the Federal Radiation Council. The Atomic Energy Commission's authority to set standards for the protection of the general environment from radioactive material would be transferred to the Environmental Protection Agency. The functions of the Federal Radiation Council would also be transferred. AEC would retain responsibility for the implementation and enforcement of radiation standards through its licensing authority.

Pesticides registration program of the Agricultural Research Service.—The Department of Agriculture is currently responsible for several distinct functions related to pesticides use. It conducts research on the efficiency of various pesticides as related to other pest control methods and on the effects of pesticides on non-target plants, livestock, and poultry. It registers pesticides, monitors their persistence and carries out an educational program on pesticide use through the extension service. It conducts extensive pest control programs which utilize pesticides.

By transferring the Department of Agriculture's pesticides registration and monitoring function to the EPA and merging it with the pesticides programs being transferred from HEW and Interior, the new agency would be given a broad capability for control over the introduction of pesticides into the environment.

The Department of Agriculture would continue to conduct research on the effectiveness of pesticides. The Department would furnish this information to the EPA, which would have the responsibility for actually licensing pesticides for use after considering environmental and health effects. Thus the new agency would be able to make use of the expertise of the Department.

Advantages of Reorganization

This reorganization would permit response to environmental problems in a manner beyond the previous capability of our pollution control programs. The

EPA would have the capacity to do research on important pollutants irrespective of the media in which they appear, and on the impact of these pollutants on the total environment. Both by itself and together with other agencies, the EPA would monitor the condition of the environment—biological as well as physical. With these data, the EPA would be able to establish quantitative "environmental baselines"—critical if we are to measure adequately the success or failure of our pollution abatement efforts.

As no disjointed array of separate programs can, the EPA would be able—in concert with the States—to set and enforce standards for air and water quality and for individual pollutants. This consolidation of pollution control authorities would help assure that we do not create new environmental problems in the process of controlling existing ones. Industries seeking to minimize the adverse impact of their activities on the environment would be assured of consistent standards covering the full range of their waste disposal problems. As the States develop and expand their own pollution control programs, they would be able to look to one agency to support their efforts with financial and technical assistance and training.

In proposing that the Environmental Protection Agency be set up as a separate new agency, I am making an exception to one of my own principles: that, as a matter of effective and orderly administration, additional new independent agencies normally should not be created. In this case, however, the arguments against placing environmental protection activities under the jurisdiction of one or another of the existing departments and agencies are compelling.

In the first place, almost every part of government is concerned with the environment in some way, and affects it in some way. Yet each department also has its own primary mission—such as resource development, transportation, health, defense, urban growth or agriculture—which necessarily affects its own view of environmental questions.

In the second place, if the critical standard-setting functions were centralized within any one existing department, it would require that department constantly to make decisions affecting other departments—in which, whether fairly or unfairly, its own objectivity as an impartial arbiter could be called into question.

Because environmental protection cuts across so many jurisdictions, and because arresting environmental deterioration is of great importance to the quality of life in our country and the world, I believe that in this case a strong, independent agency is needed. That agency would, of course, work closely with and draw upon the expertise and assistance of other agencies having experience in the environmental area.

Roles and Functions of EPA

The principal roles and functions of the EPA would include:

- The establishment and enforcement of environmental protection standards consistent with national environmental goals.
- The conduct of research on the adverse effects of pollution and on methods and equipment for controlling it, the gathering of information on pollution, and the use of this information in strengthening environmental protection programs and recommending policy changes.
- Assisting others, through grants, technical assistance and other means in arresting pollution of the environment.
- Assisting the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

One natural question concerns the relationship between the EPA and the Council on Environmental Quality, recently established by Act of Congress.

It is my intention and expectation that the two will work in close harmony, reinforcing each other's mission. Essentially, the Council is a top-level advisory group (which might be compared with the Council of Economic Advisers), while the EPA would be an operating, "line" organization. The Council will continue to be a part of the Executive Office of the President and will perform its overall coordinating and advisory roles with respect to all Federal programs related to environmental quality.

The Council, then, is concerned with all aspects of environmental quality—wildlife preservation, parklands, land use, and population growth, as well as pollution. The EPA would be charged with protecting the environment by abating pollution. In short, the Council focuses on what our broad policies in the environmental field should be; the EPA would focus on setting and enforcing pollution control standards. The two are not competing, but complementary—

and taken together, they should give us, for the first time, the means to mount an effectively coordinated campaign against environmental degradation in all of its many forms.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The oceans and the atmosphere are interacting parts of the total environmental system upon which we depend not only for the quality of our lives, but for life itself.

We face immediate and compelling needs for better protection of life and property from natural hazards, and for a better understanding of the total environment—an understanding which will enable us more effectively to monitor and predict its actions, and ultimately, perhaps to exercise some degree of control over them.

We also face a compelling need for exploration and development leading to the intelligent use of our marine resources. The global oceans, which constitute nearly three-fourths of the surface of our planet, are today the least-understood, the least-developed, and the least-protected part of our earth. Food from the oceans will increasingly be a key element in the world's fight against hunger. The mineral resources of the ocean beds and of the oceans themselves, are being increasingly tapped to meet the growing world demand. We must understand the nature of these resources, and assure their development without either contaminating the marine environment or upsetting its balance.

Establishment of the National Oceanic and Atmospheric Administration—NOAA—within the Department of Commerce would enable us to approach these tasks in a coordinated way. By employing a unified approach to the problems of the oceans and atmosphere, we can increase our knowledge and expand our opportunities not only in those areas, but in the third major component of our environment, the solid earth, as well.

Scattered through various Federal departments and agencies, we already have the scientific, technological, and administrative resources to make an effective, unified approach possible. What we need is to bring them together. Establishment of NOAA would do so.

By far the largest of the components being merged would be the Commerce Department's Environmental Science Services Administration (ESSA), with some 10,000 employees (70 percent of NOAA's total personnel strength) and estimated Fiscal 1970 expenditures of almost \$200 million. Placing NOAA within the Department of Commerce therefore entails the least dislocation, while also placing it within a Department which has traditionally been a center for service activities in the scientific and technological area.

Components of NOAA

Under terms of Reorganization Plan No. 4, the programs of the following organizations would be moved into NOAA:

- The Environmental Science Services Administration (from within the Department of Commerce).
- Elements of the Bureau of Commercial Fisheries (from the Department of the Interior).
- The marine sport fish program of the Bureau of Sport Fisheries and Wildlife (from the Department of the Interior).
- The Marine Minerals Technology Center of the Bureau of Mines (from the Department of the Interior).
- The Office of Sea Grant Programs (from the National Science Foundation).
- Elements of the United States Lake Survey (from the Department of the Army).

In addition, by executive action, the programs of the following organizations would be transferred to NOAA:

- The National Oceanographic Data Center (from the Department of the Navy).
- The National Oceanographic Instrumentation Center (from the Department of the Navy).
- The National Data Buoy Project (from the Department of Transportation).

In brief, these are the principal functions of the programs and agencies to be combined:

THE ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

(ESSA) comprises the following components:

- The Weather Bureau (weather, marine, river and flood forecasting and warning).
- The Coast and Geodetic Survey (earth and marine description, mapping and charting).
- The Environmental Data Service (storage and retrieval of environmental data).
- The National Environmental Satellite Center (observation of the global environment from earth-orbiting satellites).
- The ESSA Research Laboratories (research environmental problems).

ESSA's activities include observing and predicting the state of the oceans, the state of the lower and upper atmosphere, and the size and shape of the earth. It maintains the nation's warning systems for such natural hazards as hurricanes, tornadoes, floods, earthquakes and seismic sea waves. It provides information for national defense, agriculture, transportation and industry.

ESSA monitors atmospheric, oceanic and geophysical phenomena on a global basis, through an unparalleled complex of air, ocean, earth and space facilities. It also prepares aeronautical and marine maps and charts.

Bureau of Commercial Fisheries and marine sport fish activities.—Those fishery activities of the Department of the Interior's U.S. Fish and Wildlife Service which are ocean related and those which are directed toward commercial fishing would be transferred. The Fish and Wildlife Service's Bureau of Commercial Fisheries has the dual function of strengthening the fishing industry and promoting conservation of fishery stocks. It conducts research on important marine species and on fundamental oceanography, and operates a fleet of oceanographic vessels and a number of laboratories. Most of its activities would be transferred. From the Fish and Wildlife Service's Bureau of Sport Fisheries and Wildlife, the marine sport fishing program would be transferred. This involves five supporting laboratories and three ships engaged in activities to enhance marine sport fishing opportunities.

The Marine Minerals Technology Center is concerned with the development of marine mining technology.

Office of Sea Grant Programs.—The Sea Grant Program was authorized in 1966 to permit the Federal Government to assist the academic and industrial communities in developing marine resources and technology. It aims at strengthening education and training of marine specialists, supporting applied research in the recovery and use of marine resources, and developing extension and advisory services. The Office carries out these objectives by making grants to selected academic institutions.

The U.S. Lake Survey has two primary missions. It prepares and publishes navigation charts of the Great Lakes and tributary waters and conducts research on a variety of hydraulic and hydrologic phenomena of the Great Lakes' waters. Its activities are very similar to those conducted along the Atlantic and Pacific coasts by ESSA's Coast and Geodetic Survey.

The National Oceanographic Data Center is responsible for the collection and dissemination of oceanographic data accumulated by all Federal agencies.

The National Oceanographic Instrumentation Center provides a central Federal service for the calibration and testing of oceanographic instruments.

The National Data Buoy Development Project was established to determine the feasibility of deploying a system of automatic ocean buoys to obtain oceanic and atmospheric data.

Role of NOAA

Drawing these activities together into a single agency would make possible a balanced Federal program to improve our understanding of the resources of the sea, and permit their development and use while guarding against the sort of thoughtless exploitation that in the past laid waste to so many of our precious natural assets. It would make possible a consolidated program for achieving a more comprehensive understanding of oceanic and atmospheric phenomena, which so greatly affect our lives and activities. It would facilitate the cooperation between public and private interests that can best serve the interests of all.

I expect that NOAA would exercise leadership in developing a national oceanic

and atmospheric program of research and development. It would coordinate its own scientific and technical resources with the technical and operational capabilities of other government agencies and private institutions. As important, NOAA would continue to provide those services to other agencies of government, industry and private individuals which have become essential to the efficient operation of our transportation systems, our agriculture and our national security. I expect it to maintain continuing and close liaison with the new Environmental Protection Agency and the Council on Environmental Quality as part of an effort to ensure that environmental questions are dealt with in their totality and that they benefit from the full range of the government's technical and human resources.

Authorities who have studied this matter, including the Commission on Marine Science, Engineering and Resources, strongly recommended the creation of a National Advisory Committee for the Oceans. I agree. Consequently, I will request, upon arrival of the plan, that the Secretary of Commerce establish a National Advisory Committee for the Oceans and the Atmosphere to advise him on the progress of governmental and private programs in achieving the nation's oceanic and atmospheric objectives.

AN ON-GOING PROCESS

The reorganizations which I am here proposing afford both the Congress and the Executive Branch an opportunity to re-evaluate the adequacy of existing program authorities involved in these consolidations. As these two new organizations come into being, we may well find that supplementary legislation to perfect their authorities will be necessary. I look forward to working with the Congress in this task.

In formulating these reorganization plans, I have been greatly aided by the work of the President's Advisory Council on Executive Organization (the Ash Council), the Commission on Marine Science, Engineering and Resources (the Stratton Commission, appointed by President Johnson), my special task force on oceanography headed by Dr. James Wakelin, and by the information developed during both House and Senate hearings on proposed NOAA legislation.

Many of those who have advised me have proposed additional reorganizations, and it may well be that in the future I shall recommend further changes. For the present, however, I think the two reorganizations transmitted today represent a sound and significant beginning. I also think that in practical terms, in this sensitive and rapidly developing area, it is better to proceed a step at a time—and thus to be sure that we are not caught up in a form of organizational indigestion from trying to rearrange too much at once. As we see how these changes work out, we will gain a better understanding of what further changes—in addition to these—might be desirable.

Ultimately, our objective should be to insure that the nation's environmental and resource protection activities are so organized as to maximize both the effective coordination of all and the effective functioning of each.

The Congress, the Administration and the public all share a profound commitment to the rescue of our national environment, and the preservation of the Earth as a place both habitable by and hospitable to man. With its acceptance of these reorganization plans, the Congress will help us fulfill that commitment.

RICHARD NIXON.

THE WHITE HOUSE, July 9, 1970.

[H. Doc. No. 91-366, 91st Cong., second sess.]

REORGANIZATION PLAN No. 3 OF 1970

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1970, prepared in accordance with chapter 9 of title 5 of the United States Code and providing for an Environmental Protection Agency. My reasons for transmitting this plan are stated in a more extended accompanying message.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 3 of 1970 is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of

the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in the plan make necessary the appointment and compensation of new officers as specified in section 1 of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the executive branch who have similar responsibilities.

Section 907 of title 5 of the United States Code will operate to preserve administrative proceedings, including any public hearing proceedings, related to the transferred functions, which are pending immediately prior to the taking effect of the reorganization plan.

The reorganization plan should result in more efficient operation of the Government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action.

RICHARD NIXON.

THE WHITE HOUSE, July 9, 1970.

REORGANIZATION PLAN No. 3 OF 1970

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code

ENVIRONMENTAL PROTECTION AGENCY

SECTION 1. Establishment of Agency. (a) There is hereby established the Environmental Protection Agency, hereinafter referred to as the "Agency."

(b) There shall be at the head of the Agency the Administrator of the Environmental Protection Agency, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

(c) There shall be in the Agency a Deputy Administrator of the Environmental Protection Agency who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) There shall be in the Agency not to exceed five Assistant Administrators of the Environmental Protection Agency who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Assistant Administrator shall perform such functions as the Administrator shall from time to time assign or delegate.

Sec. 2. Transfers to Environmental Protection Agency. (a) There are hereby transferred to the Administrator:

(1) All functions vested by law in the Secretary of the Interior and the Department of the Interior which are administered through the Federal Water Quality Administration, all functions which were transferred to the Secretary of the Interior by Reorganization Plan No. 2 of 1966 (80 Stat. 1698), and all functions vested in the Secretary of the Interior or the Department of the Interior by the Federal Water Pollution Control Act or by provisions of law amendatory or supplementary thereof.

(2) (i) The functions vested in the Secretary of the Interior by the Act of August 1, 1958, 72 Stat. 479, 16 U.S.C. 742d-1 (being an Act relating to studies on the effects of insecticides, herbicides, fungicides, and pesticides upon the fish and wildlife resources of the United States), and (ii) the functions vested by law in the Secretary of the Interior and the Department of the Interior which are administered by the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries at Gulf Breeze, Florida.

(3) The functions vested by law in the Secretary of Health, Education, and Welfare or in the Department of Health, Education, and Welfare which are administered through the Environmental Health Service, including the functions exercised by the following components thereof:

- (i) The National Air Pollution Control Administration,
- (ii) The Environmental Control Administration :
 - (A) Bureau of Solid Waste Management,
 - (B) Bureau of Water Hygiene,
 - (C) Bureau of Radiological Health.

except that functions carried out by the following components of the Environmental Control Administration of the Environmental Health Service are not transferred: (i) Bureau of Community Environmental Management, (ii) Bureau of Occupational Safety and Health, and (iii) Bureau of Radiological Health, insofar as the functions carried out by the latter Bureau pertain to (A) regulation of radiation from consumer products, including electronic product radiation, (B) radiation as used in the healing arts, (C) occupational exposures to radiation, and (D) research, technical assistance, and training related to clauses (A), (B), and (C).

(4) The functions vested in the Secretary of Health, Education, and Welfare of establishing tolerances for pesticide chemicals under the Federal Food, Drug, and Cosmetic Act, as amended, 21 U.S.C. 346, 346a, and 348, together with authority, in connection with the functions transferred, (i) to monitor compliance with the tolerances and the effectiveness of surveillance and enforcement, and (ii) to provide technical assistance to the States and conduct research under the Federal Food, Drug, and Cosmetic Act, as amended, and the Public Health Service Act, as amended.

(5) So much of the functions of the Council on Environmental Quality under section 204(5) of the National Environmental Policy Act of 1969 (Public Law 91-190, approved January 1, 1970, 83 Stat. 855), as pertains to ecological systems.

(6) The functions of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, administered through its Division of Radiation Protection Standards, to the extent that such functions of the Commission consist of establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, standards mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(7) All functions of the Federal Radiation Council (42 U.S.C. 2021(h)).

(8) (i) The functions of the Secretary of Agriculture and the Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), (ii) the functions of the Secretary of Agriculture and the Department of Agriculture under section 498(i) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a(i)), and (iii) the functions vested by law in the Secretary of Agriculture and the Department of Agriculture which are administered through the Environmental Quality Branch of the Plant Protection Division of the Agricultural Research Service.

(9) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Administrator of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Administrator made by this section shall be deemed to include the transfer of (1) authority, provided by law, to prescribe regulations relating primarily to the transferred functions, and (2) the functions vested in the Secretary of the Interior and the Secretary of Health, Education, and Welfare by section 169(d)(1)(B) and (3) of the Internal Revenue Code of 1954 (as enacted by section 704 of the Tax Reform Act of 1969, 83 Stat. 638); but shall be deemed to exclude the transfer of the functions of the Bureau of Reclamation under section 3(b)(1) of the Water Pollution Control Act (33 U.S.C. 466a(b)(1)).

(b) There are hereby transferred to the Agency:

(1) From the Department of the Interior, (i) the Water Pollution Control Advisory Board (33 U.S.C. 466f), together with its functions, and (ii) the hearing boards provided for in sections 10(c)(4) and 10(f) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g(c)(4); 466g(f)). The functions of the Secretary of the Interior with respect to being or designating the Chairman of the Water Pollution Control Advisory Board are hereby transferred to the Administrator.

(2) From the Department of Health, Education, and Welfare, the Air Quality Advisory Board (42 U.S.C. 1857e), together with its functions. The functions of the Secretary of Health, Education, and Welfare with respect to being a member and the Chairman of that Board are hereby transferred to the Administrator.

Sec. 3. Performance of transferred functions. The Administrator may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this reorganization plan by any other officer, or by any organizational entity or employee, of the Agency.

Sec. 4. Incidental transfers. (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Administrator or the Agency by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Agency at such time or times as the Director shall direct.

(b) Such further measures as dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Sec. 5. Interim officers. (a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator, authorize any such person to act as Assistant Administrator, and authorize any such person to act as the head of any principal constituent organizational entity of the Administration.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

Sec. 6. Abolitions. (a) Subject to the provisions of this reorganization plan, the following, exclusive of any functions, are hereby abolished:

(1) The Federal Water Quality Administration in the Department of the Interior (33 U.S.C. 466-1).

(2) The Federal Radiation Council (73 Stat. 690; 42 U.S.C. 2021(b)).

(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of the Interior in the case of the Federal Water Quality Administration and by the Administrator of General Services in the case of the Federal Radiation Council.

Sec. 7. Effective date. The provisions of this reorganization plan shall take effect sixty days after the date they would take effect under 5 U.S.C. 906(a) in the absence of this section.

Mr. BLATNIK. Our first witness this morning will be Mr. Russell Train, Chairman of the Council on Environmental Quality.

Mr. Train, we welcome you here this morning. We are aware of your record of competence in this area and look forward with special interest to your testimony.

Before we begin, may we at this point, without objection, have in the record, for the purpose of those who shall read the record, a biographical sketch of our first witness?

(The biographical sketch referred to follows:)

BIOGRAPHICAL SKETCH OF RUSSELL E. TRAIN

Russell E. Train became Chairman, Council on Environmental Quality, February 9, 1970.

Born in Washington, D.C., in 1920, Train has served in all three major branches of the national Government, executive, legislative and judicial. He began as an attorney for the joint Congressional Committee on Internal Revenue Taxation in 1947, and became Clerk and then Minority Advisor to the House Ways and Means

Committee in 1953-56. From 1956 to 1957 he headed the Treasury Department's tax legislative staff.

In 1957, Train was appointed to the Tax Court of the United States by President Eisenhower. He was reappointed to a full 12-year term in 1959.

Train became active in conservation work while serving on the Tax Court. He founded and became the first president of the African Wildlife Leadership Foundation, which led to participation in the work of other conservation groups at home and abroad. On August 1, 1965, he resigned from the Tax Court to become president of The Conservation Foundation, a nonprofit research, education and information organization concerned with a broad range of environmental matters.

While president of The Conservation Foundation, Train was named by President Johnson to membership on the National Water Commission in 1968. Following the elections of that year, President-elect Nixon appointed him chairman of a special task force to advise the incoming Administration on environmental problems.

Train resigned from the Conservation Foundation after being nominated Under Secretary of the Interior in early 1969.

He holds a B.A. degree from Princeton University and a law degree from Columbia. He served in the Army from 1941 to 1946, rising to the rank of Major. Mrs. Train is the former Aileen Bowdoin; they have four children.

Mr. BLATNIK. Mr. Train, before you get to your statement—I have a copy of that statement and had an opportunity to go through it last evening. Could you tell the subcommittee what authority your Council has and how you and your Council will operate with the proposed new Environmental Protection Agency if that agency is approved?

STATEMENT OF RUSSELL E. TRAIN, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY; ACCOMPANIED BY TIMOTHY B. ATKESON, GENERAL COUNSEL

Mr. TRAIN. The authority and functions of the Council on Environmental Quality are set out by the National Environmental Policy Act of 1969, Public Law 91-190, and by Public Law 91-224, the Environmental Quality Improvement Act that was signed into law early in April.

These have been spelled out in greater detail by the President in an executive order earlier this year. The functions of the Council are to coordinate the environmental programs of the Federal Government, to review and evaluate all other Federal programs that have an impact on the environment, to advise the President on environmental policy, to assist the President in making proposals to the Congress in the field of environment, to assist the President in preparing an annual report to the Congress on the state of the environment.

Those, very broadly speaking, I believe, cover the functions of the Council.

Our relationship with the Environmental Protection Agency will be exceedingly important. The President has pointed out in his message of transmittal of Reorganization Plan No. 3 that our Council and the Agency would maintain a very close working relationship. Likewise, the President has indicated that the Administrator of the Agency would assist the Council in its development of policy recommendations to the President in the field of pollution.

Mr. HOLIFIELD. Mr. Chairman.

Mr. BLATNIK. Yes.

Mr. HOLIFIELD. Let me understand this, if I may momentarily interrupt. The Environmental Council will continue?

Mr. TRAIN. That is correct.

Mr. HOLIFIELD. In other words, it is not abolished and this Environmental Protection Agency is to be considered an operating agency and the Council a policymaking agency?

Mr. TRAIN. That is generally a correct statement, sir.

Mr. HOLIFIELD. Is this paralleled anywhere else in the Government? Does the administrator of an agency or department usually recommend policy from the basis of his experience and operation?

Mr. TRAIN. What I would expect—

Mr. HOLIFIELD. For instance, the Secretary of State would recommend policy to the President on treaty matters or any other international matters. The Agriculture Secretary would recommend policy based on his actual experience in the operation of different programs. I am a bit unclear as to why the Council should not have been abolished along with the Federal Radiation Council, which was abolished and its functions transferred over to the Environmental Protection Agency. It seems to me this is a proliferation of agencies certainly doing the same thing. It makes two exist where one existed before. If you combine them with other agencies, then you still have policy divorced from the operating level.

I can see here an operating agency being set up that must go through the Environmental Council to obtain its policy, and they claim a stand between the operating agency with the experience on this program and the President.

Here you have another step in the bureaucratic ladder which people have to climb in order to obtain the results that they want. Will you explain to me why that is not so?

Mr. TRAIN. Yes, sir. Mr. Holifield, I will be delighted to comment on those questions. There is no suggestion in the reorganization plan that the Administrator of EPA would not make policy recommendations directly to the President. The Administrator of the EPA would report directly to the President, and I did not mean to suggest that the Administrator of EPA would not have responsibility for making policy recommendations in the field of his agency's particular operating responsibilities.

Mr. HOLIFIELD. Where does the constructive contribution of the Council come in if EPA can go directly to the President with their recommendations? Where does your Council come into this, and why does the Environmental Council cover a much broader field than the Environmental Protection Agency?

Mr. TRAIN. Yes, Mr. Holifield. The scope of the responsibilities of the Council on Environmental Quality go far beyond the scope of the functions of the new Environmental Protection Agency. If I may spell that out a bit, I think we are all aware that environmental effects exist in almost every program conducted by the Federal Government, whether in the Department of Transportation, Atomic Energy Commission, the Agency for International Development in the Department of State, HEW, Interior—they all have very important environmentally related programs, including the Department of Defense and, very specifically, the Corps of Engineers.

The responsibility of the Council extends to all of these activities of the Federal Government. The responsibilities of the Environmental Protection Agency extend only to those specific pollution functions transferred by the proposed reorganization plan. These deal, generally speaking, with the control of hazardous pollutants in the environment. The responsibilities of the Council, on the other hand, go far beyond pollution. It extends to land use, to population concerns, a wide range of Federal interests that affect the environment generally. It is intended that the Council will continue to exercise these functions for the President.

Mr. HOLIFIELD. You concede that the Council has a much wider field of responsibility, and possibly a field of coordination, not only of the EPA but of the Defense Department and any other department which has programs affecting the environment?

Mr. TRAIN. That is correct.

The Council at the present time, for example, receives statements from all Federal agencies with respect to their proposals for legislation and for other major actions which affect the environment. These statements spell out in detail the nature of the potential impact on the environment, the alternatives to the proposed action, the long-range costs compared to short-range benefits.

These statements are reviewed by the Council, discussed by the Council with the operating agencies, and the whole effort as intended by the Environmental Policy Act is to insure to the extent possible that all agencies of the Federal Government take into appropriate account environmental factors in all of their planning and decision-making.

This is a major function of the Council which would, of course, not be a function of the proposed new agency.

Mr. HOLIFIELD. Then there is an admission that this Environmental Protection Agency is confined to certain areas and does not in any way cover the whole problem of environmental purification, or whatever you want to call it; it is built up in the minds of many people that this agency is going to cover the universe, you might say, in the field of pollution. As your testimony indicates, it certainly is not in complete control of the problem that faces us. So, if it is not in complete control, then there must be someone who has to coordinate the programs and policies of this agency with all of those relating to the environment that exists in other parts of the Government?

Mr. TRAIN. That is correct, sir.

As I indicated earlier, environmental factors exist in practically all operating programs of the Federal Government. If it were attempted to bring all of these together into one agency, we would end up with the entire Government in one agency and then would have to reorganize that into some kind of divisions. This was not a practical approach.

Mr. HOLIFIELD. Assuming that you have responsibility and overall coordination of all environmental pollution sources and jurisdictions by the Federal Government, what peculiar use will this agency be, what advantage will it give to you in coordination over the present system, where you would also coordinate, I would assume, all these different programs?

Mr. TRAIN. In the particular areas transferred to the new agency, particularly water pollution abatement, air pollution abatement, pesticide regulation, radiation standard setting, and solid waste management more than mere coordination will be made possible by the reorganization. As time goes on we would foresee actual integration of some of these functions; particularly, I believe, in the areas of air and water pollution and solid wastes, where these three kinds of pollution frequently arise from the same source.

The reorganization will make possible, for example, the functional integration of research covering all environmental pollutants in one research program. This is something, of course, that cannot be achieved simply by coordination of separate programs so that the new agency will have a very positive potential for strengthening these programs through functional integration as time goes on.

This is the great promise, I think, of the new agency.

Mr. BLATNIK. Mr. Train, I think it would be proper to continue discussion of this point in an orderly fashion from the last question propounded by the gentleman from California. Would you then read your statement which would explain the concept of one comprehensive interrelated departmental agency and also give us the reason why this separate agency is necessary? That is the thrust of the two main points of your testimony, is it not?

Mr. TRAIN. That is right.

Mr. BLATNIK. Give us a brief capsule summary of the testimony and proceed with your testimony.

Mr. TRAIN. Thank you, Mr. Chairman.

Chairman Blatnik, members of the subcommittee, it is a pleasure to have this opportunity to discuss with you the President's proposal for the creation of an Environmental Protection Agency--EPA--set out in Reorganization Plan No. 3 of 1970. I know that many of you have had extensive experience dealing with environmental protection problems which will be valuable background for the consideration of this proposal.

I might add, following my testimony there are a number of other Government witnesses scheduled who have direct program experience and responsibility in the area of the transfers recommended here. Probably these gentlemen will be able to answer questions that I perhaps cannot in some of the specific program areas.

President Nixon has established environmental quality as a priority objective of this administration. In his state of the Union message of last January, he declared the goal of the seventies to be "a new quality of life in America." On February 10, he sent the Congress a message on environment which proposed a comprehensive, 37-point program for environmental improvement, including some 23 specific proposals for legislation. Most of these dealt with urgently needed improvements in our air and water pollution control programs, including strengthened enforcement procedures.

During the 6 months that have followed, the President has sent a series of environmental messages to the Congress proposing:

A 10-point program dealing with oil spills in marine transportation;

A program to bring to an end the dumping of dredged spoils in the Great Lakes and announcing a study of the problem of ocean disposal of wastes;

A \$4.25-per-pound tax on lead in gasoline; and

The reacquisition of 20 oil leases off Santa Barbara, Calif., leading to the establishment of a marine sanctuary in that area.

In his message on environment, the President stated that he was directing his Advisory Council on Executive Organization to study and report on the organization of environmental programs. The proposals now before Congress are the result of this Presidential initiative.

The United States is now committed—by statute, by policy, and by the awakened insistence of our citizens—to the goal of a high-quality environment for human life. Such a goal calls for the dedication of major resources of personnel, time, and money. If these resources are not to be frittered away in scattered, piecemeal programs—if we are truly to mount a coordinated attack on the problems of the environment—then we must create an effective institutional base for sound environmental management.

I personally am convinced that the proposed Environmental Protection Agency is of crucial importance to the effectiveness of our pollution-abatement efforts. The current dispersion of Federal programs involved in attacking pollution problems has developed piecemeal over the years, and we are not at present organized to mount the kind of sustained, coordinated, high-priority effort which we know is needed. Pollution has become everybody's problem but the responsibility for control is still divided. The President's proposal makes it the basic responsibility of a single agency. This will allow the President, the Congress, and the American people to expect and require unified management of our pollution-control programs.

Reorganization inevitably produces its own stresses and strains, and the current plan will doubtless prove no exception. However, careful attention is being given to minimizing such effects, and there is no reason for delaying now a reorganization which is long overdue. Indeed, continuation of the present fragmentation of Federal anti-pollution responsibilities will only aggravate existing problems. The time to make corrections is now, not later.

DESCRIPTION OF REORGANIZATION

Reorganization Plan No. 3 would create the Environmental Protection Agency which will be independent of any cabinet agency, similar to NASA or the Atomic Energy Commission. EPA would be headed by an Administrator who would be compensated at a level comparable to the heads of NASA and AEC. It would take over certain pollution control responsibilities now located in six different departments and agencies, and would have primary responsibility for control of air and water pollution and solid wastes, and for controlling the environmental effects of pesticides and radiation.

EPA has estimated a fiscal year 1971 budget of \$1.4 billion and approximately 5,650 personnel.

The following authorities and programs would be transferred to the new agency:

For air pollution control—the authorities contained in the Clean Air Act, as amended, and the National Air Pollution Control Administration now in HEW;

For water pollution control—the authorities contained in the Federal Water Pollution Control Act, as amended; the Federal Water Quality Administration now in the Department of the Interior; and the water hygiene program of the Environmental Control Administration, HEW;

For solid wastes disposal—the authority given to HEW in the Solid Waste Disposal Act of 1965, and the Bureau of Solid Waste Management, HEW;

For pesticides—the authorities, mostly related to registering pesticides, contained in the Federal Insecticide, Fungicide, and Rodenticide Act, now administered by the Department of Agriculture; part of the authority of the Bureau of Sport Fisheries and Wildlife to conduct research on the effect of pesticides on fish and wildlife; the authority of the Food and Drug Administration to set pesticide tolerance levels on food; and the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries;

For radiation—the authorities and functions of the Federal Radiation Council; the authority under the Atomic Energy Act to set standards for the emission of radiation to the general environment; and portions of the Bureau of Radiological Health in HEW; and

For general purposes—the authority given to the Council on Environmental Quality by the National Environmental Policy Act of 1969 to conduct research on ecological systems.

I would like to explain why we feel that such a major reorganization is so necessary.

The reasons for such a major reorganization are compelling.

REASONS FOR THE REORGANIZATION

The current organization of the Federal Government to deal with pollution suffers from two obvious problems. First, for many particular kinds of pollution a number of different Federal agencies have overlapping or closely related responsibilities. Three Federal Departments—Agriculture, HEW, and Interior—are directly involved in regulating pesticides; and similarly a number of agencies have some responsibility for radiation problems. Second, the organizational basis for controlling pollution is not consistent or adequate. The two largest agencies, the Federal Water Quality Administration and the National Air Pollution Control Administration, are organized on the basis of the media—air or water—through which pollutants travel. The other pollution control programs, on the other hand, generally are organized on the basis of particular pollutants—pesticides, radioactive materials, and solid wastes. Confusion results today, for example, about the extent to which air and water pollution control agencies are responsible for radioactive materials and pesticides when these materials appear in air or water.

The programs to deal with pesticides and radiation were developed in part because these two kinds of pollutants did not fit neatly into the categories of air and water pollution. Pesticides and radiation are

found in air and water, and on the land. We expect pollution-control problems of the future will increasingly be of this kind. They will involve toxic chemicals and metals which are found in all media, and which thus run counter to the air and water pollution organization of the Government. The current problems with mercury and polychlorinated biphenols are an indication of what lies ahead.

Some pollution problems remain unrecognized because of gaps in agency jurisdiction or because no one agency has clear lead responsibility. With its broad responsibility for environmental pollution control, the Environmental Protection Agency would greatly improve our ability to recognize and to take action on "new" problems, such as noise. Pollution problems of the future will increasingly cut across the jurisdiction of existing departments, making the need for a unified pollution-control agency even more imperative.

Another problem of present Federal organization should be noted. Agencies which have responsibility for promoting a particular resource or activity also have responsibility for regulating the environmental effects of this activity. The two clear examples of this potential conflict of interest are the Department of Agriculture's regulation of pesticides and the Atomic Energy Commission's regulation of radiation levels. Regardless of how good a job these agencies do, the public is increasingly questioning the vesting of promotional and regulatory powers in the same agency. The Environmental Protection Agency, by assuming these regulatory functions, should help restore public confidence in our ability to control pollution from these sources.

The existence of a unified pollution-control agency should also greatly clarify the Federal Government's relations with State and local governments, and with private industry. More than half the States, and many localities, already have a single agency responsible for all forms of pollution. A number of others are considering establishing such an agency. In the cases where a unified agency exists, the differing Federal requirements are a significant source of irritation and inefficiency. Several States reported to the Ash Council that the existing Federal organization was a factor holding back their plans to consolidate pollution-control programs.

Industry pollution-control efforts will also benefit from the creation of EPA. A manager responsible for controlling pollution from his firm must now go to several agencies to find out what action his firm must take. The standards and enforcement actions to which he is subject are uncoordinated and sometimes conflicting. The air pollution agency tells him how to control air pollution, and the water pollution agency how to control water pollution. But nobody is in a position to consider the entire range of environmental standards that will affect a firm's operations. Since many types of plants can dispose of the same wastes in the air, the water, or as solid waste, this lack of coordination can result in significantly higher costs to the firm and to society as a whole.

FUNCTIONS OF THE NEW AGENCY

As you well know, a reorganization plan cannot create any new legal authorities or functions. Therefore, the functions of the Environmental Protection Agency, when it comes into being, will be the same

as those of its constituent parts. However, the new agency will be able to perform existing functions better, and will also be able to undertake new activities which are not easily done under the existing structure.

The key functions in pollution control are standards-setting and enforcement. Standards provide the goals of the control program, the basis for enforcement actions, and the measure of the program's progress.

Standards should be based on the total amount of a given pollutant to which humans or some element of the environment are exposed, even though the standards apply to a particular medium. Lead, for example, may reach humans through the air or the water, but the key question is how much comes from all sources together. It is very difficult to deal with this problem under the current fragmented organization. As the pollutants of primary concern to the Government increasingly cut across media lines, this problem of setting standards will become more acute.

Even in those areas where the Government is not organized on the basis of air or water pollution—as, for example, in the case of pesticides and radiation control—the need to regulate the total allowable exposure from different sources is becoming apparent. This can only be done by a consolidated agency.

The enforcement function will also be improved in several respects. Perhaps most important, the way will be cleared for formulating and applying the best overall strategy for controlling particular pollution problems. The new agency will be able to examine the path of a pollutant through the total environment and determine at what point control measures can be most effectively and efficiently applied. For example, it may be that in some cases a pollutant can best be controlled by exercising control before it enters the environment, as is now done with pesticides.

Enforcement will also benefit from the more efficient relations with State and local governments, and with the private sector.

Monitoring and surveillance will be improved and made more effective, for example, by simultaneously monitoring a river for pesticides, radiation, and other water pollutants. New hazards will be recognized more rapidly by a coordinated monitoring system.

Research will be similarly strengthened. Research on the health effects of pollution will be able to take into account the exposure to a given pollutant from all sources. Research on ecological effects must, almost by definition, consider the interrelated parts of the environment, since ecology is to a great extent the study of such interrelationships. It will be far easier to conduct ecological studies in an agency which is not limited to one particular medium or pollutant.

ORGANIZATION OF EPA

The internal organization of the Environmental Protection Agency has not been finally determined and should not be until the head of the agency is named and has had an opportunity to weigh the various alternatives. An important part of the responsibilities of the Administrator of EPA will be to develop the most effective organization of his resources.

One factor which will weigh heavily on the new Administrator is the necessity of avoiding any delay or disruption of ongoing pollution-abatement programs. We are taking every step possible to assure that such disruption does not occur. The new agency will be acquiring a large number of experienced personnel, which will ease the problems of transition. As Mr. Dwight Ink will describe in greater detail, the administration has sent to the Congress legislation designed to facilitate the transfer of members of the Public Health Service Commissioned Corps to the new agency.

One other fact relevant to the problems of transition is worth noting. The major agencies which would be transferred to EPA are enthusiastic about the reorganization plan. Their personnel know that the plan represents recognition of the critical importance of the pollution-control functions. I am confident that the reorganization will result in a substantial boost in morale.

Of course, those agencies will be in a better position to testify directly to those matters than I.

The independent Environment Protection Agency will have a sense of purpose, of thrust, and of public commitment that is impossible to achieve under present circumstances.

RELATION OF EPA TO CEQ

Our Council strongly supports the plan of reorganization. There is no conflict between the missions of EPA and the Council on Environmental Quality. Indeed, the two organizations will be mutually reinforcing.

The Council is essentially a staff organization. It is not intended to have operating responsibilities, and its functions are to advise the President with respect to environmental policies and to coordinate all activities of Federal agencies related to environmental quality. EPA, on the other hand, will be responsible for executing antipollution policies and for carrying out the many functions involved in controlling pollution. It will assist the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

There is also a difference in the scope of concern of the two agencies. The Council is responsible for the environment, broadly defined. This includes such subjects as population, land use, and conservation. The new agency will focus specifically on pollution control, which is only one part of the Council's responsibilities. However, the creation of EPA will be a significant building block in achieving the comprehensive view of environmental matters which the Council has tried to encourage.

A PROPOSAL WHOSE TIME HAS COME

As the President has said, "We are determined that the decade of the seventies will be known as the time when this country regained a productive harmony between man and nature." Issues of great priority and lasting significance tend to take institutional form, and the Environmental Protection Agency is the institutional manifestation of the priority and significance which this Nation attaches to controlling environmental pollution.

This is a proposal whose time has come. Until just a few years ago we considered pollution control as subordinate to other goals of the Government. It was part of our health efforts or our water resources policies or our aid to agriculture. This is no longer true. While pollution control must integrally relate to these other goals and policies, it also transcends them. It is part of our overall effort to restore to the American people the environmental quality which they deserve and are demanding. The Environmental Protection Agency is responsive to this demand and to the vision of clean air and water which lies behind the demand. It will provide us with the unity and the leadership necessary to protect the environment. I urge your support of this bold and farsighted proposal.

Thank you, Mr. Chairman.

Mr. BLATNIK. Thank you, Mr. Train, for your very impressive testimony.

We do have gaps and, one, we want to get a better understanding of why a separate agency is necessary.

Two, while intentions are good, it may not be as effective as is claimed.

Three, why are any other functions that are directly related to environment still left in other agencies?

These questions are not in the form of antagonism or antagonism but a form of devil's advocate to try to get as many answers to as many questions in these hearings to those of us on the subcommittee, and others, so that we may have answers ready in advance for further discussion. Obviously, we are going to have debate on the floor of House at some time or another with regard to this agency.

The first question would be, Mr. Secretary—you are better able to answer this, since one of your primary functions as head of the President's Council on Environmental Quality is to advise the President on programs—how much of this structure would you recommend or advise? Would you be able to tell us now?

Mr. TRAIN. The primary responsibility to the President for the development of proposals for improving the Federal Government's organization for environmental management lay with the President's Advisory Council on Executive Organization, the Ash Council.

Of course, Mr. Ash, when he testifies, will be able to inform the subcommittee in greater detail of the operations of his Council. From the beginning of the work of the Council, which of course goes back now many months, prior to the time in fact that the Council on Environmental Quality came into existence, I personally had contact with their work. As Under Secretary of the Interior I was among those whom members of the Ash Council and staff of the Ash Council contacted and met with on a number of occasions.

I believe that—here again Mr. Ash can testify to this—the Council and members of the staff met with and interviewed some 180 individuals both in Government and outside of Government on this very important area of concern.

Mr. BLATNIK. Mr. Train, may I pause at this point? You stated that the staff of the Ash Advisory Council on Executive Organization, in their intensive study of this proposal creating a new Environmental Protection Agency, concurred, or discussed, or consulted and advised, with 185 people.

Mr. TRAIN. About 180 people is my information.

Mr. BLATNIK. Where were these people located--entirely in the executive branch?

Mr. TRAIN. Of course, I am giving you hearsay testimony, Mr. Chairman. My understanding is that these are people both in Government and outside of Government, in universities and in private organizations.

Mr. BLATNIK. I don't want to press you on this, because perhaps you were not involved. But the question is, very frankly, Mr. Chairman, and I am sure that we will get the answers later on as we get to other witnesses—who was being consulted?

No one either in the House or Senate, as far as I know, outside of the few witnesses we have had; but on the working level we have some very first-rate experts in both the Senate and House who were not consulted on any one of these major areas, certainly not on water.

The House started this whole water program. There is a major updating. Seventy-five percent of the agency is essentially a water-protection agency, and yet not one single staff member, including those who were in this water battle from the very beginning, were consulted or their opinions sought in connection with this subject.

Would it be more effective to move this water agency out of the Department of Interior, where it is under an Assistant Secretary of the Interior? Would it be more effective in a separate agency or not? We don't claim any particular pride of authorship or particular monopoly in connection with these, but we do have quite a body of testimony and experience.

As recently as 10 years ago, when the current President was Vice President, the President vetoed a bill or amendment. The original Water Pollution Control Act was passed in 1956, and in 1960, as I recall—I will get the exact time of the veto message—the President said it was essentially a local problem which could be dealt with primarily through grants to municipalities; that it was not necessary and was perhaps undesirable.

The policy now is that pollution is a national problem requiring an enormous, all-out effort by the Federal Government to save municipalities and districts on a grant program which 10 years ago was assaulted with great vigor by the administration.

To be sure, the Congress in establishing policy was far ahead of both the agencies and the administration.

On the matter of grants, the Congress established grants in 1956 and sought to increase them in 1960, again increased them in 1961, and was supported by that administration. It continued this battle until 1966, 4 years ago, when we realized we had gradually to escalate our financial support to make the water pollution program meaningful. With an almost unanimous vote, with only 2 or 3 Congressmen voting in objection to the amendments in 1966, we escalated the authorization from \$200-plus million to \$450 million to \$700 million for the year before last, to \$1 billion for last year, fiscal year 1970, and to \$1¼ billion for this year.

The administration, covering both parties, for it is a nonpartisan matter—year before last the Johnson administration request for funds was \$214 million when the Congress had already authorized \$700 million. Last year this present administration requested again the same

amount, \$214 million, and the Congress had already recommended an escalated amount at \$1 billion.

This year, as I recall—I am subject to correction—I believe the administration asked for no funds from Congress after an authorization for 4 years. This last year, in order to nail down the proposition that pollution was important and had to be met head on, the Congress took the Bureau of the Budget's or the administration's recommended figure of \$214 million and the Subcommittee on Appropriations raised that to \$400 million.

In a very difficult situation with inflation, high taxes, and pressures for economy, the full Committee on Appropriations took the unprecedented action of raising the \$400 million to \$600 million.

Then the battle was carried to the floor of the House. On the teller vote, out of almost 300 votes, a very large teller vote, to be exact, as I recall, 298 Members of the House walked down the aisle on the issue of whether or not the \$600 million should not be raised to \$1 billion. It was lost by two scant votes.

Later on, the Senate appropriated \$1 billion, and in conference that was set at \$700 million.

This year the Congress went ahead and—again, in a very difficult fiscal, tax, and inflationary situation facing the country—in its judgment, voted a full \$1 billion appropriation for the program.

I think the Congress has been far ahead of the administration or any of the executive agencies for all of these years. We are puzzled as to why so little attention was paid to the 130 or 135 so-called experts, both in the Government and outside; and why so little attention was paid to those of us who established this program and who carried on this fight over a period of many years and nailed down this policy which now finally the administration accepts as important.

Mr. Train, you have listed on the chart before us the programs which would be incorporated into this agency. If you have the information, you may answer this. I do not necessarily ask that you do so now. The question is not necessarily directed to you, but to all witnesses.

We would like a list of how many environmental functions, directly or partially or peripherally related to the agency's work, are still left in the other agencies: the one on pesticides, for example; on fish and wildlife, for example; or the technological research function in the Department of Transportation dealing with noise pollution—a very important factor which is not listed here. I have a list of about 18 important areas of research work and other activities dealing with environmental protection which are still left in the agencies. Would you not add to proliferation by removing part of the function from an agency and leaving another part in the agency? You have a more divided and spread-out operation than you think you are getting when you say you are concentrating all these interrelated programs within a comprehensive, coordinated, single agency.

Have you any response to make on what environmental functions are now left in the agencies?

Mr. TRAIN. I do not have such a list before me, Mr. Chairman. It can certainly be prepared and submitted for the record, and perhaps Mr. Ink addresses himself to that question in his testimony.

As I pointed out earlier, there is a large number of environmentally related activities that exist in practically all Federal agencies. A great many of these, of course, are left where they are. In most cases where they are integrally related to the program responsibility of the agency concerned and are more related to that program responsibility than to pollution prevention, the program is left where it is, particularly if it is a fairly small one.

I do not think there is any suggestion made that the reorganization proposed here is the last word and the final improvement in our organization for environmental management in the Federal Government. There are a number of programs about which a question could be raised, such as noise. This is an area where Federal programs are in a very embryonic stage. I think there is only one specific statutory program, and that is in the Federal Aviation Agency, relating to aircraft noise. It seems a mistake in this very early developmental stage to subject the field of noise to reorganization.

At the same time, the President has pointed out in his message that the existence of the new agency would make it quite appropriate for it to become the focal point for noise pollution programs as they develop. I think that is probably the point to be made with respect to other programs.

Mr. BLATNIK. You say, very properly, that the form or composition of the Environmental Protection Agency has not been finally determined and should not be until the head of the Agency has been named. Obviously, this is just a start, as you have indicated. In my judgment, with no reflection on you at all, sir, but on those who put this program together, a great deal more can be done to make the Agency much more comprehensive and unified. The time spent on that could have been much better served than by this very elementary beginning.

As we add programs and change policies, how can we be sure programs established by Congress will be carried out and not buried in organizations through excessive reorganization? Perhaps that question could be more appropriately directed to the Bureau of the Budget witness.

Mr. TRAIN. I do not see, Mr. Chairman, why such a situation would be any more likely to arise under the reorganization than under the existing location of the functions. The appropriate congressional committees will continue to have their legislative oversight function. I would imagine that the organization and placing of these responsibilities in one single independent agency would result in just the opposite effect. Indeed, the conduct of these responsibilities will be very visible to the public eye and will be much more subject, I would believe, to public surveillance and congressional surveillance and executive surveillance by the President than is possible at the present time.

Mr. BLATNIK. You make a good point. It would be one single comprehensive agency, you suggest, similar to the Atomic Energy Commission. My senior colleague, Mr. Holifield, for whom we have a good deal of respect, helped to establish that program over a period of many years. There the goals were very clearcut. The type of talent was specifically known. Scientific, creative ingenuity, enormous technical and scientific problems, and enormous amounts of money were required. The story of NASA is one of trial and tribulations, one of birth pains and growing pains. There were shifts of the administrative and organizational structures, changes within the organization, which resulted in a tragedy which was not very adequately explained, even after the Congress went to great pains to find why this should have happened.

Here you had a program which was clearly visible and, after a long period of time and after great effort, sweat, blood, tears, pain, and anguish, it has developed into one of the most frightening achievements in the history of mankind: that man can land on the moon and return safely.

We are not satisfied with NASA by itself. It is like the Redskins. There is no question of their first-rate coach, of whom the State of Minnesota is proud. Or like the Senators, with one of the outstanding historic baseball leaders of all time in the history of the game as their manager. There is no question about the good intentions, dedication, self-discipline, and determination of the players. There is no question even that the uniforms are attractive. They have everything, but they cannot hit the ball.

Ninety percent of these agencies are concerned with water. After repeated objections of the administration over a 10-year period, now the administration tells us what a good program the water program is. I say with a little pride—we do not want to fault the administrations, both the Republican earlier and the Democratic later, but they were slower. We developed the idea of the Headstart program in Congress. At least, these programs are here, but we want to go ahead and continue with the program.

These are a few of the many questions we have. To repeat, those testifying later on can probably address themselves to it.

Mr. TRAIN. May I make a brief comment on this point, not on the performance of the Redskins, but on the new Agency. It does look as if it will go through growing pains. The field of environment is a relatively new one. The environment has been with us for a long time, but our concern for the problems is relatively new and our serious attention to them is even newer.

I would assume that we are dealing here with what will prove to be an evolving field. As I said earlier, I would not for a moment suggest that the reorganization proposed now will be the last word, not at all. New problems will arise. New experience will be obtained.

I am sure, as I say, that these developments will evolve as time goes on. This, I think, again argues for not trying at this time to sweep every possible environmentally related program in the Federal Government into one new agency, but to make a more narrowly based—although I think still very comprehensive—approach to the problem. It is a start, and a very important start.

Mr. BLATNIK. It is a start.

Let us take dollars as a measure, not that these are absolutely reliable, but they are a fairly good yardstick or measure of the magnitude of the spread of the programs. We have now an Agency for the total environment. These figures are reasonably accurate. Here is a comprehensive Agency, and the proposed budget for all its functions gives some measure of magnitude. Compared to the \$80 billion a year Defense effort, your effort will be about \$1.4 billion. Of that, almost 90 percent or possibly 85 percent, a lopsided proportion, \$1.2 billion, will go for water alone. The rest of it, some \$200 million, will be spread over air pollution, Bureau of Water Hygiene, Bureau of Solid Waste Management, Pesticides, Radiation. I do not see anything on fertilizer or chemicals in soil which leach off and contribute to the pollution problem in water.

Are there not many other environmental programs that have not been funded? I would bet there are more than \$200 million worth of

environmental activities outside of those listed here for the proposed agency.

Mr. TRAIN. I would not want to bet with you on it, Mr. Chairman, but I have no reason to believe you are not right. A great many activities of lesser importance are left in other agencies. What they would add up to dollarwise, I do not know. The Federal Water Quality Administration budget for 1971 I think is \$1.222 billion. So, as you point out, it will represent a very large proportion of the total. Most of that, of course, is taken up by the waste treatment facilities grant program, and the other programs which are involved here do not involve that same kind of very large capital outlay granting program.

I would suspect when you bring it down to enforcement and standard-setting, there isn't quite the same imbalance as the total dollar figures would suggest.

Mr. BLATNIK. In the water program you have over \$100 million for research alone. There has been a fantastic advance in synthetics and chemical compounds of all types—in the clothes you wear, the food you eat, the materials you use, such as paint. In pharmacology alone, easily three-fourths of the medicines and prescriptions which doctors write in America today are for medical compounds that did not exist and were not used 20 years ago. There has been a fabulous advance and increase in chemical structures.

The water program alone has \$100 million for research, even more than for enforcement.

(Following is a Summary of Estimated Personnel and Funding under this reorganization:)

ENVIRONMENTAL PROTECTION AGENCY 1—SUMMARY OF ESTIMATED PERSONNEL AND FUNDING

(Dollars in thousands)

Agency and current function	1970			1971 President's request		
	Positions ²	Obligations	Outlays	Positions	Obligations	Outlays
HEW:						
(Departmental totals for HEW).....	(2,565)	(\$146,785)	(\$127,030)	(2,625)	(\$157,602)	(\$150,272)
NAPCA.....	1,055	102,662	81,357	1,111	112,118	107,400
FDA (pesticides).....	265	8,443	7,539	272	10,733	9,680
Solid waste management.....	206	15,275	14,502	206	15,336	15,385
Water hygiene.....	160	2,701	2,431	160	2,344	2,110
Radiological health.....	551	12,277	11,049	563	11,081	9,565
Office of the Commissioner (ECA) ³	129	1,920	1,728	127	1,943	1,722
Office of the Administrator (EHS) ⁴	199	3,507	3,364	211	4,107	5,129
Interior:						
FWQA.....	2,421	615,600	258,000	2,659	1,233,300	650,600
Pesticides:						
Label Review.....	9	193	175	9	216	206
Gulf Breeze Laboratory.....	20	551	551	20	551	551
USDA:						
Agriculture Research Service:						
Pesticides Regulation (PRD).....	294	4,260	3,857	135	5,648	6,501
Monitoring (PPD).....	26	714	571	26	714	571
AEC: Radiation Protection Standards.....	3	75	57	3	75	57
Federal Radiation Council: All functions.....	4	132	119	4	144	130
Total.....	5,322	768,331	390,370	5,791	1,330,270	608,892

¹ These are preliminary estimates and are subject to change. These estimates do not include portions of Buildings and Facilities accounts which may be subject to transfer, for instance.

² Full-time permanent positions authorized.

³ 59 percent of the former personnel and dollars of the Office of the Commissioner (EHS).

⁴ 86 percent of the former personnel and dollars of the Office of the Administrator (EHS).

Mr. BLATNIK. You speak of allowable standards. You can do a lot of measuring and testing to find what is permissible and allowable. For example, we have worked on water pollution with able men, and there were working pains and growing pains in that program over the last 15 years. We suddenly found, out of the clear blue sky, we had mercury poisoning; not in one section, but in four major parts of the United States—the Northeast, the Southeast, the South, and Midwest up in my area—involving at least 8 or 10 States. I know that this mercury poisoning did not begin 2 weeks ago yesterday, early in the morning. It has been there for a heck of a long time.

No matter what the intentions are—and I do believe they are sincere and honest—I am trying to point out that the complexity of this environmental problem requires more than good intentions and more than half-baked proposition which brings in partial functions from many scattered agencies, leaving other parts of the functions back in the agencies.

Have you any idea, Mr. Train, why this mercury poisoning went undetected so long? Mercury is one of the easiest of the pollutants to detect, one of the easiest to eliminate, and one of the most deadly and devastating when in the body. How come our radar scanning program did not detect this? Have you any comment on that?

Mr. TRAIN. I think you had better ask later witnesses on this one. I am not an expert in this field. From what I understand, I think it has been pretty much assumed in the past that mercury was largely an inert metal, and by itself as mercury is not a dangerous substance. It will enter the water and fall to the bottom and stay there, and not become toxic.

However, it has developed that mercury is to some extent biologically degradable and forms methylmercury, or something of that sort, which can be absorbed by the flesh of fish and other living organisms, and becomes toxic.

Why this has not been discovered before, I do not know. The Federal Water Quality Administration witnesses can perhaps give you more detail on that problem.

I would agree with the chairman: There certainly is no assurance that the mere fact of reorganization is going suddenly to make all of our pollution abatement efforts a huge success. Reorganization alone never can be looked to for that kind of instant solution.

On the other hand, the reorganization, I assure the committee, is far more than just some sort of window dressing. It will provide the opportunity for far more effective coordination and functional integration of the programs than is possible at the present time.

I would also assure the committee, and you particularly, Mr. Chairman, that, while the water pollution abatement program represents perhaps 80 percent or a higher percent of the total budget of the proposed new agency at the beginning, it certainly poses no threat to the appropriations or budget recommendations for the water program. Historically, our experience has been that the establishment of new independent agencies such as this, with their single focus on areas of high public interest such as atomic energy or the space program, has been that budgets go up, and we are dealing here with a field in which public interest, public concern, and the administration's commitment are high and rising all the time.

I am personally convinced that the level of spending, budget requests by our Government in the field of environmental control, will go up and will continue to go up for the foreseeable future. I think the water pollution program will benefit, and I believe the other pollution abatement programs will also benefit, but I do not believe that any of them will suffer budgetwise by being brought together.

Just to the contrary, I think a new sense of priority will be given all these programs, in addition to which I believe that the better coordination and integration will mean that the American people will get more mileage for their dollars out of this program.

Mr. BLATNIK. Number 1, you do strongly feel that, although more reorganization is to come as we gain experience in the pollution protection program, all these functions should be put in one agency for the purpose not only of making it more visible, but of giving you a better 3-dimensional view of the overall program which touches on all areas of human activity—water, air, land, food, and so forth. You do strongly believe that.

Mr. TRAIN. Absolutely, Mr. Chairman.

Mr. BLATNIK. Even though we put it right up under the Cabinet as the Water Agency now is, you think a single agency will give us a more visible and a better 3-dimensional, comprehensive view of the whole environmental program?

Mr. TRAIN. I think the placing of these pollution or environmental protection functions in a single separate agency very clearly signals the importance which the President, the administration, and this Government attach to environmental quality. This is highly important. I do not think it can be achieved by putting the program along with a lot of other essentially unrelated programs in any Cabinet agency. I think the form recommended here, as earlier forms such as the Atomic Energy Commission took and NASA has taken, will provide a very strong focus so far as public attention is concerned and so far as administration priorities are concerned. This will certainly extend to budget.

Mr. BLATNIK. You state on page 8:

Industry pollution control efforts will also benefit from the creation of EPA. A manager responsible for controlling pollution from his firm must now go to several agencies to find out what action his firm must take. The standards and enforcement actions to which he is subject are uncoordinated and sometimes conflicting.

But now he will be able to go to one agency.

I think that is a very good point. Congress is aware of that. I think we passed a few such measures in this committee. One was the Intergovernmental Cooperation Act, and another the Joint Funding Simplification Act. It is a very serious problem for municipalities and States as well as for industry and citizens.

I like your comment on page 11. We do appreciate the efforts in these various environmental fields. They are truly missing heroes, many working in basement rooms out of sight and out of mind, but creating and doing enormously valuable efforts. On page 11, when you refer to the personnel problem, you state that "the major agencies which would be transferred to EPA are enthusiastic about the reorganization plan." You think it important, and you want the talented and dedicated specialists to know that their efforts are recognized as individuals.

We think the confidence of Congress was expressed in the water pollution control program when, in these adverse economy times, we appropriated \$1 billion just for the grant program alone. That is a measure and indication of the confidence we have in the work these able people are performing.

We have other questions. We thank you very much for the contribution you have made, Mr. Train.

Are there any questions on this side?

Mr. ROSENTHAL. I have a few, Mr. Chairman.

Mr. Train, I am interested in knowing whether the National Institute of Environmental Health Sciences was included. I assume it was included, but, if not, why not?

Mr. TRAIN. It is not included, Mr. Rosenthal. It will, of course, continue as a broadly related research program. Perhaps others can go into this in more detail, but it was felt, as I understand it, that the research activities of the Institute extend well beyond the direct pollution responsibilities that have been put in the new agency, as, for example, with respect to occupational health hazards which are largely left in other agencies.

Mr. ROSENTHAL. Let me read from the HEW 1969 Annual Report, as it seems to me this description is pertinent to the new agency. I quote:

The mission of National Institute of Environmental Health Sciences is to identify the chemical, physical, and biological factors in the environment that can adversely affect man, to learn how these operate, and to provide scientific bases for the development of control measures by other agencies.

That seems to me right on center with the EPA.

Mr. TRAIN. Of course, it will continue to do these things. The data and results of the research will be available to EPA.

Mr. ROSENTHAL. But, if they are going to do basic research which covers the whole broad spectrum of the mission and responsibility of EPA, I am curious why it was not included.

Mr. TRAIN. It will do a lot more than that. It is simply that these things are the responsibility of EPA. I mentioned occupational health.

Mr. ROSENTHAL. It hasn't anything to do with occupational responsibilities.

Mr. TRAIN. Then I think you had best address your question to a later witness. It may be that the Surgeon General, who will testify tomorrow, would be in a better position to answer that question.

Mr. ROSENTHAL. I thought you were the one who had pulled all this together.

Mr. TRAIN. I do not pretend to be an expert in every one of these programs, Congressman, nor did I pull it together. That was done by the Ash Council for the President.

Mr. ROSENTHAL. From the Environmental Health Service of HEW, three functions are proposed to be transferred to EPA—the National Air Pollution Control Administration, the Bureau of Solid Waste Management, and the Bureau of Radiological Health. Three are not transferred. Among those not transferred, one is the Bureau of Water Hygiene, and another is the Bureau of Community Environmental Management.

Mr. TRAIN. The Bureau of Water Hygiene is transferred.

Mr. ROSENTHAL. The Bureau of Water Hygiene is transferred. But what about the Bureau of Community Environmental Management? I wonder if you have any comment on that. From my reading, it seems quite similar to the work that EPA would be involved in.

Mr. TRAIN. I cannot answer your question offhand, Mr. Congressman.

Mr. ROSENTHAL. Let me then go to another subject. I have been very much concerned about noise pollution, jet-noise pollution. My district includes La Guardia Airport in New York, and consequently the pollution from jet airplanes. I know you mentioned in your principal testimony that you hope in the future that the EPA might have some mandate in the field of noise pollution. What do you think we can do really to move this Government forward in curbing noise pollution and air pollution in the vicinity of airports?

Let me tell you first, candidly, that in New York City the problem is acute. At 5 o'clock in the afternoon, you can see black waves of smoke across the community. In the summertime, particularly in bad weather when the ceilings are low, planes come into Kennedy and La Guardia, and people who have any kind of personal disability simply cannot survive.

NASA has done a few things, and other agencies have made some efforts, but it seems to me that the responsibility should be in a new agency with a new spirit of accomplishment. Why isn't it?

Mr. TRAIN. The air pollution aspects of aircraft emissions definitely are in the new agency at the present time. The setting of noise standards is not moved, for the reasons which I explained earlier in response to the chairman's question on the same point. The noise portion of the Federal program is in its very early stage of development. The only statutory program in existence at the present time is that being conducted by FAA—

Mr. ROSENTHAL. That is the point I am trying to get to.

Mr. TRAIN (continuing). As part of its engine design responsibilities, and also in setting noise standards for airports, the Council on Environmental Quality is, at the present time, engaged in a review of all of the noise programs with a view to the development of proposals for stronger and more effective and better coordinated Federal efforts in the noise field. I can assure you that much is being accomplished, and we would hope within a very few months—

Mr. ROSENTHAL. I do not want to press you too hard, because it really would be unfair, but the words you just used, I can remember Najeib Halaby saying the same thing when I first came to Congress 8½ years ago. "The state of the art is developing, and we will develop new standards."

General McKee said the same thing and then Mr. Shaffer. All of these FAA people said the same kind of thing. But no one has ever followed through in this field.

The point I am trying to make to you is that I would be delighted if we took some of those responsibilities away from FAA and gave them to this new agency, because FAA does have a live-and-let-live attitude with the airplane industry.

If we could take some of those responsibilities for noise and air pollution from aircraft and give them to this new agency, an agency that does not have a long historical tie with the aircraft and airline

industry, I, personally, think a great deal more could be accomplished.

This plan cannot be amended, as I understand the procedure. I wish I knew a way to take those things from FAA and put them in here. It is not the fault of this administration. Any administration, all administrations, since I first arrived here, have taken the same attitude. "There is not much we can do with it. You want progress. You want airplanes and you have to have the noise."

It has reached the point of a crisis situation.

Mr. TRAIN. That is not the attitude of this administration. The administration is exceedingly concerned about the noise problem. Our Council is in the process at the present time of developing recommendations in this field. The new agency will be concerned with noise. This was set out and specified in the President's message of transmittal to the Congress of this plan.

It is true the specific statutory function relating to aircraft noise is not specifically transferred by this plan. Presumably, it could be at some later date.

Mr. ROSENTHAL. My view is that organizations make policy. I assume you are correct when you say the administration is committed to reducing noise pollution. The way to do that is to take the responsibility from an agency that is allied or concerned with industry, and transfer it. In other words, you exhibit your commitment to the program of reducing noise pollution by taking it from an agency that has done very little while it had the responsibility, and transfer it to a new agency that has a new lease on life and a mission to accomplish. I think the public interest demands this of the administration. I think this agency is a good idea.

Mr. BLATNIK. A very significant type of thing, another one of very high priority, raises doubts in the minds of those of us who worked on one aspect, water pollution, very intensively for a 15-year period of time. On page 7 in your statement you say you are the adviser to the President, and apparently one who hopes to have something to say in advising about the structure of this agency.

Mr. HORNING. I would like to ask a question on this point.

Mr. BLATNIK. May I complete this, if I may?

On page 7, speaking as the President's adviser on environmental problems, I quote from the top of the page:

"With its broad responsibility for environmental pollution control, the Environmental Protection Agency would greatly improve our ability to recognize and to take action on 'new' problems, such as noise."

Is noise listed anywhere in that list of agencies as one of the functions?

Mr. TRAIN. No, sir, because we are dealing only with statutory functions. There is nothing to prevent this agency from dealing with the problem of noise.

Mr. BLATNIK. Mr. Train, again subject to check, there does exist a statutory function dealing with noise, in the research and technology section of the Department of Transportation, which concerns itself with that. Is there any reason why this was not transferred and included in this agency?

Mr. TRAIN. A specific decision, as I said, was made by the Ash Council not to recommend that transfer, after careful consideration.

of the integral relationship of that standard-setting to the other functions of FAA, such as engine design, airports, and so forth.

Perhaps others could address themselves more specifically to that than I can. The new agency very definitely will have broad authority to go into the general problem of noise pollution, and I suggest that the President has given an indication that this would very likely be an appropriate focal point for placing responsibility later in that area.

Mr. BLATNIK. You are correct. We shall address our question to other witnesses, perhaps from the Bureau of the Budget, and particularly to Mr. Ash.

In your testimony on page 3 you state, "Indeed, the continuation of the present fragmentation of Federal antipollution responsibilities will only aggravate the existing problems." And you are absolutely correct. We have too much of this fragmentation.

Here we have a brand new, up-to-date recommendation of a single comprehensive, integrated agency which will have authority to talk to the airline people about airline pollution but cannot say one word about noise pollution. It does not make sense. This proposal is further fragmenting a very important aspect of our pollution problem concerned with the airplane.

Mr. TRAIN. It really makes no change in the existing situation in that respect. The air pollution aspects are in HEW and the noise—

Mr. ROSENTHAL. The pollution situation is in a bad state, period. I thought this would be a new day and a new dawning, but it is not.

Mr. BLATNIK. This is a question which raises doubts in our minds, and we shall ask this question of a witness more directly involved in the structure of the agency.

Mr. Erlenborn.

Mr. ERLENBORN. First of all, I want to thank you for recognizing me at this point. I would like to note it is getting close to noon, and the witness has been on the stand for an hour and a half or so. This is the first time this side has had an opportunity to ask questions. We are not going to have sufficient time, because we do have a bill on the floor this afternoon, the Labor and HEW appropriation bill, which is up for amendment, and we know there are many important amendments to be offered.

So, I shall suggest that the Chair ask Mr. Train to return sometime at his convenience and the committee's convenience so all members may have opportunity to participate in the questioning.

Mr. BLATNIK. The Chair concurs with the gentleman's suggestion and his request, and the Chair also wishes to make clear again that many of the questions directed to Mr. Train were not directed to the witness specifically, but as general areas of inquiry. We thought it would promote the more orderly flow of testimony if we expressed some of our doubts and concerns and apprehensions in advance.

Obviously, many of these will be more properly directed later on to those who are more directly involved with the recommending of this particular agency. So, we do apologize for taking too much time with these clarifying questions. Full time will be made available at the convenience of the committee and Mr. Train, and full opportunity will be given to the minority to question the witnesses.

Mr. HOLIFIELD. Will the gentleman yield? I would like to concur in Mr. Erlenborn's request that Secretary Train come before the com-

mittee again. I have a number of questions. I am not sure whether we shall have a chance to ask them this morning. I would like to know if Mr. Train's group was consulted in the formulation and takes responsibility for this reorganization. Since it will be the policymaking body, Mr. Train really ought to have answers to the questions. I would like him back, too, because there are some questions I would like to ask.

Mr. ERLÉNBOURN. I have quite a few questions I would like to ask you, Mr. Train. Let me first make an observation about the organizational structure of the policymaking body in the Executive Office of the President, an independent agency interested in our environment.

Strangely enough, the structure is parallel to the recommendation of this subcommittee in another area, a bill which has been reported by our full committee just recently, for the creation of an independent Consumer Protection Agency and a beefed-up statutory office in the Executive Office of the President for coordination and policymaking.

I want to congratulate the Ash Council and the administration for following in environmental protection the pattern that this subcommittee developed for the administration in an area as important as consumer protection. I think my colleagues on the other side of the aisle who helped formulate that plan will see the genius thereby displayed, which can be utilized here in the Environmental Protection Agency and the Council and in the Executive Office of the President. I congratulate you on following the approach we developed.

Let me ask you first, Mr. Train, is there any question in your mind or do you know of anyone who questions the need for reorganization in the field of environmental protection? Are there those who can logically or do logically argue that we ought to leave things as they are?

Mr. TRAIN. I would not say there isn't anyone. There may well be. I would say the absolute, overwhelming majority, 90-plus percent of the people, accept the principle, not only accept but enthusiastically endorse the principle of bringing the environmental protection functions of the Federal Government together in one agency.

They may differ as to some item, as to whether it should be added or subtracted. They may differ in how the agency should be located. But on the basic thrust of bringing these together into one operating unit, I found no substantial disagreement.

Mr. ERLÉNBOURN. I think you are eminently correct that the vast, overwhelming majority feel that reorganization is needed and the pulling together of these functions to administer an on-going program is needed, if we are to get the job done. I think we can pass that point and say that there is really little or no question about the need for reorganization.

The question, then, is what sort of reorganization. Should we put this into some other existing department where it would become one more function among many that that department administers? My own answer to that, following the experience we have had with NASA and AEC, would be that if you really want to put emphasis on getting the job done in a particular area, the best way to do it is with a single-purpose agency or commission.

I again point out the subcommittee seemed to think that was the right thing to do in the area of consumer protection.

So, I think we are logically led to accept the Environmental Protection Agency as the best vehicle for reorganization.

Then I think the only question remaining is what should be in there and what should not be. I think you have said, and I think we would all agree, this is not the "be all and end all" in this organization; that it will not solve all of our environmental problems. But it is a good start, and through further reorganizations, through statutory enactments, we can add to the functions of this Agency. Is that not correct?

Mr. TRAIN. That is correct.

Mr. ERLBORN. We might put noise pollution in this Agency later if it is determined to be the proper place for it, and it might take other functions as well.

I am sure in developing this, there were probably questions in your mind, in the Ash Council, and in the Office of Management and Budget, as to some of these functions or others that you finally determined should not at this time be transferred. These things are not clearcut.

Mr. TRAIN. That is correct.

With respect to some of the functions that are transferred, such as pesticides and radiation, some aspects of the function are left behind. The breaking point has been very difficult and complex to determine. This has received a great deal of attention and discussion with the people concerned.

If I might comment on one question which Mr. Hollifield raised as to what involvement our Council had had in the development of this particular plan, we were consulted periodically as the plan approached maturity. From the time we came into existence in February, we were quite actively engaged in discussions with the staff and also with the full membership of the Ash Council. I formally appeared before the Ash Council on at least one occasion to express my views and to answer questions.

On several occasions within our own Council staff we reviewed the proposals in working draft form and gave our comments in writing at that time, or verbally, to the members of the Ash Council and their staff.

While not the responsible agency in pulling the plan together, we were very much involved, particularly in the latter stages of the development of the plan.

I think, like everyone else who has taken a look at this, I would find some areas in which I might think it might have been better to go some other way. Any reorganization of this magnitude and complexity will have that kind of element to it.

I think on balance it is a step forward, and provides a strong institutional basis for later changes. I am sure there will be changes, and doubtless should be.

Mr. ERLBORN. Let me ask you several questions that maybe you would rather I deferred and asked of the Office of Management and Budget, but you may be able to answer them now.

In the creation of this agency, first of all, obviously you will get coordinated administration of these programs that are being combined. Will this then also lead to a coordinated request for authorizations under the various acts that give authority to these programs? In other words, this agency, with the single purpose of having its interests in environmental programs, will then be the agency to go to the authorizing committees with requests for increases in authorizations?

Mr. TRAIN. I would certainly assume so, but I think you had better ask that of Mr. Ink, who will be more familiar with that.

Mr. ERLBORN. Then the next question as far as the appropriations are concerned—and again, Mr. Ink may be better able to answer that—I would suspect the creation of this agency would mean that rather than having the environmental aspect of the appropriation buried in, say, HEW's overall appropriation or Interior's, this would likely come out in the independent offices appropriation as a single request for this new agency, again putting emphasis on the environmental aspect of the appropriation rather than having it buried in a lengthy departmental request.

Mr. TRAIN. I am sure that the appropriation and the budget request for these environmental protection agencies will be much more readily visible and understandable to the public at large, but how it may ultimately be dealt with by the various committees of the Congress. I really do not know. I do not know how the jurisdictions of the committees would relate to this new agency appropriation.

Mr. ERLBORN. In sum, however, I think that we can rightly say that the administration in recommending this reorganization shows the emphasis that they put in this subject area of environmental control, and the Congress by approving this reorganization can show their interest in this particular area.

I would hope that this reorganization plan will be approved and we can get on with the job that is I think now being very clearly demanded by the people in this country—of doing something about saving the environment that we depend upon for life.

Let me make one last comment about the chairman's reading of the history of the appropriations made available by Congress. I think he is certainly right that Congress has been in the lead in this area in requesting and demanding more funds, particularly for water pollution control. Let me also say that this is not as simple as putting a dollar sign on achievement.

The mere fact that we appropriate additional funds does not necessarily mean that we are getting the job done. That is not the only measure.

I also happen to know that as we are increasing Federal appropriations there is a lessening of the effort at the local level, which is unfortunate. If we had the same sort of increase in the States and localities and the communities, we would be getting a better job done. So many of these programs reward those who have not done anything in the past. In other words, the community that has spent their own funds locally for good pollution control, sewage treatment facilities, don't get the funds from these programs. It is those that have lagged behind, that have not taken on themselves the job of doing this locally, that are the ones who are rewarded with the funds.

Lastly, my own State of Illinois—a few years ago I recommended to the State legislature, and many of the people in the legislature were ahead of me on this, a proposal for a \$1 billion referendum, a state-wide referendum for water pollution control. It was turned down by the people. In sum, it is not simply a question of appropriating dollars here in Congress. We have to get the people to approve referendums that are being turned down in this field of pollution control and get the States to do a better job.

Thank you very much, Mr. Train. I look forward to asking you some other questions. I think Mr. Findley should have a chance now.

Mr. BLATNIK. Mr. Findley.

Mr. FINDLEY. Thank you, Mr. Chairman.

Mr. Train, first of all, could you clarify the chain of command that would exist under this reorganization? Would you be in full command and charge of all of the personnel listed on this chart?

Mr. TRAIN. No, sir.

Mr. FINDLEY. Who would be in charge of that?

Mr. TRAIN. The Administrator of the Environmental Protection Agency.

Mr. FINDLEY. The line of command would be directly through the Administrator; is that correct?

Mr. TRAIN. The Administrator would have full responsibility to the President for the management and operation of the Agency.

Mr. FINDLEY. For example, the person who is now in charge of the Bureau of Solid Waste Management would no longer have any responsibility to the Secretary of HEW? That would be completely divorced; is that correct?

Mr. TRAIN. That is correct.

Mr. FINDLEY. If there is a lack of spirit, as Mr. Rosenthal suggested there is in some places, this conceivably could be remedied by the Administrator of this Protection Agency replacing the personnel now in charge of the various functions?

Mr. TRAIN. That is conceivably right; yes.

Mr. FINDLEY. Can you tell us, or do you have with you a listing of the statutes which would come under the purview of this Agency?

Mr. TRAIN. The ones that I am familiar with are all listed in my statement.

Mr. FINDLEY. Is that a complete list, as far as you know? A section-by-section listing, I think, would be a helpful reference for the subcommittee in giving us a—

Mr. TRAIN. May I submit that for the record?

Mr. FINDLEY. I think it would be especially helpful if we could have it in advance of your subsequent appearance before the subcommittee.

Mr. HENDERSON. Just to be fair—excuse me. I would like to point out that the Bureau of the Budget has filed with us a copy of each of the statutes that affect this program.

Mr. FINDLEY. Then I think that simply means we can refer to this document.

To what extent would you contemplate this Agency will create a new superstructure of bureaucracy as opposed to an amalgamation of existing bureaucracy? In other words, would the Bureau of Water Hygiene, for example, occupy a high position in the Agency or would it be buried below a new superstructure on top of all the existing structure?

Mr. TRAIN. As I pointed out in my statement, the plan as submitted does not seek to spell out the form that the internal organization of the Agency will take, it being the President's intention to leave this, in the first instance at least, to the initiative of the new Administrator as he gets on board and as he gets experience with the job.

As I indicated to others, I am sure that the Administrator would be consulting with and informing the appropriate committees of the Congress of his thinking in this respect. So I really can't say specifically how any one of these programs will eventually be organized and located within the new Agency.

There is no intention, however, I assure you, of simply creating any new superstructures. I would think just the contrary. The responsible heads of these programs, however organized, are going to be much closer to the top and closer, I think, to the essential center of authority and the President than where they are presently located, fairly well buried and layered down in large departments.

Mr. FINDLEY. Could you give us some estimate as to how many additional employees are contemplated in this reorganization as compared with the total now occupied in the various units described on that chart?

Mr. TRAIN. Subject to correction by Mr. Ink, the Office of Management and Budget, I don't believe there are any additional personnel contemplated at all other than perhaps the Administrator—in other words, very few. In effect, no change in numbers of personnel.

Mr. FINDLEY. I think Mr. Rosenthal pointed out what may be a very important oversight in the formation of this Agency, in that noise pollution is not brought into it at this time. Is it possible that the authority of the National Air Pollution Control Administration is broad enough to encompass air pollution in the form of noise?

Mr. TRAIN. I think that if this reorganization comes into effect that it would not be a matter of giving that authority to the National Air Pollution Control Administration but rather to the new Environmental Protection Agency.

If I might just refer to the paragraph in the President's message of transmittal dealing in part with noise, the President said:

With its broad mandate EPA would also develop competence in areas of environmental protection that had not previously been given enough attention. Such, for example, as the problem of noise. It would provide an organization to which new programs in these areas could be added.

Mr. FINDLEY. Does this organization plan provide the President with authority to terminate whatever is now in progress on noise pollution so that when the Protection Agency does develop these new programs to which he alluded, he also would have the authority to terminate what is now being done elsewhere so as to avoid overlap?

Mr. TRAIN. I would suppose that unless there is a specific statutory directive for those particular programs that the President would have the authority to terminate any of those programs which I suspect probably are research oriented. As I mentioned to Mr. Rosenthal, our Council is in the process at the present time of reviewing the entire Federal posture as it relates to noise pollution, including the possibility of various kinds of noise standards. This study would include the organizational basis for the Federal effort. I think our feeling basically was it was simply premature at this time to lump noise specifically into this reorganization.

Mr. FINDLEY. It is premature. Would you expand upon that? We don't know the identity of the person that will be the administrator. We don't know the organizational structure. That is, for the reasons

you have given, undetermined. Why would you consider it premature, because the present state of the art is not advanced far enough?

Mr. TRAIN. Not that so much. That is also a part of the problem. My only point was, Mr. Findley, our Council at the present time is in the process of developing recommendations for the President in the field of noise regulation, including organization. As of this time, that process simply has not gone far enough to enable us to make a specific proposal.

Mr. FINDLEY. I note that pollution of navigable waters and seas is not encompassed here, at least to the extent that this proposal does not bring under the agency the pollution of navigable waters which is now under the Corps of Engineers, nor does it bring, so far as I understand it, the control of pollution represented by the discharge of oil in seas which is now in the Department of Transportation.

Is there some reason why these two items were not brought under the protection agency at the outset?

Mr. TRAIN. You are correct, Mr. Findley. The responsibilities of the Corps of Engineers under the Harbor Refuse Act of 1897 were not transferred, I believe primarily because most of that function relates to navigation and obstacles to navigation rather than to pollution, although recently, of course, that authority, particularly the sanctions, have become a useful tool with respect to the abatement of pollution. I think that is the reason why that function was left where it is. It is primarily a navigation matter.

With respect to oil pollution, the existing responsibilities for dealing with oil pollution by statute and by the national emergency plan recently promulgated is in the Coast Guard for cleanup essentially and in the Federal Water Quality Administration in coordination with the Coast Guard.

The President has issued an executive order which spells out much more clearly the delineation of responsibilities between these two agencies. To the extent that the Federal Water Quality Administration at the present time has responsibilities with respect to pollution on the seas or in the navigable waters, those responsibilities are transferred to the new agency. So this reorganization is designed to change in that respect. It does not create any gaps or anything of that sort. It simply shifts the existing function.

Mr. FINDLEY. On the bottom of page 6 you state that some pollution problems remain unrecognized because of gaps in agency jurisdiction or because no agency has clear responsibility.

It would be helpful if you could identify these gaps and what EPA can do to close them.

Mr. TRAIN. I think one of the examples that I referred to in my statement involves radioactivity. Another example is pesticides. Either of these pollutants can be identified in the air or in the water or in the earth for that matter. It is not clearly an air pollution problem or water pollution problem or solid waste problem, so I am informed.

There is a tendency within the existing organization for problems that fall into that kind of category to not receive the kind of responsible attention that they should be getting because no one is quite sure whether it is his responsibility or someone else's. We feel that this will be increasingly the case with trace metals such as beryllium and with problems such as asbestos poisoning. These are really not clearly

air, water, or other kinds of pollution. They cut across the entire environment.

Mr. FINDLEY. Mr. Train, I can tell by the clock that the time is fast approaching when we have to meet a quorum call and terminate this. I do have a number of questions. Before yielding the floor back to the Chairman, I would like to state my support for this idea. I think the proposal is a sound one. I believe that it could have a little smoother passage here if you could present a suggested organization chart to us, not necessarily binding upon the future administrator, to give us a clearer idea of what is contemplated here. Because while reorganization plans are to a degree necessarily vague and imprecise, nevertheless this is perhaps as vague and imprecise as any in a long time.

Mr. TRAIN. Let me say, Mr. Findley, that it is intended that initially at least the organization of the new agency will simply be predominantly the carryover of the existing organizational structures. It is not intended to at the outset shake up all those organizations with very likely deleterious effects on the efficiency of their operations. It is intended to move over the old organizations bodily and to only reorganize internally as the new administrator makes those decisions.

Mr. FINDLEY. Well, to the extent that that can be shown in a tentative organization chart, it might promote some stability and confidence and greater self-assurance within the existing plan.

Mr. TRAIN. I will see that it is pulled together.

Mr. FINDLEY. Thank you, Mr. Chairman.

Mr. BLATNIK. I thank the gentleman.

The Chair thanks you very much for your patience.

May the record show that many of these questions were not directed precisely at you or as chairman of your Council, but these are the gaps that we hope to have filled in fairly logical order by the subsequent witnesses.

I apologize to those witnesses who have waited all morning long. At least, perhaps you now have a clear idea of some of the questions to anticipate in tomorrow's hearings. We will not be able to continue this afternoon. We have a very important HEW appropriation bill with many amendments coming up. But let the Chair announce that we do plan to proceed tomorrow morning at 10 o'clock with Mr. Roy Ash, the Chairman of the President's Advisory Council on Executive Organization who, with members of his Council and staff, had a major role to play in structuring this proposed agency. Following Mr. Ash, we will have our good friend, the Honorable Dwight Ink, the Assistant Director of the Office of Management and Budget.

That will pretty well give us the details on how this proposal came about and what it is and what it is intended to do.

We will also hear, following that, the Honorable Fred J. Russell, Under Secretary of the Department of the Interior.

The hearings for today are adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 12:23 p.m., the subcommittee adjourned, to reconvene at 10 a.m., Thursday, July 23, 1970.)

REORGANIZATION PLAN NO. 3 OF 1970 (Environmental Protection Agency)

THURSDAY, JULY 23, 1970

HOUSE OF REPRESENTATIVES,
EXECUTIVE AND LEGISLATIVE REORGANIZATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 a.m. in room 2154, Rayburn House Office Building, Hon. John A. Blatnik (chairman of the subcommittee) presiding.

Present: Representatives John A. Blatnik, Chet Holifield, Benjamin S. Rosenthal, John N. Erlenborn, and Clarence J. Brown.

Also Present: Elmer W. Henderson, subcommittee counsel; Herbert Roback, administrator, Military Operations Subcommittee; James A. Lanigan, general counsel; J. P. Carlson, minority counsel; and William H. Copenhaver, minority professional staff, Committee on Government Operations.

Mr. BLATNIK. The Executive and Legislative Reorganization Subcommittee of the House Committee on Government Operations will come to order. We shall resume our hearings on Reorganization Plan No. 3.

Yesterday the subcommittee received background testimony from Chairman Train of the Council on Environmental Quality, and members of the subcommittee posed questions which properly should be made available in the printed record for other Members of Congress, for those who are present, and for the public in general.

We stated at the outset that protection of the environment is a very sound concept, but there is some question whether, perhaps, where protection of the environment is the major or dominant program of an agency, it should not be retained in that agency, and that question will be developed as we proceed this morning.

We are pleased to have before us this morning one who has an outstanding reputation in the field of managerial skills, both in and out of government, Mr. Roy L. Ash, the chairman of the President's Advisory Council on Executive Organization.

Mr. Ash, thank you for appearing this morning. Before you begin your prepared statement, will you tell us, for the record, a little about the background of the plan for environmental control? Will you tell us how you finally came to the decision, in your judgment and in the judgment of the Council, that this agency would be a more effective and more logical vehicle than revamping and reorganizing the existing departments and agencies—for example, possibly revamping the Department of the Interior into an environmental department?

STATEMENT OF ROY L. ASH, CHAIRMAN, PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION; ACCOMPANIED BY DOUGLAS M. COSTLE, SENIOR STAFF ASSOCIATE; AND DWIGHT A. INK, ASSISTANT DIRECTOR; HOWARD SCHNOOR, DIRECTOR, GOVERNMENT ORGANIZATION STAFF; AND CHARLES ELKINS, EXAMINER, OFFICE OF MANAGEMENT AND BUDGET

Mr. ASH. Yes, Mr. Chairman.

When the President's Advisory Council came into being, we were asked by the President to consider the organizational matters within the executive branch which we felt might be improved in order to make the Government more effective.

Shortly thereafter, he particularly asked that we consider the subject matter of environmental protection, and we then spent a number of months considering various ramifications of this matter. We came to certain conclusions which were reduced to recommendations to the President which in turn were taken into account as he submitted Reorganization Plan No. 3.

We considered a number of alternatives for strengthening environmental protection and responsibilities within any one of the existing agencies, and one of those considerations was the Department of the Interior. As we considered the many different functions and responsibilities that would have to be, we felt, brought together and carried out in a unified manner, we observed that they were many of the present operating departments. Some related to Interior and some related to a number of other departments.

In order to be fully effective, since an important part of the functions of the Environmental Protection Agency deals with standard-setting, and standards are set by a number of departments, such an entity or agency could be more effective if it were not within one of the departments, imposing standards in effect on others, and established independent of the existing departments who would, in turn, be conducting their operations within those standards as set by this Agency.

We felt that to place the environmental protection functions in a separate agency would give greater attention to the importance of the subject matter, because in fact the Administrator of the new agency would report directly to the President, and that greater attention would in turn, hopefully, give rise to greater and more effective results of those operations that it is so important at this time to work upon.

While considering the Department of the Interior and the Department of Health, Education, and Welfare, for example, we felt the functions should be brought together and we concluded that a better organizational alternative would be to separate them from any of the operating agencies. They have a very important function that bears across all agencies and, therefore, they should be set up independent of any one.

Mr. BLATNIK. Earlier, Mr. Ash, the idea of using the Department of the Interior, enlarged, upgraded, and broadened, was given serious consideration; that other environmental functions would be added to the water pollution control program, such as fish and wildlife, game

management, and saline water. Earlier consideration was given to perhaps reorganizing the Department of the Interior and making it a Department of Environment. Is that correct?

Mr. ASH. Yes, sir. We considered four basic alternatives and that was one of them.

Mr. BLATNIK. To save time, you may proceed with your statement. First of all, may we identify the gentleman with you? We have Douglas M. Costle, senior staff associate to the President's Advisory Council on Executive Organization, who was present yesterday. We welcome you here this morning.

Mr. EDDING. You are with the Office of Management and Budget?

Mr. ELKINS. I am Charles Elkins, examiner with the Office of Management and Budget.

Mr. BLATNIK. You probably have seen the work on the whole problem from the very beginning.

Mr. ELKINS. I worked on it after the President made his decision.

Mr. BLATNIK. So the Council made its recommendation to the President, and the President asked the then Bureau of the Budget to review it in behalf of the Executive. Is that correct?

Mr. ELKINS. That is correct.

Mr. BLATNIK. We have our good and esteemed friend, recognized for his competence, Mr. Dwight A. Ink, Assistant Director of the Office of Management and Budget. Mr. Ink, you have with you Mr. Schnoor, who has been with us before. Mr. Schnoor, for the record, will you give your title to the reporter, and give us some idea what role you played in the formulation of the recommendations to create a new separate and independent environmental agency?

Mr. SCHNOOR. I am the Director of the Government Organization Staff in the Office of Management and Budget. Our role in the enterprise began some months ago when we had some initial contacts with the Ash Council, which was studying the proposal. We provided information and data to them. After the proposal was made to the President, we worked very intensively with them in the formulation of the plan which is now before the committee and in developing the background materials, and so forth, which you have before you.

Mr. BLATNIK. Mr. Ink, you and your assistants, Mr. Elkins and Mr. Schnoor, have all recently been through the reorganization tumblewheel, haven't you, in the new Office of Management and Budget?

Mr. INK. Yes, sir; and we are not finished yet.

Mr. BLATNIK. Have you been able to get your sea legs back after stumbling around for a while?

Mr. INK. The stumbling has not been too bad. We are in the process of working out the kinds of arrangements that we discussed with the committee. We believe we shall be able to meet the kinds of problems that we discussed at the hearings previously.

Mr. BLATNIK. You have your own statement to present, but at this point will you give us a brief statement of what role or at what point you and the Bureau of the Budget, at that time, came into the formulation process, if you were in it at all; or, were the plans already formulated and was it your task to review it and aid in its presentation to the Congress?

Mr. INK. We did have the opportunity to express our views as to the advisability of an environmental protection or pollution control agency

of this type before the plan went forward and, as Mr. Schnoor indicated, after the President made his decision we were heavily involved in working up the material and developing of the plan to come forward to the Congress.

I might say that the notion of an agency of this type is something which we strongly support.

Mr. BLATNIK. At this point, may the record include the full membership of the President's Advisory Council on Executive Organization and the staff members.

(The membership referred to follows:)

EXECUTIVE OFFICE OF THE PRESIDENT—PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION

Chairman: Roy L. Ash.

Members: Dr. George P. Baker, Hon. John B. Connally, Mr. Frederick R. Kappel, Mr. Richard M. Paget, Mr. Walter N. Thayer.

Staff: Andrew M. Rouse, Executive Director; Douglas M. Costle, senior staff associate; James H. Finch, Jr., senior staff associate; Michael K. Glenn, senior staff associate; Richard T. McCormack, senior staff associate; William J. Nagle, senior staff associate; Harvey G. Pippen, Jr., senior staff associate; Kurt J. Wehbring, senior staff associate; Norman J. McKenzie, administrative officer; John J. Cohrsen, staff associate; Bruce C. French, staff associate; Lawrence T. Graham, staff associate; Arlene P. Kringold, staff associate; Herbert E. Meyer, staff associate; Elena T. VanMeter, staff associate; Egils Milbergs, research associate; Margaret W. Brill, research assistant; William B. Golden, research assistant; Larry L. Goldstein, research assistant; James C. Jennings, research assistant; Scott T. Kragie, research assistant; Creighton R. Moeller, research assistant; Loretta A. Molandro, research assistant; James S. Rice, research assistant; Thomas E. Walker, research assistant; Geneva M. Coleman, administrative assistant; Lois V. Tolliver, administrative assistant; Patricia A. Beckwith, secretary; Pauline T. Bischoff, secretary; Margaret C. Borenasser, secretary; Judith A. Dorey, secretary; Joyce R. Edwards, secretary; Dorothy A. Hilsberger, secretary; Elizabeth F. Koury, secretary; Mary H. McBurnett, secretary; Shirley J. Moore, secretary; Barbara Pedrini, secretary; Martha K. Smith, secretary; Cheryl L. Solomon, secretary; Robert J. Beverly, clerk; James R. Owen, clerk.

Mr. BLATNIK. Mr. Ash, will you present your statement in behalf of the Council?

Mr. ASH. Mr. Chairman and members of the subcommittee, we welcome the opportunity to appear before this subcommittee in support of Reorganization Plan No. 3 of 1970. This plan consolidates the major control programs in a new, independent agency in the executive branch, the Environmental Protection Agency.

In appearing before you today, I am speaking on behalf of all the members of the President's Advisory Council on Executive Organization. They are Dr. George P. Baker, the Honorable John B. Connally, Mr. Frederick R. Kappel, Mr. Richard M. Paget, and Mr. Walter N. Thayer.

Our Council supports the plan without reservation. As individual citizens personally concerned with the environmental problems faced by the Nation, we believe that the Environmental Protection Agency will provide an improved organizational base for the conduct of a more effective and better balanced Federal pollution control effort over the long term.

When the President created the Advisory Council on Executive Organization in April 1969, he gave it a broad charter to examine ways in which the executive branch could be better organized. The President asked that the Council particularly look at the organiza-

tion of environmental protection or antipollution programs. Since late November of last year, the Council, aided by a full-time professional staff, consultants, and representatives of the agencies involved, has examined the organization of pollution control programs scattered throughout the executive branch. The Council staff interviewed and consulted with approximately 180 persons, including the top officials of all the Government programs examined, former Government of-f-throughout the executive branch. The Council staff interviewed and resource economists. The Council staff also interviewed a number of regional, State, and local pollution control officials.

We found that pollution control activities are now located in separate bureaus, often in separate departments, and frequently are very low in the departmental hierarchy. Typically, environmental protection activities represent only one of many missions within a single department, and often are subordinated to other missions of that department.

Such fragmentation is, in many instances, characteristic of organizational responses to problems that were first perceived independently. Such piecemeal reorganization structure becomes inadequate when the interrelation of the problem or the solution becomes the dominant factor.

In our opinion, the present fragmentation of pollution control programs among several agencies of Government no longer serves the public interest. It inhibits the effective use of public and private funds and of the talents and energies of concerned and dedicated people. Perpetuation of this condition will severely limit our solving the problem, even if we expand our commitment to preserve and restore the quality of our environment.

For the most part, responsibility for pollution research and control has been divided according to the environmental medium (that is, air, water, and land) in which the pollution occurs. The programs have been assigned to different agencies or departments. In other instances efforts have been organized around single pollutants, such as ionizing radiation and pesticides—and even here, the responsibility has been fragmented among several agencies.

An effort has been made through interagency agreements and working level communication to make this fragmented approach effective. Such efforts in general have not been fruitful. The increasing degradation of our environment and the mounting costs of pollution abatement make clear that effective abatement must span all media with a unified approach, recognizing, of course, that control of one problem may cause another. Situations should no longer be tolerated in which enforcement of pollution standards by one agency concerned with a single medium may merely shift the pollution to another medium, the concern of yet another agency.

Organizing by media also tends to ignore the fact that most pollutants—many chemicals, radiation, pesticides, trace metals—do not fit into the traditional air-water-soil classifications, but are present in or travel through all media. To effectively control these pollutants, their presence and effects should be studied in all media and, on that basis, the decision should be made as to the best point of interception.

For example, pesticides are first applied to the soil or to crops. The original compounds and the derivatives resulting from their use—

some more toxic than the original substances—are absorbed in biological ecosystems. They are then stored or metabolized and excreted into the environment. Some persist on the land itself and may affect the underground water supply. Some remain in the harvested crop and find their way to the ultimate consumer. Some reach waterways (through rainfall runoffs or irrigation practice) where they are carried to inland lakes and to the ocean. Some become airborne.

These chemicals may interact with any number of other compounds and affect any variety of ecological systems. Successful interdiction now requires the coordinated efforts of a number of separate agencies and departments.

We also find there is much more we need to learn about our ecological system, the way pollutants travel, interact and take effect. In a sense, we are in the process of defining the total problem. Yet, at the same time we must continue developing the necessary technology to monitor and control the effect of major known pollutants throughout our environment. The fragmentation of this effort and the fact that no single agency is responsible for developing an integrated research, standard-setting and assistance program, seriously handicaps our effort to develop and implement a comprehensive strategy of pollution reduction.

The Environmental Protection Agency would bring together in a single organization the major Federal pollution control programs now existing in four separate agencies and one interagency council. It will have an estimated fiscal year 1971 budget of \$1.4 billion, and approximately 6,000 personnel.

In formulating the recommendation for the creation of an Environmental Protection Agency, our Council had in mind the following objectives:

Research and standard-setting based on a comprehensive view of the individual's health, the planet's ecology, the economic costs of pollution and its abatement, considering also the benefits to health and well-being that may accrue from the products, processes, or activities that give rise to pollution.

Formulation of coordinated policy for pollution control, taking into account all media in which a particular pollutant may appear.

Recognition of new environmental problems and development of new programs to meet them.

Integration of pollution control and enforcement so that we do not create new problems in the process of controlling existing ones.

Simplification of relations for State and local governments by reducing the number of Federal agencies with which they must deal and clearly identifying their responsibilities.

Provision of a unified U.S. responsibility to work with other governments as pollution problems become a matter for international concern, agreements, and action.

Clarification of the responsibility of private industry by providing consistent standards and a single enforcement agency.

It became clear to us that to bring together under one organizational roof all the executive branch entities dealing in any way with environmental pollution is impossible, even if it were desirable. Our central and guiding concept was to bring together and organize around those functions essential to setting standards for pollution control.

Also, we do not feel that it would help very much, given the large number of departments involved, to affiliate antipollution responsibility, particularly the critical standard-setting function, with any single existing department. That department would, as part of its activities, be called upon to make decisions affecting other departments. Fairly or unfairly, its own objectivity could be called into question.

Since the Council believes that the key standard-setting function should be performed outside agencies whose interests may affect those standards, we regard the EPA as the strongest organizational alternative.

The question then became one of deciding what other functions such an agency should have to do its job.

We believe that the standard-setting function cannot stand alone. We must know that the standards are soundly based; thus, a research capability is necessary. We must know if standards are working; thus, we must be able to monitor the environment. We must be able to offer incentives and assistance for compliance as well as being able to move against violators. These are the activities that will give effect to the standard-setting function.

The decision as to which programs should be included in the EPA involved a delicate balancing between what the new agency needs to fulfill its mission and the needs of existing agencies from which programs would be moved. Many programs with environmental implications could be seriously impaired by extracting them from their present contexts. We have not proposed, for example, that all pollution-related research be concentrated in the new agency. Research on a particular form of pollution may be a spinoff of the activities of other Government entities or the work of industries affecting the source. We envision the EPA as serving as a point of central cognizance for such specialized research, relying on the processes of information and funding transfers to make sure that the total research effort is adequate and well articulated. Existing departmental skills should be recognized by the EPA in gathering data for the formulation of standards.

Our concern was that the EPA have an in-house appreciation for such external competence. We adopted as a guide in considering organizational changes the principle that the burden of proof rested with those who proposed transferring a program to the EPA. At all times our purpose was to identify only those programs which we felt were essential to the functioning of the EPA.

There is no perfect structural arrangement which will reconcile all interests or resolve all conflicts. The EPA is neither perfect nor immutable. As we have said, the reorganization provides an opportunity to integrate the functions and activities of those programs incorporated in the EPA. In doing so, the potential for effectiveness of these programs is enhanced. As both the Congress and the Executive observe the performance of the EPA, they may determine that the functions and the roles of the Agency should be further strengthened and improved through the legislative process. The EPA is a focus, but the discharge of its mission will depend on all of us—the Congress and the executive branch, producers and consumers, and the public in general—working with it.

Thank you, Mr. Chairman.

Mr. BLATNIK. Thank you, Mr. Ash.

Mr. Holifield?

Mr. HOLIFIELD. Mr. Ash, I am going to confine my remarks to just one sector of this, and that is the transfer of the radiation protection standards and the transfer of all the functions of the Federal Radiation Council to the EPA.

I note at the start that there will be three positions transferred over from AEC, I suppose, and four from the Federal Radiation Council. That makes a total of seven. The budget remains about the same, in the neighborhood of a little less than \$200,000, for functions in that field.

I note you mention in your statement, on page 7:

We believe that the standard-setting function cannot stand alone. We must know that the standards are soundly based; thus, a research capability is necessary. We must know if the standards are working; thus, we must be able to monitor the environment. We must be able to offer incentives and assistance for compliance, as well as being able to move against violators. These are the activities that will give effect to the standard-setting function.

Over on page 8, about six lines down:

We have not proposed, for example, that all pollution-related research be concentrated in the new agency.

I want to clarify this, where you say the standard-setting function cannot stand alone. Mr. Ink is very familiar with this, and I solicit his comments on this, also, because of his background in the Atomic Energy Commission for many years.

The permissible doses of radiation, contrary to a lot of statements in the press, have not been set by the AEC. The standards have been set originally on recommendations by the National Council on Radiation Protection and Measurement. This body is composed of about 65 independent scientists of several different disciplines, but all related to biomedical radiation or physics or chemistry or something that has to do directly with specific knowledge about this subject matter. This body of scientists is completely independent, not on a salary or on the payroll of the Government at all, but people who work voluntarily and who over the years have looked at all types of radiation—radiation from X-ray machines, from shoe-fitting fluoroscopic machines in the old days when we used those things, and the use of radium, such as the radium watch dial painters, and the use of radium in medicine. Much of that has since been discontinued because of recommendations of this body as to the damage which was being done.

The policy heretofore has been that the National Council on Radiation Protection makes recommendations as to the ceiling for permissible exposures to populations. These recommendations have been sent to the Federal Radiation Council since it has been in existence, and then, in turn, turned over to the AEC for implementation.

In my opinion, the most expert bodies in the world are the National Council on Radiation Protection and Measurement and the International Council on Radiation Protection and Measurement, which is composed of representatives from the United States and from all the nations of the world. They are consistent in their recommendations. They are not at variance with each other. They usually agree on their recommendations.

Another factor involved is the tremendous program of experimentation by the AEC in the biomedical field in their laboratories. For

instance, in the Oak Ridge Laboratory, over 5 million mice have been irradiated to give degrees of doses of radiation, and the genetic effects have been traced for several generations of mice.

The thing that concerns me is the transfer of these seven men over into an organization, the EPA, which will have 6,500 people in it. Will they not be lost in this tremendous organization? Will they have anything to say at all about the permissible levels of radiation? Will they have the research program, which amounts to around \$100 million a year, in the AEC today in the biomedical field, most of it for radiation effects? Will they have access to all that research and development?

Those research laboratories are not transferred over to EPA. Will these people be lost there, without access to really basic experimental data and continuing research in this field, which has been very large and outstanding? Will the recommendations of the National Council on Radiation Protection and Measurement still, you might say, rule or still be the substantive recommendation upon which standards are set, or will they be overruled by bureaucratic administrative lay judgments?

This is a series of questions; each one of which, of course, would involve an answer of some length. I am seeking to find out what is to happen when these people are put over there. The Federal Radiation Council was set up under statute to do certain things. That is being abolished.

I might say I think it should be abolished. I am not complaining there, because it is not functioning as it should function. It has not had the attention. This is not due to staff incompetence. It is due to the fact that it was composed of members of the Cabinet who had no time to attend the many councils and commissions upon which they serve. I came to the conclusion that I made a mistake in setting up this kind of council. I am for abolishing the Federal Radiation Council and, if we have any kind of council, I want it to be an expert council of working people in place of a body of laymen such as Cabinet members, with all due respect to their rank.

These are some of the things that are worrying me. I would like both you and Mr. Ink to comment on that.

Mr. ASH. I will make two or three comments in response to that.

Recognizing the very great importance of that subject, we have spent considerable time considering the very kind of thought that you express.

First, because of the importance of radiation among all the potential pollutants, we do not believe that the number of people will necessarily equate to the importance given or ascribed in the EPA or the attention given to the subject. I think the very nature of the concerns that one must properly have about radiation protection will itself cause the consideration of those matters to be given foremost attention, not necessarily related to the number of people.

That possibly relates to the second point, the one that you mentioned, which I would like to reiterate. We believe that by providing this full-time exclusive attention to environmental protection, we can avoid the very kind of problems of only partial attention that would be given to such subjects as was done in the Federal Radiation Council.

Mr. HOLIFIELD. This full-time attention is being given of course, by these people who are in the AEC.

Mr. ASH. I had in mind the Cabinet members of the Federal Radiation Council, who themselves became the recipients of that fulltime effort. In this particular case, the Administrator of the EPA, reporting directly to the President, will be, we believe, in a much better position to actually be effective with the knowledge that he comes to gain from those working full time on the subject matter, because of his organizational placement and organizational position.

As to another point that you mentioned—

Mr. HOLIFIELD. You are saying that the Administrator of EPA will be in consultation with this group. I suppose this would be a small office of seven people somewhere in this giant agency, but they will be top people as I understand. They will be experts in the field of radiation. They will be either scientists or people of disciplines who know about radiation and have a background of knowledge and long experience; is that right?

Mr. ASH. Yes, sir, we believe they must be.

Mr. HOLIFIELD. Now let us get to who sets the standards. Does the Administrator of EPA set the standards, or do they get their recommendations for standards from the most expert body in the world?

Mr. ASH. Their recommendations will still come from those very sources that are presently being used for the purpose of expert information.

Mr. HOLIFIELD. Are you speaking of the National Council on Radiation Protection?

Mr. ASH. Yes, sir.

Mr. HOLIFIELD. That is the most competent body in the United States and in the world, independent scientists, most of whom have backgrounds of more than 30 years in the field of radiation. I am asking specifically if the National Council on Radiation Protection will be the body that will recommend the permissible levels of radiation exposure to the Administrator of EPA.

Mr. ASH. We believe strongly it must be that same body as well as the International Commission providing similar information.

Mr. HOLIFIELD. They are usually harmonious in their recommendations.

Mr. ASH. Yes. It is our thought and recommendation that that advice and those recommendations be the basis for the action of the EPA.

Mr. HOLIFIELD. There is a great deal of emotion in this field, there is a great deal of ignorance and propaganda, and there is a great deal of political pressure. In the FRC we have seen the political pressure which occurred when the Chairman of the Federal Radiation Council, Mr. Finch, and all the cabinet members were blackjacked—I use the word advisedly—into signing a report by Secretary Wirtz, who was only a member of the Federal Radiation Council, but who had very strong and, I think, sincere feelings on this subject. He set standards for work in the uranium mines which are rapidly going into effect, applied to material purchased by the Federal Government. He would not take scientific advice, but set standards arbitrarily and on the same type of judgment that you and I would use as laymen.

Here is where my complaint came against the Federal Radiation

Council, that it did not operate, that it did not have a meeting and bring in expert opinion on that. Apparently, a paper was circulated and everybody signed it. The people who signed did not know any more about it than a hog knows about Sunday. They did not take into account expert scientific advice on the subject matter.

I can conceive the same kind of thing happening here if you have a lay Administrator, as you will have in EPA, undoubtedly, or a lay group at the top of it. For administrative, bureaucratic, fiscal, sincere or insincere, political or nonpolitical purposes, they will override the recommendations of the scientists who know more about this than anybody else.

I am getting right down to the nuts and bolts of this question; are we to have the standards set on the basis of scientific competence, or will we have them set because of political pressure and because of emotion?

Mr. ASH. That is a difficult question. I do not know of any way to preclude errors of judgment, at least by organizational structure. Therefore, I cannot guarantee that any organizational structure proposed would insure that there would not be errors of judgment.

One thing I think is very important that may go directly to your point; we are establishing in the EPA Administrator a point of visibility and accountability in a person who is justified and evaluated by the Congress, by the people, and by the President for his judgments and his positions on these particular matters, rather than they being one of the many things for which he is responsible and for which he is judged and accountable.

This sets up clearly, for the Congress, for the people, for the President to see, an accountability for decisions, for judgments, for actions that we believe give a greater probability of better judgments and better decisions. I know of no way to guarantee that they would all be the ones that we would make.

Mr. HOLIFIELD. I realize we cannot guarantee it, but I want to know the purpose of it. Is it the purpose to lose these seven people in this great organization, or will they have enough visibility with the Administrator? I am sure they will have some visibility with the Joint Committee on Atomic Energy, which I chair. The Administrator will have his day before the committee if he disregards the expert opinion of scientists and substitutes therefor his own political or administrative judgment.

Mr. ASH. I think the important word is "accountability." We propose the creation of an agency and an administrator who is accountable for his actions in this field and not diffused with a lot of other activities that he may also be concerned with. We believe that this will go a long way toward achieving the very objective that you have in mind.

Mr. HOLIFIELD. Do you know a better way of establishing standards for the protection of the people's health and safety than reliance upon the most expert scientific judgment?

Mr. ASH. I know of no better way.

Mr. HOLIFIELD. Would you like to respond to this series of questions, Mr. Ink?

Mr. INK. First, on the numbers that will be transferred over, we have given you estimates. That determination will not be final until and if the plan is permitted to go into effect and there is an admin-

istrator, or at least an acting administrator, who can be consulted so the viewpoint of the new agency can be taken into consideration. Instead of three, it may be a slightly different number, but that does not really affect your point.

Second, there will also, of course, be transferred from HEW several hundred people in the radiological health area.

Mr. HOLIFIELD. Their function is more in the monitoring field.

Mr. INK. Yes, sir; that is right.

Mr. HOLIFIELD. They are working in harmony with these recommendations, and also in harmony with our agreements with those States that have entered into Federal-State compacts.

Mr. INK. Yes, sir. I mention this to indicate the radiation part is not quite such a small part as the seven or eight might suggest.

Mr. HOLIFIELD. You have, I believe, 551 working in radiobiology at HEW, but these are not really in the policymaking field, are they?

Mr. INK. No.

Mr. HOLIFIELD. They are in the implementing and monitoring field, is that not true?

Mr. INK. Yes. But again, they do add to the resources in the agency concerned with radiation problems.

Third, the radiation group will report to the Director.

Mr. HOLIFIELD. Of the EPA?

Mr. INK. Yes. I am sorry—the administrator. I misspoke. So, there will not be two or three intervening levels. They will be reporting to an officer who reports to the President. I think that will help.

Mr. HOLIFIELD. The radiation hazard is so small in relation to the pollution hazard in water and air, my concern is that they not be forgotten and subordinated in this agency to the point that they are never heard from.

Mr. INK. It is an area in which there is a great deal of public interest and concern. I really do not think it will be lost.

Finally, as you well know in transferring the functions of the Federal Radiation Council to this new agency, there will go with that the requirement that scientific expertise, including that of the National Council on Radiation Protection, be brought into the recommendation process.

Mr. HOLIFIELD. I know of no way for setting levels that would be based on a more knowledgeable group than this group of scientists, because they have no ax to grind. They have only one concern, and that is the scientific effect of radiation exposure.

Mr. INK. Within that group over a period of years there has been quite a broad range of scientific views expressed, so you get a very good cross section.

Mr. HOLIFIELD. Also, there is the National Academy of Sciences, with a tremendous biological program. They are also a very important body. In the past, they have melded their information with the information of the National Council on Radiation Protection, and in most instances have made uniform recommendations.

Mr. INK. Yes, sir. Again, that is mentioned in the statute and there will be a requirement carried over into this plan, through the transfer of the functions of the Federal Radiation Council, to consult with the National Academy of Sciences. I think it is important that in stressing the importance of these two groups we not preclude them from seeking

other scientific advice. I know this was not your intention and the Federal—

Mr. HOLIFIELD. No, nor was it my intention. If an occasional scientist stands out and denies the validity of findings by 65 experts in the field, I wouldn't want that occasional scientist's unproven theories to be accepted when a jury of his peers, you might say, would say that they are unproven theories not worthy of acceptance.

One doctor will say that you have a stomach ache and another that you need an appendix removed. There is a difference of opinion among doctors as to what causes pain in the abdomen, and there is a difference of opinion among scientists. When you come down to it you have to rely upon the positive opinion if you are going to get any kind of consensus of scientific judgment on a particular point.

Mr. INK. The act helps in that respect in that it talks about qualified experts in the field of biology and medicine and in the field of health physics. I don't think I would qualify, for example, under that definition.

Mr. HOLIFIELD. I have been exposed to this scientific problem for 24 years, and I would not consider myself competent to settle that either. This is the thing that I am very much concerned about; that we use scientific judgment in this field and we do not use lay judgment.

Mr. INK. I think when you talk about a scientific problem, and you are talking about scientific aspects of standard-setting, it follows almost by definition that you must draw upon the best scientific expertise which is available. That certainly is the intention here and also drawing, of course, upon the strength and the resources that are in the national laboratories, of which Oak Ridge is one major facility, but there are others as well.

Mr. HOLIFIELD. These experiments on animals in the different laboratories and the grants to the universities AEC handles, will continue, and the results will be fed to these people in this group of seven that you have outlined in your chart?

Mr. INK. It is extremely important that they continue. Some of them have gone on for years; it is only through a succession of generations of animal life that we can truly get meaningful data that are useful for this kind of program.

Mr. HOLIFIELD. May I broaden this principle of consultation with experts in laboratories that are set up in other fields such as sewage treatment and air purification. You have not, as you testified, moved those functions over into this department, but I think if it is going to work you are going to have to avail yourself of this tremendous research that is going on in the fields of water, air, and pesticides—any of these potentially polluting or polluted elements. EPA will need to maintain a very close liaison with this research and development that is going in the laboratories, or something is going to fall in the crack between them. I think that the success of this organization is going to rest, in the last analysis, on a close and continuing relation with the great research programs authorized by Congress, that are going in most every university in the United States.

Mr. INK. Yes; sir.

Mr. ASH. Yes, sir. One of the main points of our recommendation centered around the matter of research. We believe as a matter of effective organizational principle one should not bring to one central

point all research activities related to pollution but one should at that central point have a cognizance and ability to identify and fill vacancies in the research. I believe that the EPA must have both of these functions, a cognizance of applicable research in and out of Government, wherever it may—

Mr. HOLIFIELD. Application of that research?

Mr. ASIR. Application.

Mr. HOLIFIELD. In their rules and regulations. If they just consider and dismiss it for administrative or bureaucratic reasons, why, then, we are going to lose.

In the AEC program today there is close to \$180 million in the biological and medical areas—detection of radiation and many other research activities which add up to a great body of scientific information which has been developed in the AEC.

I certainly hope that the relocation of these people that have been working in close relationship with these laboratories will not, from an organizational standpoint, divorce them from access to and consideration of and implementation of the tremendous amount of knowledge that is annually being developed in laboratories throughout the country, both in Government and in private laboratories and universities.

Mr. INK. When we talk about the importance of standard-setting being independent of these agencies, and the AEC is a good example of an agency where we think it is important that it be separate and independent, we feel that in no way affects EPA's ability to draw upon scientific results and scientific data from these agencies. This is something which is true throughout what we are talking about, not just the AEC area.

Mr. HOLIFIELD. I thank you for your answers on this matter. I think it is very important that we get this and I appreciate your responses.

That is all, Mr. Chairman. I am sorry to have taken so much time. I am going to preside in the House and I wanted to ask these questions before I leave.

Mr. FINDLEY. Mr. Chairman.

Mr. BLATNIK. Yes.

Mr. FINDLEY. On this same subject matter Mr. Holifield developed, there is a question that I don't think has been answered yet. The question of disposal of waste nuclear byproduct materials is going to be a very big problem in future years. Which agency would have jurisdiction over the pollution represented by the disposal of nuclear waste byproduct materials? Would it be EPA or AEC?

Mr. INK. The standards with respect to general environmental exposure would be set by EPA.

Mr. FINDLEY. EPA?

Mr. INK. Yes, sir; that is right. The design, engineering, that goes into the facilities and determinations as to how to meet those standards would, however, be retained by the Atomic Energy Commission.

Mr. FINDLEY. Who would actually be in control of the disposal practices? Who would supervise that, have jurisdiction over these practices? Who would police it, in other words?

Mr. INK. The AEC will use its licensing operation as a mechanism for seeing that the EPA standards are met.

Mr. FINDLEY. The Atomic Energy Commission would actually be the onsite policeman of these standards?

Mr. INK. Yes, sir; through the licensing operation. However, the new agency, EPA, will have a monitoring capability and responsibility for environmental problems and this is the function which HEW now performs and it will be transferred.

Mr. FINDLEY. There would, to an extent, be a duplication of this policing responsibility; is that correct or not?

Mr. INK. The Atomic Energy Commission—Dr. Seaborg can go into this in more detail when he testifies—will continue to set forth conditions in the licenses that need to be met. They have the competence and the know-how to see how a reactor is put together, and how it is designed, which, as you can appreciate, is a tremendously complex type of engineering and scientific undertaking. We have not tried to put into this new agency that kind of scientific competence which would be needed in the different areas of the Federal Government, moving over into transportation, for example, it becomes—well, I think it is not just feasible over a short period of time—or desirable. The individuals who will be out monitoring the countryside to see whether the standards are being met, whether the radioactive levels are higher than they should be, will be employees of this new agency.

Mr. HOLIFIELD. If the gentleman would yield?

I say that we have had many thousands of people testify over the last 24 years that have developed the subject matter of waste disposal. This has been one of the major concerns of our Joint Committee and, of course, of the AEC. These 551 employees in radiological health of the Public Health Service in most cases are monitors in the States, along with State officials to ascertain if the AEC is complying with the standards. The AEC or the operational entities of these different plants that are making weapon material or making fuel for electric reactors, they have the specific responsibility of handling that material and disposing of the waste in such a way that it will not damage either the employees or the population. They work on very strict orders along that line.

They are monitored, I say, not only by their own people to be sure that they are in line; this is an hour-by-hour and minute-by-minute occurrence in every one of these factories. But their disposal ceremonies, if you want to call them that, are all subject to the State and the Federal Public Health officer's monitoring also. It is not just the AEC alone that has the say as to where this material is placed and that sort of thing.

Mr. FINDLEY. I am not suggesting it be taken away from AEC. I am wondering if there would be a duplication.

Mr. HOLIFIELD. There is a necessary duplication at the operational level. Care has to be constantly given by the people working with the materials. This could not be done by an inspection by Public Health officials. When you get ready to move that outside of the plant, any material, whether it be material used in electrical reactors or waste material left over after the fabrication of these rods, then that becomes a matter of Public Health interest and State officials' interests in many States, under joint agreements with the Atomic Energy Commission.

This function is turned over to the States when they will accept the

responsibility. And if they do not accept the responsibility, the AEC has to be responsible to the Federal Public Health people.

Mr. FINDLEY. Mr. Chairman, I would like to ask Mr. Ash, if I may, a more fundamental question; that is, why we have before us an agency proposal as opposed to a departmental proposal. Is there any advantage to an agency as compared with a department?

On page 7, I think it is, you state that a department would be called upon to make decisions affecting other departments that could adversely affect its objectivity. I would imagine that the same condition might develop with an agency in making decisions, too; would it not?

Mr. ASH. The mission of the departments generally have a degree of operations where they are affected by the standards that would be set and where their own operations for which they do have responsibilities in a sense, have a potential vested interest in what the standards become.

An agency whose sole role and mission is not to carry out operations—Interior has operations of its own, DOD has, and others, but an agency whose mission is to set standards and make sure they are conformed to does not have the potential problem of a conflict of interest between promoting an activity or having operational responsibilities regarding an activity.

The problem posed by having responsibility for setting standards that might bear upon that operational activity is the basic reason that we feel EPA should be separate from any one department or, for that matter, not another department but instead an agency, because it does not have the operational content of the departments generally.

Mr. FINDLEY. Once the new agency is established, it will have complete control of the operational activities of all of these subordinate units listed on the chart as well as standards involved, will it not?

Mr. ASH. These operational activities are ones that surround and make effective the setting of standards, research that leads to the setting of the standards, monitoring systems that follow them, the means of enforcement that in turn are based upon standards and monitoring.

While they do have operations under that definition, they are all operations that are supportive of the function of environmental protection as its total function. It is a much narrower function than, for example, all of Interior or the breadth of all of the Department of Agriculture. It is a crosscut type of responsibility that is narrow and deep on the subject of environmental protection, and therefore the operations are of a narrower mission as opposed to the operations in the broader sense that Interior or Agriculture or others would have.

Mr. FINDLEY. As I recall, Mr. Ash, you stated that the commission you had did not recommend the EPA even though you do now endorse it without qualification. Did your commission, in fact, recommend this?

Mr. ASH: Yes, sir. I think that one account said otherwise. That was incorrect.

Mr. FINDLEY. Mr. Chairman, I have no further questions at this point.

Mr. BLATNIK. Mr. Ash, I have just a few questions.

We have a quorum call underway.

The questions on the manner in which this whole program was attacked are not meant as a personal criticism against you or the council.

There is no question, it is enormously complicated and it is an involved, intertwined, and interwoven program. You stated that you had your staff working since the latter part of last November in examining the organization of pollution control programs scattered throughout the executive departments, so they have a pretty good notion of what you are trying for. It is a jungle intertwined and interwoven as it affects us in so many, many ways.

Of all of the programs that you have examined, could you tell us roughly just as 10, 20, 30, or 25 or 50 or 75, how many programs dealing directly or partially or peripherally with environment were examined? How many programs are there in the executive departments and agencies of the Government?

Mr. ASH. I think that in those rough terms the number would be approximately 50 to 60.

Mr. BLATNIK. How about 90? Peripheral.

Mr. ASH. It is a matter of definition. As an example, one of the matters that we dealt with was the line of delineation between environmental protection, on the one hand, and occupational and product hazard on the other. In some areas that line is hazy and we felt that nevertheless it was an important distinction to make.

Mr. BLATNIK. To be on the safe side, work with the figure around 50. Of these, how many do you have in your agency, propose and recommend be included in the agency.

Mr. ASH. The number is approximately eight, I believe; six to eight. Obviously, by numbers far from the preponderance of all such programs, but by their particular substantive content—

Mr. BLATNIK. Could we get to that later? I recognize that numbers in themselves are something. We have to start somewhere. Out of the 50 as a starting point we have established yesterday that this Environmental Protection Agency was not so much protection as merely a start in the environmental protection field. How many agencies are included in the chart presented to us in yesterday's testimony?

Mr. ASH. I believe there are 19 of those that are there.

Mr. BLATNIK. How many agencies are recommended to be included in this proposed agency?

Mr. ASH. I have just seen that list for the moment. I didn't know it was there.

Mr. COSTLE. There is a chart—

Mr. BLATNIK. Who made the chart?

Mr. COSTLE. I believe it was furnished by the CEQ yesterday.

Mr. ASH. I didn't know it was there.

Mr. BLATNIK. Can we get this information from someone?

Mr. ASH. Yes, sir.

Mr. BLATNIK. In rough terms.

Mr. ASH. It looks like nine. I estimated eight and the list here is apparently nine.

Mr. BLATNIK. Nine out of 50? You stated that your staff interviewed 180 persons, including top officials of all Government programs examined, former Government officials, public administration experts, colleges, pollution experts and economists. The staff also interviewed a number of regional, State and local pollution control officials. We made one point yesterday that this Congress began 17 years ago to work on water pollution, long before any governmental

agency was involved, and built it up to the \$1.2 billion program it is today. Not one single member of the top staff people of either the House or Senate committees that I have personally checked on was consulted, except perhaps a very brief and perfunctory discussion in one or two instances. Not one knowledgeable member who knows the legislative processes, who knows the subject material, who knows the contacts that we have had with the citizens, with the individual conservation groups, with industry people, has been contacted in this instance.

Is there any reason for that?

Mr. ASH. Well, I believe there were a number of discussions that were held with the Members of Congress and by our staff people. It is true that what was not done was to prepare recommendations and then with those in hand present them to Members of Congress. In fact, we started with such an open book and open mind that our discussions with all of the people with whom we talked were before rather than after we settled on any recommendations at all. Those 180 people include, I think, 16 Members of the House and Senate and were talked to by the members of the staff prior to formation of any of the recommendations that were made for any points that were felt to be important.

Mr. BLATNIK. I will drop this for the time being.

One point is this: We had a very fine illustration very recently while working on a rather similar related subject matter, consumer policy under the Consumer Agency, where the proposal ranged all the way from creating a new Cabinet to making a little office in the Executive Office of the President. We worked out a compromise bill between the administration proposal, the democratic proposal, and the very fine proposal by Mrs. Dwyer on this side; and, subsequently, the President and the administration sent their own proposal to the Congress. After that, we worked in conference and, with give and take, with a true molding process that is truly legislative shaping, I think, in its best effort, we came out with a proposal. I believe with the almost unanimous support of this committee as well as unanimous and strong support from consumers on a very emotional and controversial matter. I hope in the future we can do more of this give and take. It is not that we are real experts here, but in certain areas we do have quite a bit of experience in the subject matter and the legislative processes. We know the temper of the Congress. We do have, we think, something to offer.

It is necessary from this point to recognize the need for the leadership to come from the commission of experts assigned to a special mission. We do recognize and respect it. Likewise, we do hope that you will acknowledge that we have no opportunity in the slightest manner to alter a comma of this proposal. I think it is a very weak start. I can start with almost no preparation and there are several additions I can make immediately without any study.

No. 1, since you have the total water pollution program of the Federal Water Quality Administration in which, right now, \$1 billion has been appropriated for grants for pollution facilities, why don't you include in HUD's program the water and sewer grants which total \$150 million a year for grants alone? Then the \$50 million in

loans. Is there a \$200 million program right there that should be included in this program?

Mr. ASH. Do you wish an answer on that?

Mr. BLATNIK. Yes, sir.

Mr. ASH. The Council discussed that particular set of programs at some length. We felt that these particular programs were more closely related to the primary mission of their departments in the process of urban and community planning than they were to the issue of environmental protection as the first order concern. This was the main reason.

Mr. BLATNIK. I think it is obvious that a sewerline is very directly connected with a pollution abatement plant. If you are not going to have a sewerline you are not going to treat the water. No matter how good the plant is, if you don't have the connecting sewers and stations you are not going to be giving the treatment to the area it should get. Let me give you another illustration in connection with HUD and the water sewerlines. One of the biggest, totally frustrating, immutable, and insoluble problems is what to do with the combined sewer problems in the cities. They are continually getting larger and larger. The population rate of growth is 15 or 20 times larger and yet we have a problem. No matter how many pollution abatement plants you build, you can not compete, you cannot do the job as long as we have these combined storm and sewer lines.

To correct that it would cost \$20 billion, which is a most conservative estimate. We had a \$20 million grant for a demonstration program available for 5, 6, or 7 years, with no takers. They came up with two small projects. No one knows how to begin with that problem. Why was that not included in this environmental protection proposal? It is one of the toughest problems involving municipalities and health, regarding research and engineering. It needs every effort behind it. Why was that omitted?

Mr. ASH. None of these are perfect solutions in the sense that the issue solves itself as to whether to include a responsibility or not. There were other close matters. We feel that we were looking at the primary thrust of the programs as the main determinant even though many departments, in their carrying out of their primary missions, are charged—all departments are charged with the cognizance of environmental matters in the process. We feel that on these close matters it is worth continuing to observe and to study the directions that the programs either do go or should go because the Environmental Protection Agency, as an entity, is not the last and only opportunity to improve. It can be augmented in ways that might make it even more effective.

It is not fixed forever. We would welcome continual consideration by the Congress as to which other programs and responsibilities might in fact be brought into that Agency as it develops its own capabilities and its own impact over the years.

Mr. COSTLE. Mr. Chairman, it might help for clarification for the record to indicate that in examining this whole range of environmental-related programs, including natural resource programs, that virtually all of the programs we did look at have an obvious impact in relation to environmental quality. This reorganization plan is not an attempt to sift down all of those programs. That would be a monumental task and would involve, for example, Land Management, the

Corps of Engineers. This particular plan deals with one particular corner of the problem, which is how to organize antipollution standard-setting functions.

Mr. BLATNIK. I don't mean to interrupt you. You are absolutely right. I fully recognize the interrelationship in many, many areas. We are talking about, say, 15 out of 50, or easily 15 out of 80. Why are we concerned with the sewage abatement facility plant itself, and putting it in the agency and excluding all sewer lines that connect up to it?

Mr. COSTLE. I think—

Mr. BLATNIK. That is a simple directed one.

Mr. COSTLE. FWQA is concerned with the problem of combined sewers. You are aware of the interagency agreement. There is no question that this was one of the most difficult judgments we had to make. We thought the departments involved who have these programs made very strong cases for why they needed to continue to have these programs. Similarly, the connection, as you point out, between sewers and pollution control is a very obvious one. We were assured by the departments that the interagency agreement was beginning to have its own real effect in terms of simplifying the problem for local governments.

As Mr. Ash said, we do not view this plan as an immutable plan.

Mr. BLATNIK. I am not talking about a perfect start but a reasonably good start. I think we are operating at about a 10 percent level of efficiency here. Let us get up to around 30 or 40 percent, if we can, a reasonably good start. Let me give you another example that puzzles me.

Another glaring, striking, vexing, frustrating problem that we have been wrestling with and don't know how to cope with is acid-mine drainage, which is seeping poisons and pollutants continually, day in day out, and week after week and year after year. It is not included in this Environmental Protection Agency.

Is there any reason why this tough problem, that is quite well-defined, visible, precise, and specific is not included? Isn't that a serious part of this factor in environmental protection?

Mr. ELKINS. The Federal Water Quality Administration is concerned with acid-mine drainage and will continue to be so concerned in the new Agency. There are other agencies—

Mr. BLATNIK. Is the acid-mine drainage a problem included in the Environmental Protection Agency?

Mr. ELKINS. The concern with that problem, which the Federal Water Quality Administration now has, will be transferred to the Environmental Protection Agency. There are other agencies concerned with that problem—

Mr. BLATNIK. What other agencies?

Mr. ELKINS. The Bureau of Mines. I am not familiar with all of them.

Mr. BLATNIK. Is that research function of the Bureau of Mines transferred to this agency?

Mr. ELKINS. No; it is not.

Mr. BLATNIK. Is there any reason why it should not be?

Mr. ELKINS. The concern here, I believe, is that the Bureau of Mines is concerned with the entire mining operation. It is in a position to

develop control technology and is concerned with the whole economic structure of that industry. Since the Federal Water Quality Administration is already involved—

Mr. BLATNIK. You are not answering the question. Why was not that function of research as it pertains to acid-mine drainage, which is now in the Bureau of Mines, transferred over to this Agency?

Mr. COSTLE. Mr. Chairman, the Bureau of Mines is an example of an agency which, in the course of performing a broad support mission for a particular industry, has developed the expertise necessary to conduct research into the control of pollution generated by that industry. As such, the question of whether to consolidate the research posed a difficult problem. It is clear the Bureau's research activities are related to the antipollution mission of the new administration because they focus on the capture and recycling of wastes, which may create waste disposal problems. On the other hand, these programs form an intimate part of the Bureau of Mines' broad concern with maximum utilization of mineral resources and require the Bureau's unique technical expertise for their execution. The issue is whether transferring the Bureau's program is essential to the operation of the new environmental administration. On balance, we thought not. The EPA will be able to achieve a considerable amount of control over the direction of the Bureau of Mines pollution control work through negotiation of interagency agreements and the transfer of funds needed by the Bureau to continue its research. The National Air Pollution Control Administration has already had some success in this regard. Most of the air pollution research the Bureau of Mines is now doing, for example, with their technical experts is funded by NAPCA.

Moreover, the Bureau of Mines must ultimately conduct its research with reference to the effluent emission standards established by the new Environmental Protection Agency. The Bureau of Mines should be encouraged in its work on control and prevention. EPA should not attempt, in our view, to monopolize all control technology research but should serve as a catalyst—

Mr. BLATNIK. Stop at that point. We should not monopolize all—you are still not explaining why you have only taken nine agencies out of 50. I think mine acid research has been horribly neglected by the Bureau of Mines for 50 years. That is why we have this problem, because they have not paid attention to it. You cannot tell me that you are going to have an agency to deal with some aspects of environmental control and allow this mine acid drainage to go into these rivers around the eastern coast and around the Capital City of Washington. I don't understand that. If you are going to talk about standards and research and have nothing to do with this, we don't understand why so many functions were omitted from that agency.

Mr. COSTLE. The \$15 million acid mine demonstration program enacted in Public Law 91-224, which is with the Federal Water Quality Administration, would be transferred to the new Agency.

Mr. BLATNIK. We moved—and I helped move that—because of the insistence of the Congressmen from Pennsylvania and West Virginia and particularly from Chairman Jennings Randolph on the Senate side. We moved in because the Bureau of Mines was doing such a lousy job, in plain language. We thought you would pick it up and carry on the drive in this very important field. You have to tackle these

problems. If you sit there and hope that somebody else is going to do it, we don't need your Agency. We can let the Water Quality Council do that.

If you are not going to have the Agency do the job, then don't come to us and say we have a central, coordinated, and interrelated Agency to take care of all major aspects of environmental pollution, because you are not doing it.

Mr. ASH. Mr. Chairman, may I comment on that point? It is a crucial point in our consideration.

Mr. BLATNIK. There are many other examples.

Mr. ASH. I am going to talk about the point here involved, of which that is an example, because there are other examples of like kind. There are two points that I would like to make.

First, there is always a temptation when a problem is identified or given a higher degree of priority than it might earlier have had, to reorganize the whole of the Government around that problem, identify the many places where activities exist, bring them all to one place, and in effect structure the Government differently. We felt that we should consider the principles of primary mission, acknowledging that across the Government matters of environment were for many people a mission and an objective along with other primary missions. So while we took cognizance of the many activities that concern themselves with pollution, we felt that we should bring into one place those activities for whom the primary mission was a matter of pollution control.

Secondly, the point that I made in my opening statement, and we believe very strongly in, is that this new Agency has two missions that we believe will deal with the very kinds of problems that you have identified and for which there are other examples. That is, to be a place responsible for identifying new problems and new solutions and also to be a place that is not only cognizant of research and efforts going on throughout the rest of the Government bearing up environmental protection but with an ability to itself fill vacuum, to identify the needs that are not being met, to take initiatives and cause those needs to be met.

The Bureau of Mines and others may each be charged with some particular function or responsibility relating to pollution and pollution control, but the EPA will be charged with making sure that there are no unfilled vacuums, that there are no identified problems and needs worthy of attention that are not being dealt with by one of the other agencies with the ability to take to itself those responsibilities that are not being met by others.

We have deliberately charged it with the function that none of the other agencies have, the identifying of the very kind of thing that you yourself have identified, the shortcomings of programs, and charging it with the accountability and responsibility to act on those shortcomings, rather than merely leaving the shortcomings for all to observe but nobody to be responsible for meeting.

Mr. BLATNIK. To give another illustration, on page 6 of your testimony, Mr. Ash, you list six major objectives. My illustration relates to the last three of the major objectives that your Council had in mind in the creation of an Environmental Protection Agency. One was raised yesterday when Mr. Train was testifying. In reading your

third objective, the ability to recognize and deal with new environmental problems, one immediate problem came to mind. That is the one of noise, particularly that in connection with jet-airplanes and especially the supersonic transport that is underway. Here again is a simple identifiable entity, by itself, which is easy to locate and put your finger on.

Noise research is a new one. We have no agency concerned with noise itself. We have the National Air Pollution Control Agency whose officials can talk to the aviation people and say, "You are emitting too much hydrocarbons; particles are being emitted by the jets." They can talk to them about polluting the air but they cannot talk about the noise problem we have. Why wasn't noise included in this Agency?

Mr. ASH. That also is one of those subjects that was given very careful consideration by the Council. It is also one that was a close question. When we looked into the particular programs that to date exist relative to noise as a pollutant, they relate to aircraft engines primarily, even though we all know pollution from noise ranges much more broadly than that.

As those programs do relate to aircraft engine noise, they are very heavily tied in with the technical and engineering aspects of aircraft engine design itself. Again, the closeness of the issue revolved around the balance of the whole of that function, the balance in aircraft engine design considerations versus noise, versus other factors, whether it be power, economics, or anything else.

We do believe that as time goes on it is highly possible that the Congress will feel that the definition of this country's concern for noise pollution will be broadened from the present fairly narrow program for aircraft noise.

Mr. BLATNIK. Why was it omitted? We were told yesterday that now is the time to start. Time is of the essence and the longer we wait and delay, the worse it is. We go along with the idea and now we are told there is no need to worry about the noise pollution; it is at such an elementary stage and such a small program. Whatever happens to it at the agency—in this case, noise research is being done primarily by a part of the Research and Technology Section of the Department of Transportation, that concerns itself with noise pollution—now would be the time to get to this important problem. There is no question that in the next 6 years it would be a major problem with the jumbo and superjets coming into operation.

I think now in its incipient stage this small but important function should be put into the proposed agency.

Mr. ASH. Mr. Ink and I each have a comment. I will defer to him.

Mr. INK. I was going to say simply that I think Mr. Train's point was that the work which is done in Transportation now is primarily directed toward how you develop engines minimizing the amount of noise. The President, when he forwarded this plan, said that as a broad mandate—I am quoting now:

EPA would also develop competence in areas of environmental protection not previously given enough attention, such as the problem of noise, and it would provide the organization to which new programs in these areas could be referred.

I think the question is one of time. The decision was close one and could have gone either way. It would seem to me that if we later draw

together a noise program which has broader application than what we are talking about here, I would think EPA would be a strong candidate for that kind of program. In the meantime, this agency is one which the President will be looking toward to draw together ideas about what we should be doing to more adequately meet the problem of noise.

As I say, one could argue, as you are, that this—

Mr. BLATNIK. Our intent is not to argue, but to cite a clear example of the problem that clearly ought to be in the agency right now. Time is of the essence.

Mr. INK. There is no question about that. I think we would agree this has not been given the attention it should receive. This is the group that needs to pull that together.

Mr. BLATNIK. These are just random illustrations. I have not made any concerted attempt to go through this with a fine-tooth comb. We are stumbling across these major problems. Look at HEW. You are concerned with the Bureau of Radiological Health in HEW; yet, HEW last February, through a reorganization plan, renamed the former Consumer Protection and Environmental Health Service to the Environmental Health Service. The title sounds like it has something to do with your first objective stated on page 6. Your objective there is that you should have research and standard-setting based on a comprehensive view of the individual's health.

My question again would be: Why isn't the Environmental Health Service in HEW combined with the Bureau of Radiological Health; why only radiological health? Why wouldn't that be included in this agency to comply with your stated objective, "based on a comprehensive view of the individual's health"? Why wasn't that included?

Mr. INK. I might comment that a number of elements of the Environmental Health Service are going over to the new agency. The solid waste group, water hygiene group, and the air pollution group are going to the new agency.

Mr. ELKINS. Mr. Chairman, it might be helpful to explain for the record the organization of the HEW to clarify this point. Within the Environmental Health Service of HEW there are a number of components. One is the National Air Pollution Control Administration which would be transferred to the EPA. The other major component is the Environmental Control Administration. That administration is made up of several subcomponents. The first one is solid waste. That would be transferred. Another one is water hygiene. That would be transferred. Another one is radiological health. A portion of that would be transferred. Occupational health and safety would not be transferred; nor would the Bureau of Community Environmental Management. This means that the major proportions of the entire Environmental Health Service would be transferred.

It may not be mentioned on Mr. Train's chart perhaps, because it is a structure above a number of components that will be transferred.

Mr. BLATNIK. Let us conclude. Mr. Ash, we had our staff work out a fairly reasonable picture here, after the staff had examined the organization of the pollution control programs scattered throughout the executive branch, out of which you brought together into the Environmental Protection Agency, a single organization, the major Federal pollution control programs now existing in four separate agencies.

and one interagency. Of these, and in this new unit proposed, you estimate they will have a budget of \$1.4 billion, out of which \$1.2 billion is for water alone and approximately 6,000 personnel. Could we have the same type of general figures given as to how many agencies dealing with some important aspects of pollution control have been eliminated? What is the number of personnel engaged in those functions? Approximately how much money is being spent?

We feel that there are more people outside of this agency working on related environmental problems and spending more money than you have. We would like to know the reason for leaving so much out of the environmental program when you entitle this an Environmental Protection Agency.

In short, how much protection are we getting? Is this 10 percent or 20 percent or 30 percent of the total national effort? If so, why not a little?

Mr. ASH. I believe we can supply those data. I would like to ask for clarification on one aspect of it. Many of the activities dealing with pollution control, environmental protection within a department may also be so intermingled with the other thrusts of that department that to indentify the individuals, the number of individuals and the amount of funds that have to do with a portion of a mission may be very difficult. As an example, much of the Corps of Engineers work does bear upon environmental protection. I don't believe that we want to count all the funds of the Corps of Engineers or all of its personnel. I would find it difficult to determine exactly where to draw the line as to numbers of personnel and as to amounts.

On the other hand, we can very readily identify those many activities that go on within the Government that bear upon pollution control. To the extent that there are separately identifiable people and funds, I think that would be an easier job than where such an integral part of such a major mission does not separate these amounts. This is where I think we will find the difficulty.

When we talk about environmental protection here, we once again feel it is important to keep in mind the standard setting, research leading to it, monitoring, the control processes which are still far short of everything that has to do with environmental protection. It is a set of words, environmental protection, that can be used to mean many, many things. It is not further defined. We have felt it very important, as I indicated in my opening statement, that we not get lost in the language and that we be very precise in our understanding of what exactly we think should be done and why it should be done. We did focus on these particular aspects of environmental protection. We realize that matters of population and population distribution all bear in one way or the other on the environment. So we will do the very best that we can to answer the question that you have asked and provide you with those data, recognizing that definitions become very important as to where environmental matters begin and where they end.

Mr. BLATNIK. The reason we ask for that information—we are in agreement with you—is that there is a great and urgent need to put as many of these environmental activities in the Government, which are scattered and fragmented at different levels of authority and different levels of priority within their respective agencies, into a

single organization. It is now quite a hodgepodge. You continue to leave some of these functions in these agencies and question the public emphasis on pollution control. I can just see these department heads asking for increased budgets. These things will be brought up again. It is like certain kinds of weeds; you cut off the weeds and the next thing there are three of them growing there.

You have the same proliferation and same fragmentation except you have it in the name of the Environmental Protection Agency and probably to some degree in action too.

We want to make clear to the Congress the exact degree of comprehensiveness, whatever you want to call it, and the degree of effectiveness of this Environmental Protection Agency. We want to say that this is a start; this is covering the other. We ought to have the information. This covers 20 or 30 percent of the problem. We are headed in that direction and we will be aiming, we hope, within a 5-year period, upward to 70 to 80 percent of the problem.

When I first got the proposal, I got the impression that this is probably good. I favored greatly upgrading, enlarging, and broadening the existing department and calling it environmental on a Cabinet level. That was my initial reaction. I saw the advantage of putting all these environmental functions in a separate agency where they would be visible, where we could see them, three-dimensional, like a cube or prism, and see them all integrated and interrelated. The more I got into this specific proposal it became clearly obvious that only a small percentage of the total environmental programs in the Government are included in this agency. We want the Congress to know that. It is not an environmental program but just a start of an environmental protection agency.

We would like to have the information, as much as we can get, now that we know how much is proposed to go into the agency, let us know what is outside.

Mr. ASH. We will identify those other activities that bear upon environmental protection as we define it and discuss it. To the extent that we can quantify numbers of people and dollars spent, we will provide you with that information as to each such activity.

Mr. COSTLE. Mr. Chairman, I think the key to understanding the rationale of this consolidation is the functions that we are talking about here. What we have isolated and identified are the key programs that set and enforce criteria and standards. With these we have associated that research which represents an organic part of those programs.

Mr. BLATNIK. You have a lot of research not in the agency; do you not?

Mr. COSTLE. That is right. The research that is directly associated with the standard-setting process is transferred. That includes the \$15 million for mine acid drainage that you appropriated for the Water Quality Administration. What we have not attempted to do

is consolidate all research, particularly in those cases where that research may be more intimately related with the mission of the agency in which it is now placed. The research to support the standard-setting judgment is brought in, and this package of programs represents those key standard-setting programs of the Government.

That is essentially the logical shell which surrounds this.

Mr. BLATNIK. You have a case for that. You see why we start off with one understanding when you say it is going to be a NASA-type agency. Imagine NASA going to the Bureau of Standards and saying, "Mr. Director, look, what kind of a valve should we use on the gas lift or oxygen cycling system?" Can you imagine that? They are going to build their own, design their own, determine it, recheck it, and they will tell the industry what kind they want.

We are getting too much of a presentation. This is not a single in-house agency. It is not comparable to a NASA or AEC structure which we were led to believe—I am sure not intentionally. That is what I thought for a while.

Mr. INK. Even there they depend on other agencies for important functions. For example, NASA did not undertake to develop the nuclear power system for space. Rather, it continued to draw upon the AEC for that aid. When we reach the point of going far out into space, nuclear power is going to be a vital part of our national space program. We decided not to try to pull everything together.

Mr. BLATNIK. I agree, again, completely. I do generally agree with you. My argument here is, if we had at least 40 percent of the environmental functions in Government, after they all have been reviewed and drawn together, I would think we had done a pretty good job. But I do think you have 5 percent. We do not know. It seems that the witnesses do not know. This information should be available. We agree with you that the functions should not be fragmented and scattered throughout the whole Federal structure; but how much of this has been drawn together and how much has been left out?

We cannot do it all. If we had 30 or 40 percent, we would say this is really a good start.

Mr. INK. We agree, of course, that we are talking about the beginning and not the end, by any means. I think we also would agree that we have to be careful on the other end, not to draw so much into EPA that, first, we end up with just another agency with so many functions that the procedures get in the way of moving forward a program which is critical and urgent and, secondly, that we not move so far—I know you are not suggesting this—that the agencies that have and must have continuing concern, because of their mission, with things which affect the environment feel they no longer have a concern or responsibility for the environment, because that would be self-defeating.

The bulk of the resources of the Federal Government that are needed to deal with these problems really are spread in the various departments—Agriculture, Interior, and so forth—and we want to make

sure, as I stated in the beginning, that we do not move to the point of stripping them of their capability of carrying out their mission for the enhancement of the environment.

Mr. BLATNIK. A final comment, Mr. Ash.

Mr. ASH. Examples of the principals are the ESSA and the Bureau of Reclamation, just to take two out of a number that were examined in the process of considering these organizational recommendations. Obviously, both of them have much to do, while carrying out their primary mission, with matters having to do with environmental protection. The environmental protection function is not separate even within them, but we would all acknowledge they are there. We would all acknowledge they have important roles to play.

On the other hand, their concern for environmental protection is an integral part of playing another important role. To the extent that we would let the environmental protection consideration dominate, we could well do so to the detriment of the role for which they were created and exist and even now perform well.

Those are the issues. Many things have been left out. When I say there are 50 or 60 that deal with environment, I am including such as the Corps of Engineers, the ESSA, and the Bureau of Reclamation. I do not want to presume anything, but I think we would all see the problem of suggesting that those major agencies be subsumed under a heading of environmental protection, if they have other prime missions to perform. Even in this comparison of numbers, these are the substance of and by far the biggest part of every program that goes on in the Federal Government that deals with setting standards and the ancillary activities that relate to the enforcement of the functions, but these are not a large number out of all of those agencies whose roles include concern for environment even as they are carrying out their other major roles, like the Corps of Engineers, ESSA and Bureau of Reclamation.

Mr. BLATNIK. Your case is well stated. I gave a few illustrations of glaring, striking, obvious, and very visible programs.

(The following information was subsequently submitted by Mr. Ink:)

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C., August 8, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Executive and Legislative Reorganization Subcommittee, Government Operations Committee, House of Representatives, Washington, D.C.

DEAR JOHN: Attached is a list of the principal programs related to pollution control and the environment which are not proposed for transfer to EPA. This is the material that you requested Mr. Ash to furnish, and it has been prepared by his staff in collaboration with the staff of the Office of Management and Budget.

There is no broad consensus as to what should or should not fall in these categories. I am sure some would believe that additional items could be added, whereas others would believe that some should be deleted.

As we discussed, the principal reasons for not including these types of functions in the proposed new agency are:

1. The principal purpose of the President's proposal is to provide a manageable, hard-hitting agency which can move forward with a vigorous attack to control pollution, one of the most critical problems confronting this Nation. To add large numbers of diversified programs would tend to encumber the agency with administrative problems inherent in large organizations and dilute the sharp focus on standard setting which we regard as basic to the urgent task of controlling pollution.

2. Most of the activities in the attached list are heavily involved in the basic missions of the departments. We are concerned that moving very far in the direction of breaking these out of existing departments could be self-defeating since it is essential that these departments carry out their basic missions in such a way as to enhance the environment and minimize pollution. These departments must continue to feel a sense of responsibility, and to retain a capability, for helping to improve our environment.

3. As part of the President's staff, the Council on Environmental Quality has the task of flagging gaps and of seeing that all areas of governmental activity related to the environment, not just pollution control, are coordinated. Therefore, these diversified programs do not need to be consolidated in EPA to assure a broad coordinated effort to improve our environment.

4. Although we regard this proposed reorganization as a very important action which is urgently needed, we recognize that other steps will need to follow. We believe that drawing the proposed standard-setting functions together so that environmental control can be looked at in its totality rather than on the fragmented and piecemeal basis we now use, will permit both the Executive branch and the Congress to better determine what additional steps may be necessary.

It is my personal view that there is great urgency in establishing the Environmental Protection Agency.

With warm regards,

Sincerely,

Dwight A. Ink,
Assistant Director.

Enclosure

RESEARCH, DEVELOPMENT, AND DEMONSTRATION, \$237

Most of this research is directly supportive of the mission of the agency now carrying it out and is integrally related with other research programs of the same agency. The results of this research will be available to EPA, and EPA will have the authority to supplement it in order to ensure that the total Federal research program is adequate and complete. In addition, the EPA will have the standard-setting authority which will provide the frame of reference within which other agencies must carry out their research.

Despite the urgency associated with establishing the new agency to deal with pollution control, the success of our efforts also depends heavily upon many of our major Federal departments and agencies carrying out research and other activities which will enable them to move forward with their basic missions in such a way as to enhance the environment and minimize pollution. We cannot permit these departments and agencies to gain the impression that they no longer have a responsibility to be concerned about the environment.

This research, development, and demonstration activity consists primarily of:

TABLE I — PROGRAMS RELATED TO POLLUTION CONTROL BUT NOT TRANSFERRED TO EPA 1

Category	Not transferred: 1971 obligations (in millions) *	Comments
Pesticides: USDA—Research on effectiveness of pesticides in controlling pests and development of safe alternatives to pesticides for food and fiber production.	\$19	USDA's research on pesticides, such as research on more effective methods of pesticide application, is integrally related to its mission of developing agricultural resources. EPA will concentrate its research resources on the environmental effects of pesticides and will look to USDA and other agencies for advice on efficacy. USDA research will be readily available and accessible to EPA.
Interior—Effects on fish and wildlife.....	2	Most of Interior's research on pesticides is integrally related to its other research on fish and wildlife (e.g., research on the reproductive cycle of a particular species of fish or animal). EPA will supplement the Interior research and will share laboratory space and laboratory specimens.
Radiation: AEC—Research on effects, safety, disposal practices, etc.	83	AEC research provides the basis for AEC activities directly related to its primary mission (e.g., research related to the safe operation of its own and licensed activities, including waste disposal, processing and handling of nuclear materials, and more basic research, such as the interaction of radiation with genetic material (DNA)). Much of it is conducted at the national laboratories. EPA will have access to the results of the AEC research, and will have the responsibility to identify gaps in the research being carried out and the authority to fund additional research not covered by existing programs.
Solid wastes: USDA/Interior—Control of animal and crop wastes, and recovery of agricultural and mineral resources from waste.	6	Much of this research is conducted for purposes other than pollution control (e.g., resource development). EPA will have the lead responsibility for research on solid wastes and will draw upon the ongoing research programs in USDA and Interior.
Noise: NASA/DOT—Design of aircraft engines and vehicles that are quiet.	31	NASA and DOT's research is primarily tied to their research on the safety and efficiency of transportation systems. EPA will have the authority to do research on the ecological effects of noise but will look to NASA and DOT for much of the technology of controlling noise. EPA will have the standard setting for noise which may require the FAA and refer to the Department of Transportation — aircraft. The R & D program is largely tied to the development of new engine designs. Research surge is that there is no research program now which there is yet no indication whether there may be a far more significant increase in the future. Should Congress enact legislation in this area, EPA would be responsible for making a study to put that authority into effect and make recommendations for a Federal Government program for the Federal Government.
Air: USDA/DOT/Interior/DOD—Development of control methods for windblown soil, and control of pollution from agricultural processing plants, airplanes and vehicles, utilities, and mineral industries.	32	Most of the research on the control of pollution will be funded by EPA, however, EPA will draw upon the ongoing research programs in other departments if it is relevant and helpful to do so. Some other agency may have a special expertise to contribute. EPA will review other approved research and will be charged with the responsibility for insuring that the overall research program for the Government is adequate and that gaps are filled.
Water: USDA—Control methods for animal and processing wastes, sediment, and other agriculturally related pollutants. DOT—Coastal protection through detection and cleanup of oil spills (Coast Guard).	17	Most control technology research relating to water will be funded by EPA, but EPA will draw upon ongoing research in other agencies.
Interior—Basic research in Office of Water Resources Research, Geological Survey, and control research in Bureau of Land Management.	4	The Coast Guard has certain responsibilities relating to oil cleanup because of its duty to provide an extensive fleet for these operations and its competence in boat safety. The Coast Guard does research directly related to fulfilling those responsibilities. EPA will also do research in this area and will coordinate with Coast Guard.
	9	EPA will have the lead in water pollution research, but will draw on research done in other agencies. The research in other agencies is primarily related to two missions of those agencies: control of ground water characteristics and flow.

¹ Table does not include water and sewer programs (\$412,000,000) which sometimes are considered to be "pollution related" programs, but which also serve other purposes. These programs are included in Table H. This table also does not include expenditures by HEW, Labor, and DOD on occupational safety and health programs. Many of AEC's occupationally related activities are included because it is impossible to separate them from other AEC activities which are directly relevant to this table.

² The dollar amounts shown are estimates subject to determination orders to be issued by the Federal EPA to transfer the resources to EPA. Also, amounts do not add to totals since only the principal total is shown in each category.

II. MONITORING AND SURVEILLANCE, \$41

EPA will collect, consolidate, and analyze data from all agencies and be responsible for the development of a comprehensive pollution monitoring program. EPA will make use of existing monitoring capabilities of the Government, but will also have the authority to supplement and build upon these capabilities.

The monitoring and surveillance activities not transferred to EPA consist primarily of:

Category	Not transferred: 1971 obligations (in millions) ¹	Comments
Water:		
AEC—Monitoring of radioactive wastes and other radioactive materials.	\$17	AEC's monitoring activities are aimed at specific AEC facilities and operations. EPA will have authority for monitoring aimed primarily at the general public and the environment. These 2 efforts will be closely coordinated. The experience and competence residing in the Bureau of Radiological Health, HEW, which has been directly involved in surveillance and monitoring activities related to the environmental impact of nuclear energy operations will be transferred to EPA.
Geological Survey—Water monitoring....	5	EPA will have the lead in water-quality monitoring, but will rely on Geological Survey for much of the actual sampling and analysis, just as FWQA has in the past.
ESSA—Air monitoring.....	2	EPA will do extensive air monitoring, but will look to ESSA for monitoring of background pollution in remote areas and for weather prediction needed for determinations of air pollution alerts.
HEW—Surveillance of pesticides in food...	3	HEW (FDA) carries out extensive food surveillance aimed at protecting the public from unhealthy and contaminated foods. Monitoring for pesticides is only one part of this system. Leaving this monitoring in FDA involves multiple Federal inspection checking the same food. EPA will have the authority to fund this essential monitoring by FDA at present wherever EPA later needs it.
Other agencies—Monitoring of water activities for control purposes.	8	All other agencies will share the capability of monitoring water. Additional Federal action is required by law and Congress. Monitoring is essential to the protection of the public's health.

III. STANDARD FORMULATION AND IMPLEMENTATION. 215

Primarily:	
AtC - Licensing and regulatory activities.....	13 The AEC licenses and regulates facilities, such as nuclear reactors and special reactors, with emphasis on prevention of accidents, release of radioactivity and the protection of the worker. With regard to some releases of radioactive elements, EPA will set environmental standards which will be enforced by the AEC through its licensing authority.
DOT—Noise control for aircraft.....	2 CEQ is now developing recommendations for a total noise control program for the Federal Government. EPA would be a logical candidate as the place for standard-setting to be located.

IV. OTHER

<p>A. AEC—Waste disposal.....</p> <p>B. Pollution abatement at Federal installations.</p>	<p>45 Capital and operating costs of AEC disposal sites used primarily for AEC's own high-level wastes; for example, the restricted disposal sites at Hanford, Wash.; Savannah River, S.C.; and Idaho Falls, Idaho.</p> <p>213 Funds contained in various agencies' budgets for cleanup of Federal operations. Actions are subject to Executive Order 11507 which will require consultation with EPA as to the adequacy of control measures in meeting standards approved or set by EPA.</p>
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¹ The dollar amounts shown are estimates subject to determination orders to be issued by the Director, NMBS transferring resources to EPA. Also, amounts do not add to totals since only the principal items are listed in each category.

TABLE II

Federal Funding For Environmentally Related Activities¹

(Not primarily related to pollution control)

<i>Program or activity</i>	<i>1971 obligations (in millions of dollars)</i>
I. Construction related to environmental quality-----	412
Water and sewer programs (HUD, USDA, Commerce, Appalachian Region Commission.)	
[NOTE: Water and sewer programs are multi-purpose. For example, HUD utilizes sewer programs as a lever to reinforce the goals of its urban development programs, since placement of sewers is a key factor in determining the pace, direction, and nature of urban development; Agriculture's programs represent assistance to rural areas to improve the level of public service provided in those areas; EDA programs provide a subsidy to economically depressed areas for the purpose of encouraging economic development. Transfer of these programs from their present locations would handicap these departments in carrying out their primary missions.]	
II. Enhancing the environment-----	1,050
Primarily: Provision of recreation resources (Interior, HUD, Corps, USDA.) Preservation of fisheries and wildlife (Interior, USDA.) Provision of open space, highway rest areas (HUD, DOT, OEO.) Highway beautification, flood prevention, and urban transportation planning (DOT, USDA, EDA.)	
III. General science services related to the environment-----	793
Primarily: Weather prediction and research (HSSA, DOD, NASA, USDA.) Data buoy program (DOT.) Locating and describing natural resources (USDA, Interior, NASA, NSF.) Basic research (NIH, NSF, Smithsonian.)	
IV. Weather modification-----	13
V. Management of public lands (Interior, USDA, DOD)-----	211
VI. Population control and redistribution-----	136
Includes new towns program (HEW, OEO, HUD.)	
VII. Minimizing environmental impact caused by public works activities (Federal and non-Federal) and by non-Federal natural resource exploitation activities-----	864
Control of effects from water development and agricultural programs and construction of highways (USDA, DOD, HUD, DOT.)	
VIII. Education-----	47
Primarily: Agricultural Extension Service.	

¹ Almost every agency of the Federal Government has programs which bear directly or indirectly on environmental quality. Consolidation of all such environmental related activities would involve a major restructuring of many Federal departments. The ability of departments to use their programs to enhance the environment, and if carried very far, result in a large, diversified agency in which it would be difficult to mount rapidly an effective pollution control program.

Mr. HENDERSON. Mr. Ash, I am wondering if you could give us any clue as to what considerations the Council had in mind about the internal arrangement of the new Agency after it is set up. We do not have anything in the plan that tells us how this is to be done.

Mr. ASH. I can make one statement, and then Mr. Ink can augment that.

We have identified those activities that we feel should be brought together. On the other hand, one of the reasons for bringing them together is to recognize the interdependence among the problems and their solutions, and that we feel the Administrator of this new Agency should have the opportunity to identify those interdependencies in a way that we can most effectively organize the internal structure of the EPA.

We do have some ideas, but we felt that it would not be proper and not be valuable to impose those ideas on the structure, but merely to develop them so that when the Administrator assumes such a responsibility, the thinking would have been done, but at the same time he would have the opportunity to structure the organization in such a way that he feels will be effective.

Mr. Ink can discuss some of those ideas. They are not necessarily the way that it ultimately will be internally organized, but it is some thinking that has been done to this point.

Mr. INK. Of course, when the plan becomes effective, the operational units which are now in existence will be transferred over. The water pollution control group from Interior, for example, will be transferred intact. The air group from HEW will be moved over as a group. The pesticides programs are coming from several different areas. They will be moved into a pesticide unit but, as Mr. Ash pointed out, we do not feel we should preclude the new Administrator from having a voice in how those pesticide groups are brought together.

Mr. HENDERSON. Mr. Ink, you are setting up five new assistant administrators, new positions that are being created. Can you give us some idea what each one of those would be doing and how these organizations will fit in under their responsibilities?

Mr. INK. Let me come to that in a minute, if I might.

Finally, the radiation functions which are coming from three different sources—AEC, Federal Radiation Council, and HEW—will probably be put into one unit.

In addition to that, he will, of course, have an administrative unit, and he will have some type of planning and evaluation unit.

We would expect that a new Administrator will also, as most agencies do, want to establish some staff unit of a cross-cutting nature. I think monitoring may be one of these; EPA will have monitoring in a lot of different areas and will have to see what can be done with respect to coordinating that effort. Research is another. Some of the pollution control areas have moved much further in research than have others. That needs to be coordinated.

It is here particularly that we think the new Administrator ought to have the opportunity to have a voice, as was done in the case of the Secretary of Transportation, for example. You recall when the Department of Transportation was discussed before the committee, we talked about staff functions, but they were not specifically identified. We discussed organization with the committee before they were actually specified. At the time of the hearings on DOT on the HRR, this had not been determined.

Mr. HENDERSON. Maybe we can go into that in a little more detail when you make your presentation. I do not want to detain the committee now. Would that be all right with you?

Mr. INK. Yes.

Mr. BLATNIK. We thank you, not only for your presence but for the enormous amount of time that you and the members of the Council have paid to this important subject. I hope the discussions of the Council and today do not indicate differences of opinion. I think they underline and underscore the magnitude of the problem as much more complicated, complex and interrelated—a frustrating problem. We worked with water alone and are still having a dickens of a time trying to solve that problem.

We appreciate your recommendations and your judgments, and I hope you understand our feelings. Our main problem, I think, is not so much differences in objectives or differences in goals or even how to get to the goals, but I think a closer working relationship, to some degree, in advance of these problems would be helpful.

The Congress is in a rather difficult position, being in a sort of strait-jacket so it cannot make even reasonable minor adjustments in the proposal once it comes up here. The more comprehensive the program is before it is presented, the easier time we have here.

We thank you, the Council and the members of your staff, for your participation and for your very important contribution.

The hearings will recess until 2 o'clock this afternoon. Mr. Ink, I think you may summarize your portion on the administrative aspects as necessary. I do want to express apologies to the remaining witnesses. I am confident we will be able to hear your testimony this afternoon.

The hearings will recess until 2 o'clock.

(Whereupon, at 12:15 p.m., the subcommittee recessed, to reconvene at 2 p.m. of the same day.)

AFTERNOON SESSION

Mr. BLATNIK. The Subcommittee on Executive and Legislative Reorganization of the House Government Operations Committee will please come to order. We will resume public hearings on Reorganization Plan No. 3 of 1970.

Thank you, Mr. Ink, for standing by all day yesterday and being available this morning. You have a statement to present as Assistant Director of the Office of Management and Budget.

Mr. Ink, if I may suggest it—it is our fault as much as anyone's, because we inadvertently scheduled too many witnesses for today—if you could summarize your statement, the statement in its entirety will appear in the record at this point. Without repeating the areas that have been covered yesterday and this morning—the need for a single agency, the advantages, et cetera—without duplicating all that has been covered, feel free to make any comments which you feel have not yet been brought to light to make a more complete record available—what we have not covered too well yet on the organizational structure, the agencies, the personnel, and the possible costs.

We may have some questions in that area, too.

You may proceed. Your statement will appear in its entirety at this point in the record.

(Mr. Ink's prepared statement follows:)

PREPARED STATEMENT OF DWIGHT A. INK, ASSISTANT DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear in support of the President's Reorganization Plan No. 3 of 1970 which would create a new Environmental Protection Agency.

As the President pointed out in his message transmitting plan No. 3 and plan No. 4, which would establish a National Oceanic and Atmospheric Administration in the Department of Commerce, these plans represent important steps toward organizing our environmentally related activities more effectively. They have grown up piecemeal and are now scattered among a number of departments and agencies. While he recognizes that further changes may be desirable in this very complex area and that proposals have been made for such changes, the President has stated, "I also think that in practical terms, in this sensitive and

rapidly developing area, it is better to proceed a step at a time—and thus to be sure that we are not caught up in a form of organizational indigestion from trying to rearrange too much at once."

The President well summarized the basic problem we face in the environmental protection area when he stated that, "Our national Government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action." In pointing out that the environment must be perceived as a single, interrelated system, the President also indicated that current executive branch assignments do not reflect that interrelationship.

At present, responsibility for pollution control is divided primarily according to the medium in which the contaminant occurs, i.e., air (EPA), water (mainly Interior), and land or food (HEW, Agriculture). However a single source may pollute the air with smoke and chemicals, the land with solid wastes, and a river or lake with chemical and other wastes. Control of air pollution may convert the smoke to solid wastes that then pollute land or water, and control of water-polluting effluents may convert them into solid wastes which then must be disposed of on land. Some pollutants, such as pesticides and radiation, are present in all media, and do not fit into the traditional air-water-soil categories. This fragmentation leaves us vulnerable to confusion, overlap and delay in the recognition of new problems which cut across organizational boundaries. More importantly, there has been no place of central cognizance and responsibility for determining research priorities and recommending standards, for monitoring individual pollutants appearing in different media, and for preventing the introduction of new pollutants into the environment.

A more effective approach to pollution control would involve the systematic identification of different pollutants and then the tracing of their paths through the various elements of the environment, the determination of the total permissible exposure of an individual or the environment to a pollutant or pollutants, and the evaluation of the interactions among different pollutants and different forms of pollution. Research, standard setting and policy formulation could then occur on a comprehensive basis.

A consolidation of the major existing pollution control programs is, in our judgment, necessary to accomplish these objectives. Similarly, a consolidated pollution control agency would insure that the responsibility for dealing with new environmental problems will be properly placed. It would also serve to simplify relations between the Federal, State and local governments, and would enable private business to comply more readily with pollution control regulations by providing a single tolerance setting agency.

In order to deal with these problems and issues, Reorganization Plan No. 3 would create a new agency—the Environmental Protection Agency (EPA)—to consolidate our basic efforts to determine tolerance levels and standards for various major forms of pollution affecting the general environment and, where appropriate, to bring together our efforts to enforce those standards and to provide assistance in alleviating pollution problems.

The plan deals with activities relating to five basic areas of pollution—water, air, solid waste, pesticides and radiation—and combines in EPA the functions carried out by the Federal Water Quality Administration (FWQA), now in the Department of the Interior; the National Air Pollution Control Administration (NAPCA), parts of the Environmental Control Administration (ECA), and the pesticides research and regulatory programs of the Food and Drug Administration, all presently located in HEW; the pesticides registration and related authority of the Department of Agriculture; the environmental radiation protection standard-setting function of the AEC; the functions of the Federal Radiation Council; some of the pesticides research conducted by the Bureau of Commercial Fisheries; and authority to conduct ecological systems research, now vested in the Council on Environmental Quality. The EPA's estimated budget and staff in fiscal year 1971 will be \$1.4 billion and almost 6,000 personnel.

The criterion for deciding what programs should be placed in the new agency was that the EPA should include all those, and only those, programs or functions necessary for it to carry out its mission of integrated policy-making and pollution control. Thus, the plan would transfer existing standard-setting authority covering all the major classes of pollutants to the new agency, and provide it with access to the research competence necessary to determine what the standards should be. EPA can also obtain needed information or services from other

agencies, on the basis of interagency agreements if necessary. In addition, the EPA will incorporate many of the major Federal technical assistance and grant programs which, hitherto, have been the backbone of the Government's anti-pollution effort. We have not felt that it was either practical or desirable to transfer to EPA certain enforcement activities—such as FDA's feed removal authority—which are integral parts of a larger effort in another agency involving factors other than pollution. This has involved difficult judgments in some areas, and experience may well indicate later adjustments are desirable.

While the plan results in reasonably clear and simple transfers in the areas of water, air and solid waste pollution, I believe it would be helpful to explain in some detail how the plan would deal with the areas of pesticide and radiation pollution which are quite complex and involve pulling together programs of several agencies.

The present Federal regulatory authority in the pesticide area is directed at providing farmers, homeowners, public health officers, and other individuals with pesticides which are adequate to control pests while at the same time protecting the public health, the health of the user, and the general environment. Federal law provides for a system of standard-setting and premarket clearance in order to achieve this goal. For example, the Federal Food, Drug, and Cosmetic Act directs the Secretary of HEW to establish food tolerances for pesticides, that is, pesticide residues allowed on raw agricultural products and in processed foods. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Secretary of Agriculture may register a pesticide for specific uses in the United States if he finds that the pesticide is both effective and safe for humans and is not overly damaging to the environment. The pesticide must be registered in such a manner that the pesticide, when used according to the directions on the label, will not result in residues on or in foods greater than those established by the Secretary of HEW.

In establishing food tolerances, the primary objective of the HEW Secretary is to protect the public from unsafe food. However, the Act also directs the Secretary to " * * * give appropriate consideration among other relevant factors * * * to the necessity for the production of an adequate, wholesome and economical food supply * * * ." These tolerances are enforced through both the FDA food inspection program and the USDA meat and poultry inspection programs.

The Secretary of HEW also reviews proposed pesticide labels for safety to humans, focusing particularly on the possibility of hazard to the users or to other humans who might come in contact with the pesticide. In a similar way, the Secretary of the Interior reviews proposed pesticide labels to insure that the label instructions are adequate to protect fish and wildlife. The latter two reviews are conducted under the terms of an administrative arrangement among the three Secretaries. The Secretary of Agriculture may take the views of the other two Departments into consideration when registering a pesticide and in practice usually does, but he is not legally bound to do so.

There has been considerable criticism recently of the way in which the Federal Government has acted to avoid the undesirable effects of pesticides. Part of the problem stems from the fact that the laws under which the Federal Government operates are inadequate. For example, the Government does not have control over the actual use of pesticides (except in the limited case of application of pesticides by airplane). Another part of the problem results from the fact that the principal emphasis of the Federal program when it started was on the efficacy of marketed pesticides. While this aspect of the problem is still extremely important, we are now beginning to place very heavy emphasis on the environmental effects of pesticides. Further, since the regulatory authority has been so fragmented, it has been difficult for any one department to assume the needed leadership role and to direct resources for a coordinated Federal effort.

During the past year considerable effort has been made to improve the operation of the Federal program. A new interagency agreement between the Secretaries of Agriculture, HEW, and Interior was developed which assures that the registration process will reflect the increased concern with the human health and other environmental effects of pesticides. This action has led to cancellation and suspension actions on certain uses of some persistent pesticides, such as DDT. Nevertheless, further steps, such as this reorganization, are needed.

Reorganization Plan No. 3 calls for the consolidation of the major aspects of the Federal pesticide effort. EPA will have the responsibility both for establishing tolerances for pesticide residues on food and for registering pesticides under

FIFRA. The EPA will look to the Department of Agriculture, the Department of the Interior and the Department of HEW for research and advice on the efficacy of these pesticides, and for basic research on the effects of these pesticides on health and on the general environment. However, EPA will have authority and funds to conduct certain research needed for its regulatory decisions. The EPA will also be the focal point for the Federal monitoring effort and public information activities related to pesticides.

The Food and Drug Administration will retain its responsibility for taking legal action against foods which have excessive residues of pesticides. This legal enforcement function is an integral part of the FDA's food protection activities and there is no need for the EPA to duplicate this extensive enforcement capability. For the same reason, the Secretary of Agriculture will retain his authority to remove from the market meat and poultry products which contain residues of pesticides in excess of EPA tolerances. EPA will do supplementary monitoring of pesticides and their effects to the extent it deems necessary.

Perhaps the most essential feature of this reorganization of pesticide activities is the combining of two Federal regulatory authorities—the USDA regulation authority and the FDA tolerance-setting authority.

In the radiation area, the Administrator of the Environmental Protection Agency will assume responsibility for the functions presently performed by the Federal Radiation Council, the functions of the Division of Radiation Protection Standards in AEC that have to do with establishing environmental standards applicable to the general population, and the functions of the Bureau of Radiological Health in HEW, except for those functions that relate to consumer product regulation, radiation as used in the healing arts, and occupational exposures to radiation.

The FRC now sets body dose guides or criteria: The amount of radiation to which a member of the general public may be exposed. It also deals with the problem of occupational exposures. To do this, the FRC now relies on the published literature and the competence of groups such as the National Academy of Sciences, the National Council on Radiation Protection and Measurements, and the International Commission on Radiation Protection. The FRC also utilizes expert temporary staffs for special studies. The radiation protection guides are now presented by the chairman of the FRC to the President for approval. Upon his acceptance, they become guidelines for Federal agencies in their own activities and those licensed by them, and the guidelines are incorporated into standards and regulations promulgated by the agencies.

The Federal Radiation Council would be abolished, but all its duties, responsibilities, and activities will be assumed by the EPA. As a result, EPA will establish radiation protection guides (dose criteria) for the general population and occupational workers. These criteria will be determined (and continually reexamined), as is done now by the FRC, with the aid of panels of scientists from within and without the Federal Government who will sift data produced by researchers in the scientific community. The existing statutory requirement that the NAS and NCRP be consulted would continue to apply. I would stress the importance of drawing upon the best technological and scientific expertise available for this important work.

The EPA will use these radiation protection guides in setting general environmental standards. By standards, we mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

EPA's general environmental standards will be enforced by the AEC through its licensing authority. They will also be used by the AEC and other Federal agencies in carrying out their direct activities.

During the course of our discussions of plan No. 3 with Members of Congress and others a series of questions have been raised which I would like to comment on.

First, the establishment of the Environmental Protection Agency as a separate agency rather than as a component of any existing department or agency has been questioned. A deciding factor in this case was the need to give emphasis to the environmental protection program and to avoid the risk of these activities being buried in the massive variety of other efforts in which cabinet departments are involved. Just as the atomic energy and space programs were organized to be performed by separate new agencies because of their high national priority at the time they were established, so the President believes that the environmental protection program, which is of critical importance, needs to be housed in a separate agency for the concentrated effort that needs to be mounted.

It has been suggested that, since most of the EPA programs now are within executive departments headed by Cabinet members, their placement in a separate agency headed by a non-Cabinet level administrator results in a downgrading. We cannot agree. At present, these programs are placed in such a way that various levels of supervisors exist between them and the Cabinet members, and they must compete for attention with a host of other important departmental activities. Their placement in EPA will assure close top level supervision by an officer who will have a key position in the administration.

In addition, the decision was based, in part, on the need to avoid the institutional biases of existing agencies. This is not said in any derogatory sense, but, as the President has pointed out, the existing departments have their own primary missions—resource development, transportation, agriculture—which properly and necessarily affect their views of environmental matters. To vest all the EPA programs in one of those departments is apt to result in a particular slant to those activities and questions as to its objectivity in dealing with matters affecting and controlling other departments.

Second, interest has been expressed in the relationship between EPA and the Council on Environmental Quality. The relationship will be akin to that which exists between the Office of Science and Technology and our major research and development agencies or between the Council of Economic Advisers and the agencies having a major impact on the economy and employment levels. CEQ, like OST and CEA, is a unit in the Executive Office of the President, and as such plays a key role in advising the President and acting in his behalf to coordinate activities and to help develop policies and priorities in its program area. These units do not have day-by-day operating responsibilities. In contrast, EPA will have the latter type of responsibilities in the area of standard setting and certain related research, enforcement, and assistance activities. Obviously, the two agencies will have to work closely together to achieve overall strategies and objectives. In addition, CEQ is concerned with all environmental activities, not just pollution control.

Third, there have been questions relating to the organization of EPA, particularly with respect to how ongoing programs can be moved into the new agency without creating serious disruption and confusion. In part, I believe this concern results from the problems which occurred several years ago when the water pollution control function was shifted from HEW to EPA, causing significant operating problems in the process. We agree on the importance of avoiding these problems. For that reason, it is intended that the major units involved be moved to EPA intact. Thus, we would anticipate that the Federal Water Quality Administration, the National Air Pollution Control Administration and the Bureau of Solid Waste Management would move into EPA as major constituent units. We would also anticipate that the radiation activities coming from HEW and AEC and the pesticide activities coming from HEW, Agriculture, and Interior would move intact, although they probably will be brought into two overall units dealing with radiation and pesticides.

We believe the new Administrator should consider the establishment of certain cross-cutting staff units to help him coordinate related activities in the operating units. In addition to a general administrative and management staff, examples of such units might be ones dealing with the areas of research and standards, monitoring, technical assistance to State and local governments and enforcement. We have established an interagency task force to develop various alternatives for the new Administrator to deal with these matters and to develop necessary common or consistent administrative services.

We do not believe it wise to make a final determination with respect to these staff functions prior to the new Administrator, or at least an acting administrator, having the opportunity to consider the various options. I believe this is common practice. Likewise, there are a few organizational units in existing departments in which some staff will be shifted to the new agency and others left in the existing department. In those instances, although we can indicate the approximate division of manpower, we believe that the final determination should not be made until the new leadership has an opportunity to express its views with respect to the division of resources. As you know, the precise breakdown of dollars and numbers of people and other resources is made by means of determination orders. Such orders are developed by the Office of Management and Budget in consultation with the affected agencies and are issued by the Director of OMB. Although planning is underway now with respect to factors that will go into the determination orders, the actual orders will be issued at the time the transfer becomes effective.

Finally, there has been concern about the transferability of members of the Public Health Service Commissioned Corps. You will recall that this was a serious problem at the time the water pollution control program was transferred from HEW to Interior. Initially, such personnel will be detailed to EPA. Then under separate legislation, which was forwarded to the Congress last week, they will be given an opportunity to convert to positions in the regular civil service in such a way that they will have compensation and other benefits which will not result in a basic loss to themselves.

In summary, Reorganization Plan No. 3 would in creating EPA provide us with a strong focal point for dealing with the critical problems of setting and enforcing pollution control standards in a rational and consistent way. As such, EPA would have a key role to play in protecting the environment by abating pollution. It would bring to bear related research and information activities, assist State and local governments and others in arresting pollution through grants and technical aid and assist the Council on Environmental Quality in developing new policies in this vital area.

I urge that Plan No. 3 be allowed to become effective.

**STATEMENT OF HON. DWIGHT A. INK, ASSISTANT DIRECTOR,
OFFICE OF MANAGEMENT AND BUDGET; ACCOMPANIED BY
HOWARD SCHNOOR, CHIEF, GOVERNMENT ORGANIZATION STAFF,
AND CHARLES ELKINS, EXAMINER; AND DOUGLAS COSTELL, SEN-
IOR STAFF ASSOCIATE, PRESIDENT'S ADVISORY COUNCIL ON
EXECUTIVE ORGANIZATION**

Mr. INK. As was discussed this morning, the Agency is designed to provide a special focus in the environmental pollution control area. One of the areas about which I think some question has been raised is the relationship of the Council on Environmental Quality and the Agency. I might just add a little to what has been discussed thus far on that point.

Mr. BLATNIK. That is a good point.

Mr. INK. Important as we regard pollution control, it is, of course, just one of a number of broad areas that relate to the environment. The Intergovernmental Cooperation Act talks about some of these other areas for example, the development and conservation of natural resources, including land, water, minerals, and wildlife. Here we have the Agriculture Department and the Interior Department. Recreation and natural beauty, and planned communities are other related areas. The environment involves, as we see it, many functions, involving many agencies, and the Council has the task from a policy standpoint, not as an operating staff but as a staff to the President, of relating this broad range of activities throughout the Federal Government.

As you know, the statute which established the Council on Environmental Quality did give that Council some specific functions which, if it is agreeable, it might be useful to include in the record at this point.

Mr. BLATNIK. Yes. Without objection, it will be so ordered.

Mr. INK. It talks about the appraisal of programs and about following the trends, about studies and research relating to environmental quality which, as I say, go far beyond just the element of pollution control that we are concerned with here. As Mr. Train pointed out yesterday, the Agency we are talking about, the EPA, is an operating agency, and it would report directly to the President and not be a subordinate to the Council.

(The statute referred to, Public Law 91-190, follows:)

Public Law 91-190
91st Congress, S. 1075
January 1, 1970

An Act

83 STAT. 852

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

National Environmental Policy Act of 1969.

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Administration.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

Copies of statements, etc., available.

81 Stat. 54.

January 1, 1970

- 3 -

Pub. Law 91-190

82 STAT. 854

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually, beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environments; (2) current and foreseeable trends in the quality, management, and protection of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the availability of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population projections; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

80 Stat. 416.

Duties and
functions.

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to environmental quality and environmental policy;

(6) to document and analyze changes in the environment, including the physical and biological environment, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports, findings, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

34 F. R. 8693.

January 1, 1970

- 5 -

Pub. Law 91-190

82 STAT. 356

Sec. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

Tenure and
compensation.
80 Stat. 460,
461.

81 Stat. 638.
Appropriations.

Sec. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-378, 91-378, pt. 2, accompanying H. R. 12549
(Comm. on Merchant Marine & Fisheries) and 91-765
(Comm. of Conference).

SENATE REPORT No. 91-296 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 115 (1969):

July 10: Considered and passed Senate.

Sept. 23: Considered and passed House, amended, in lieu of
H. R. 12549.

Oct. 8: Senate disagreed to House amendments; agreed to
conference.

Dec. 20: Senate agreed to conference report.

Dec. 22: House agreed to conference report.

Mr. INK. I think we have covered pretty much the question of the components of the agency. I might add a bit to some of the discussion this morning with respect to why certain types of things were left out. I might give one or two examples that would be helpful and, as requested this morning, a list of excluded functions will be forwarded to the committee.

Pesticides are an important area of EPA concern, clearly, but the pesticides research program in Agriculture is not transferred to this agency. The rationale of the Ash Council, which we support, is that it is an important task of the Department of Agriculture to continue to undertake research toward the effectiveness and efficacy of pesticides. It is important from the standpoint of the farmer that there be a place in the Federal Government that is concerned about research that relates to the effectiveness of pesticides to do the job they are supposed to do from the standpoint of agriculture. So, it was felt that this program was too intimately related to the Agriculture mission to be transferred, but the standard-setting of pesticides to assure the protection and health of people is being shifted under this proposal.

Mr. BLATNIK. Will the efficacy of pesticides be left to the Department of Agriculture for the research work required?

Mr. INK. Yes.

Mr. BLATNIK. But the adverse effects on environment and standards will be included in the new agency.

Mr. INK. That is correct.

Mr. BLATNIK. Does not the Government require just the opposite in the case of the Food and Drug Administration? In dealing with drug certification, they require the manufacturer to prove the efficacy of the drug, and also to secure the certification as to what the side effects may or may not be, and, if there are side effects, how serious they are.

I ask this question because of the relationship between the scientific approach in the field of drugs and in the field of pesticides, both affecting the health of living things. It is not an important question at this point, but I am interested in why it is a divided function in the case of pesticides, whereas the FDA requires the manufacturer to do both in the case of drugs.

Mr. ELKINS. The new agency will make the decision with regard to the registration of pesticides, and that decision will be based not only on the effects of the pesticides on the environment and on health, but also on the efficacy. So, the standard-setting or registration process decision will be on both efficacy and the effects. What will be left in the Department of Agriculture is the research on efficacy.

Mr. BLATNIK. And the adverse effects on the environment.

Mr. COSTLE. Agriculture also conducts research on developing alternatives to pesticides. To that end, they have a special expertise. The primary responsibility for that will be left in Agriculture.

Mr. INK. Again, it is the feeling that that is an important part of Agriculture's mission in the field of agriculture, and there is a desire not to bring into the pollution control agency a range of miscellaneous functions which would probably decrease the effectiveness of such missions, because it is hard to develop and maintain the kind of expertise in these special-mission areas outside of their home base, which is the Department of Agriculture.

Mr. BLATNIK. I do not quite agree with that, because the scientists, usually biochemists, working on pesticides, find precisely what is happening to a living organism, plant or animal. They know the adverse effects, and they likewise know its effects in other forms. They are not using a peephole approach as scientists.

For example, let us say a pesticide firm comes out with a very effective pesticide which is cheaper, more efficient and more effective than any one thus far known. They use it. They say it is not our responsibility to have regard or concern about the adverse effects or how bad they may be. Certainly, it will have some adverse effects, but if nobody hollers or yells, it is fine, and we will continue to use it. It will be up to some agency to determine that this stuff is not dangerous for immediate use but over a long period of time the cumulative effects are terrible. There is a controversy. What shall we do? Shall we continue using it? Shall we find a less efficient pesticide which is more costly? You have to balance the two sides in the approach.

There is a question about using that as a basis for making a determination. In the case of pesticides, how much of the operational function shall remain in Agriculture and how much shall be transferred to EPA?

Mr. COSTLE. There will be in EPA a considerable amount of research on pesticides. For example, we are transferring a portion of the authority for the Fish and Wildlife Bureau to do specific pesticide research on fish and wildlife. The issue, I think, is more the accessibility of the research and its results and its availability to the people who have to set the standards. This is true particularly with respect to agencies that would have related research responsibilities. EPA would have the authority to supplement their research and serve as the point of central cognizance to assure the whole research effort in any area is in fact adequate.

Mr. BLATNIK. Would EPA have premarket clearance authority? Would they have that authority?

Mr. ELKINS. That is correct.

Mr. INK. We think that standard-setting is a highly significant function. It has significance out of proportion to the numbers of people and numbers of dollars allocated to it. If you can set a standard which will protect the safety of people, then you in effect have set a line in back of which people have to work to develop the kinds of systems and programs which can meet those standards.

Even in instances, such as atomic energy, where the numbers of people in EPA are small, the standards are extremely critical and crucial, we feel, to the overall operation.

There were questions raised with respect to the organization of EPA. I might read my statement beginning at the bottom of page 12 on that part of it.

There have been questions relating to the organization of EPA, particularly with respect to how ongoing programs can be moved into the new Agency without creating serious disruption and confusion. In part, I believe this concern results from the problems which occurred several years ago when the water pollution control function was shifted from HEW to Interior, causing significant operating problems in the process.

Mr. Chairman, you are aware of this because we have talked about that problem.

We agree on the importance of avoiding these problems. For that reason, it is intended that the programs involved will be moved to EPA intact. Thus, we would anticipate that the Federal Water Quality Administration, the National Air Pollution Control Administration, and the Bureau of Solid Waste Management would move into EPA as major constituent units. We would also anticipate that the radiation activities coming from HEW, AEC, and the ERC and the pesticide activities coming from HEW, Agriculture and Interior, would move intact, although they probably will be brought into two overall units dealing with radiation and pesticides, that is, one unit for each.

We believe the new Administrator should also consider the establishment of certain crosscutting staff units to help him coordinate related activities in the operating units. In addition to a general administrative and management staff, examples of such units might be ones dealing with the areas of research and standards, monitoring, technical assistance to State and local governments, and enforcement.

We have established an interagency task force to develop various alternatives for the new Administrator to deal with these matters and to develop necessary common or consistent administrative services.

Mr. ERLBORN. Might I ask the witness at this point, you mentioned the difficulties that arose when the Water Pollution Control Council moved from HEW to Interior. As I recall, one of the elements that contributed to the problem here was the fact that we were moving a group that was in the uniformed service, a commissioned service, under different retirement rules, and not under the regular civil service. That will not be the case in this shift; is that correct?

Mr. INK. That was a problem. There were several problems, but the difficulty in making that move was certainly one of the major problems. We have introduced legislation to deal with this. Of course, it will not be a problem in transferring the water group from Interior, because that change has already been made, but we need to make sure that a similar problem does not arise with respect to the Commissioned Corps people who will be moving from HEW to the new Agency. For that reason, legislation has been introduced to meet that particular problem.

If you are interested, when Mr. Jones comes—he will be here in a few minutes—he can go into that legislation with you. The Surgeon General is also here, and he can describe it in some depth.

I also would like to suggest that it is easier to move into a new agency in the sense that one has more administrative flexibility in dealing with these kinds of problems than when you move from one large Cabinet department to another, where the procedures have been established for a good many years and applied to large bodies of people.

We do not believe it wise to make a final determination with respect to these staff functions prior to the new Administrator, or at least an Acting Administrator, having the opportunity to consider the various options. I believe this is common practice.

Likewise, there are a few organizational units in existing departments in which some staff will be shifted to the new Agency and others left in the existing department. In those instances, although we can

indicate the approximate division of manpower, we believe that the final determination should not be made until the new leadership has an opportunity to express its views with respect to the division of resources.

This, again, has been our practice in the past.

As you know, the precise breakdown of dollars and numbers of people and other resources is made by means of determination orders. Such orders are developed by the Office of Management and Budget in consultation with the affected agencies, and are issued by the Director of OMB. Although planning is underway now with respect to factors that will go into the determination orders, the actual orders will be issued at the time the transfer becomes effective.

I think, looking over past history, they very often come out 2 or 3 weeks after the plan becomes effective. Although we like the basic order to be issued at the time the plan becomes effective, there may be some areas in which such orders will follow later.

Finally, there has been concern, which Mr. Erlenborn mentioned, about the transferability of members of the Public Health Service Commissioned Corps. You will recall that this was a serious problem at the time the water pollution control program was transferred from HEW to Interior. Initially, such personnel will be detailed to EPA. Then under separate legislation, which was forwarded to the Congress last week, they will be given an opportunity to convert to positions in the regular civil service in such a way that they will have compensation and other benefits which will not result in a basic loss to themselves.

In summary, we believe this plan would, in creating EPA, provide us with a strong focal point for dealing with the critical problems of setting and enforcing pollution control standards in a rational and consistent way. As such, EPA would have a key role to play in protecting the environment by abating pollution. It would be expected to coordinate research and information activities, assist State and local governments and others in arresting pollution through grants and technical aid, and assist the Council on Environmental Quality in developing policies in this vital area.

Mr. Henderson was interested in organization, and we went further about that briefly this morning. As we indicated, program elements that are coming in from the other departments would probably be grouped at the time the plan becomes effective into five operational units: one on water, which is the water pollution control group in Interior which would come over intact; the solid waste group from HEW; the air group from HEW; the pesticides group from three areas—Agriculture, Interior, and HEW; and the radiation group, again from three areas—AEC, HEW, and the Federal Radiation Council.

Mr. HENDERSON. Would they all be listed at the same level? The reason I ask that is there is so much more involved in the water pollution program than in the others, both moneywise and personnelwise.

Mr. INK. I will be happy to give you a copy of the working chart that we are using at the present time. We would show them all on the same level from the standpoint of organization. This does not necessarily mean they would all have the same grade level. They would report to the Administrator and the Deputy Administrator.

Then, as we mentioned this morning, we would expect some staff groups to be established. Clearly, an administrative unit will be necessary, and some type of planning and evaluation group will be necessary. Decisions on the crosscutting staff units is where we particularly feel the need for the new Administrator to have a chance to express his views.

Before putting that in concrete, Mr. Chairman, we would welcome any thoughts you people may have in terms of areas where you in your work or other committees have seen a need for this kind of cross-cutting staff effort.

We mentioned monitoring and research as two types of candidates.

As I say, we would be happy to give you a copy of this worksheet.

Mr. HENDERSON. There are five major groupings. Do you expect each one will have an assistant secretary?

Mr. INK. Assistant administrator?

Mr. HENDERSON. Yes.

Mr. INK. We do not know whether the administrator would want to use, I think it is, up to five for that purpose. In the case of the Department of Transportation, for example, these types of positions were used in crosscutting staff functions or combinations thereof. We would feel it important that such aides not be a layer above the operational units. In other words, if they were used in an operational sense, they would head up the operational unit.

Mr. HENDERSON. Would that be different from the situation that exists in Interior now, where there is an Assistant Secretary for Water Quality and Research, and the agency is separate and has its own head?

Mr. INK. If the head of the water unit were made an Assistant Administrator, then it would be different in that there would be no group or no level in between the operating unit and the head of the agency. In the case of a Cabinet department where there are so many functions, a broad range of functions, the kind of grouping becomes much more significant, and necessary, than in the case of a more limited focus such as you have in an agency of this kind.

Mr. HENDERSON. There has been a good deal of concern expressed by many interested in the legislation that bringing these groups together, although they are not of the same order of magnitude in their programs, might cause some of the larger ones to be subordinated in ways that they may not presently be, to the benefit of some of the smaller groups. Can you give us any assurance on that?

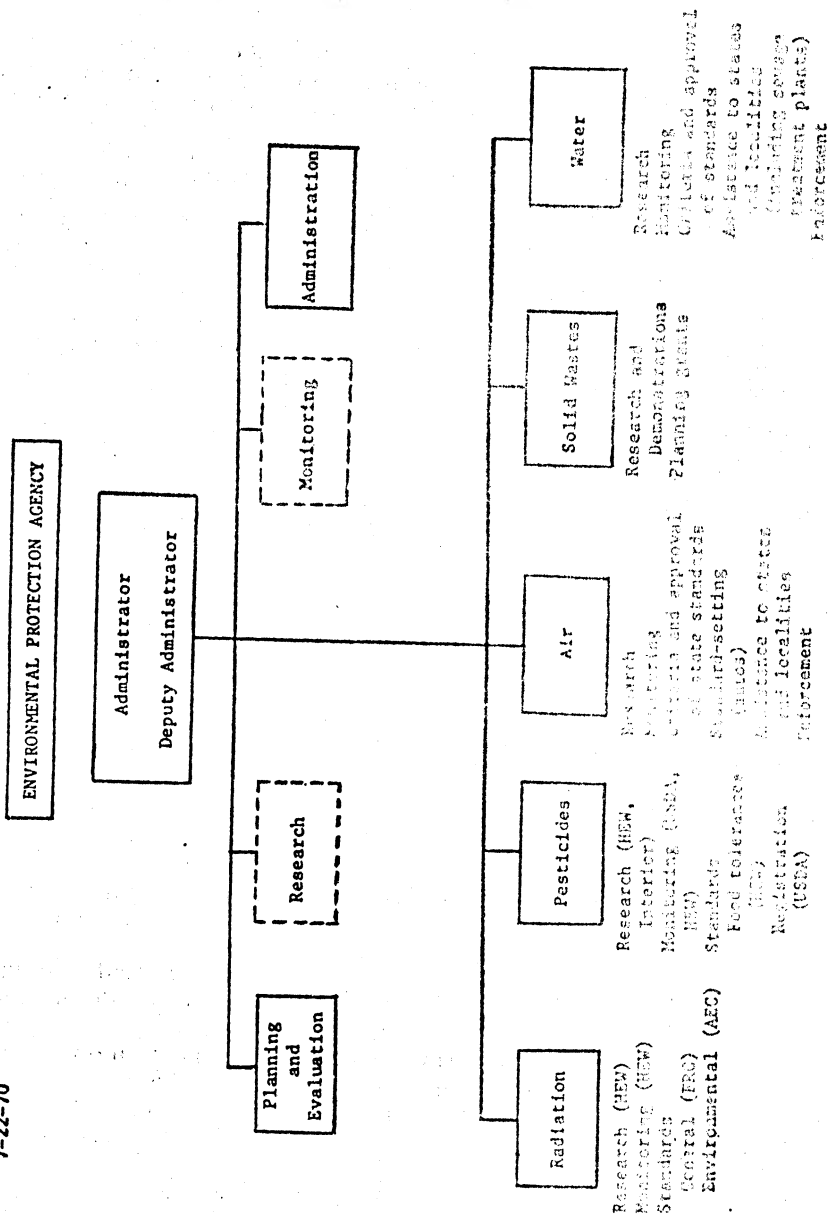
Mr. INK. As I indicated, each of these program elements would report directly to the Administrator and, consequently, I do not really see how one would be subordinated to the other.

Of course, in any organization, some individuals are more effective than others. The funding clearly will be different. Some areas have a public works element to them, whereas others do not.

There is no intention to subordinate air to water or water to air or radiation to pesticides or pesticides to radiation.

(The following draft organization chart was subsequently submitted by Mr. Ink:)

DRAFT
7-22-70



Mr. BLATNIK. Mr. Erlenborn?

Mr. ERLENBORN. Thank you, Mr. Chairman.

I do not now have any questions to ask Mr. Ink. Your testimony is eloquent in support of the plan. I know my colleague, Mr. Brown, has a few questions, so I will defer to him.

Mr. BLATNIK. Mr. Brown?

Mr. BROWN. Mr. Ink, if I were involved in some kind of business concerned with a pesticide that might be put on crops and wanted to get approval of this item, under present circumstances and under the proposed EPA Agency, it occurs to me I might have to go to a number of different agencies for that approval in order to get it cleared. I would assume the same thing is true if you had something in the pollution control area. It would be delayed in terms of dealing with the Federal structure.

I have had experience with reference to a company which has a solid waste disposal idea wherein they had to deal with at least four different Federal agencies, and have run into the problem that one agency tells them one thing, and another agency says it will take a serious look at the situation, and total frustration results from that.

Will this resolve that kind of problem?

Mr. INK. We think it will in most cases but not all cases. Mr. Brown. The drawing together of the pesticides registration work in Agriculture and that which is done in the Food and Drug Administration supported by research from the Interior Department, we think will help in most cases, but not all cases.

Mr. BROWN. At least it will resolve things that might be considered, say, in solid waste and air pollution and water pollution.

Mr. INK. Yes. We think one of the advantages, both to industry and to State and local governments, will be the ability to come to one place in the Federal Government concerned with most of the standard setting that relates to pollution control. This, we think, is significant because polluters do not all recognize the difference between air and water and land. It is important that State and local governments, in dealing with these problems, deal with the environment as an entity. When the Federal Government is fragmented in this fashion we tend to handicap the State governments by our inability, at times, to pull ourselves together in the Federal Government. I think this probably handicaps the State governments in mounting the effective environmental pollution control programs that they need.

Mr. BROWN. I get the impression, from what I know of pollution control and the degree of sophistication of research and standard setting by the various agencies that are now being carried on under different organizational levels in different departments, that perhaps the water research is the most sophisticated. The water pollution control agencies appear to have done the most work for the longest period of time and are perhaps further along with reference to pollution control, standards, and criteria, and enforcement activities than, for instance, those in air pollution control, and, certainly, a good deal further along than those in the solid waste disposal area.

Mr. INK. There is no question that it is much further along than solid waste disposal.

Mr. BROWN. What has been the atomic energy experience?

Mr. INK. In atomic energy there is a very high degree of sophisticated experience. It is nonetheless a controversial area. There is disagreement.

Mr. BROWN. You mean disagreement in sites.

Mr. INK. Yes; and some disagreement with respect to standards. But there has been a tremendous amount of scientific effort put into the atomic energy field.

Mr. BROWN. The experience of the Water Quality Control Administration demonstrates fairly effectively that objective water quality standards can be developed and enforced. In the Water Quality Control Administration, as I understand, just to take one small aspect of it, the question of thermal pollution requires you to determine, in advance, what kind of fish you want to maintain in the river and then to regulate your pollution to different levels at different times so you do not destroy the fish especially when they are hatching.

Mr. INK. I am afraid you lost me, Mr. Brown.

Mr. BROWN. Although the administration of the air quality standards has not advanced to the same degree of development of standards, objective standards can, undoubtedly, be developed also. What I am really asking, is there a relationship, administratively, between the experience that can be developed in water pollution control enforcement and enforcement in the air pollution area or in the solid waste disposal area?

Mr. INK. Yes; I think there is. We can tell a good deal better how much and what that is after these units are brought together in the same agency.

I recall in the early days of establishing the regulatory program in the atomic energy field experience in other regulatory fields was drawn upon and was useful. I am sure here we will find the same thing to be the case here.

The water program has been under way, I believe, for a longer period of time than air. I know the chairman and some others have put a good deal of effort into the water program, and it has developed a good deal of competence in recent years.

Mr. ERLNBORN. Now that Mr. Brown has gotten into this area, it reminded me of one or two questions that I asked Mr. Train yesterday and on which he deferred and suggested you might better be able to answer them.

You may recall I asked him who would appear here before the legislative committees to present the case for legislative authorizations and levels of spending. For instance, in the FWQA, I presume it is an assistant secretary who has some jurisdiction in this area and maybe jurisdiction broader than just FWQA.

Under the EPA, it would be the Administrator or someone in that Agency, I presume.

Mr. INK. Yes; I would suspect normally the Administrator would bring along the head of whichever area was under discussion. The Administrator would have the responsibility and the accountability for defending these areas before Congress, both on the authorizing and the appropriating actions.

Mr. ERLNBORN. Maybe on the appropriations side it is even more imperative or important. Presently, you find the various appropriations in the field of environmental control, I might use the word

"buried" in the overall appropriation for the department, some in HEW, some in Interior, and so forth. Would this reorganization change that pattern so there would be an item or several items in the independent offices appropriation that would present a clearly identifiable package of environmental control appropriations?

Mr. INK. Of course, we do not know how the Appropriations Committee will want to handle the appropriation, but the budget will be drawn together on a coordinated basis. There will be a budget for environmental pollution control. It will be drawn together within the executive branch, and it will be reviewed in the executive branch on that basis. How it would be handled by the Appropriations Committee will be determined by the Appropriations Committee.

Mr. ERLBORN. Obviously, it no longer would be in the separate Cabinet departments such as Interior, HEW, and so forth, since the jurisdiction has been removed from those departments.

Mr. INK. That is right.

Mr. BLATNIK. The administrator, the head of the agency, with officials under him, would appear before the appropriate Subcommittees on Appropriations; but if there is more legislative action, would the EPA chief appear before the parent committees that created these programs? For example, water pollution, which emanated from the House Public Works Committee; solid waste disposal, which stemmed I believe, from the Interstate and Foreign Commerce Committee; and air pollution from the Interstate and Foreign Commerce Committee. Some health aspects, of course, are in HEW. Would the Administrator and his deputies go back to the parent committees?

Mr. INK. You remember this morning that Mr. Hollifield said he expected to see the head of the agency with respect to the atomic energy area. The head of the agency will appear before the committees having substantive jurisdiction.

Mr. BROWN. Is it proper to consider this a regulatory agency?

Mr. INK. It has regulatory functions. We have not thought of it in the same context as the Federal Trade Commission, for example.

Mr. BROWN. It will have research powers. It will have standard setting authority.

Mr. INK. It has research related to standard setting, yes, sir, and it has monitoring powers.

Mr. BROWN. Where do you put monitoring? Do you consider that an important authority? That would make it to a degree an important agency.

Mr. INK. Yes.

Mr. COSTLE. Monitoring also in terms of what the problems are, as well as telling you how effectively you are dealing with them.

Mr. INK. In terms of seeing what the gaps are. After these groups are brought together and the administrator has an opportunity to look over the whole area in conjunction with the council, we would be very much surprised if they did not conclude that there are gaps that need to be dealt with; but in addition to that, the monitoring should show this up.

I think, Mr. Chairman, you mentioned several instances of related environmental problems. We hope through the monitoring capability over a period of time to identify those problems, because we have here an agency that is concerned with the environment as a totality from

the control standpoint, rather than an agency concerned with a single-purpose focus which is the present way, since the elements are fragmented around in the Government.

Mr. BROWN. As I indicated earlier, water, air, and solid waste disposal, as well as atomic power plant pollution, must be considered together. In the enforcement area under the Clean Air Act there is authority vested in the Secretary of HEW to go in and set standards and engage in enforcement. Where does that now fit as a result of this proposal?

Mr. INK. This will be transferred to the agency.

Mr. BROWN. So, you put in the agency's hands the power to do the research and determine what the criteria will be upon which the standards are set for air, and then the enforcement of the regulations, if the State or local agencies fail to act in timely fashion. Is that correct?

Mr. INK. In most instances. However, there are some areas where this is so intertwined with highly complex safety features that not all of the enforcement machinery is moved over. The standard setting is, but not all of the enforcement machinery is shifted over.

For example, you were talking about atomic energy. How to make nuclear reactors safe is a tremendously complex, scientific and engineering problem. There is no effort here to move over that tremendously complex capability, which involves immense laboratories, and so forth, although the general environmental standard setting in the radiation area is being shifted over from the AEC to the new agency.

Mr. BROWN. Under the Clean Air Act, there is recourse to the courts, as I recall the legislation. In a way, this does become a regulatory agency, does it not?

Mr. INK. Yes.

Mr. BROWN. A decision is made, and it becomes a judicial decision in a way, because there is opportunity for appeal. It is an administrative decision, but it has a judicial aspect to it.

Mr. INK. In one area or another. I would not want to leave the impression of uniformity because, as you know, we are not setting up new functions. We are shifting them. Of course, they are somewhat apples and oranges as they come in from the different places.

Mr. BROWN. As a member of the Interstate and Foreign Commerce Committee where this originated, as the chairman pointed out, I am very much interested in which parts of this will be either better or more poorly administered. It occurs to me that by putting it all together in this Agency, it will be better administered because the research will be closely connected.

I would also like to point out that in the Intergovernmental Relations Subcommittee of this committee, we conducted a study of the Agricultural Research Service, and not a very flattering study, which disclosed the inability of the Department of Health, Education, and Welfare to get information out of the Agricultural Research Service that related to pesticide use in which the Department of Health, Education, and Welfare was interested and which the Agricultural Research Service had the licensing authority over.

I do not know whether you are familiar with that report, but would that be resolved by the transfer of the pesticide functions of these agencies as they relate to the health aspects of pesticides?

Mr. INK. The Pesticides Registration Division in the Agricultural Research Service will move over under this plan, as well as the environmental quality branch. Both of these units will be moved over from Agriculture.

Mr. BROWN. The input of the part that FDA has in this, will that also be combined?

Mr. INK. Yes, sir.

Mr. BROWN. I cannot help but think that that would be a beneficial combination.

One other area, if I may. This goes back to the point Chairman Blatnik was discussing in terms of relationship of the legislative branch. Between this proposed agency and the new Environmental Council, what relationship is envisioned here? Will the Environmental Council have an oversight responsibility with reference to the Agency?

Mr. INK. We look upon the Council as a staff group to the President, somewhat similar to the Council of Economic Advisers and the Office of Science and Technology. It does not have a direct line relationship to EPA. The Council's responsibility deals with the broad range of environmental activities that are in the Federal Government, the conservation of resources, for example, recreation, enhancement of the environment, which is a much broader area than we are talking about here in EPA. EPA has a very important part of the environmental area but it is focused on pollution control.

Mr. BROWN. EPA, if I may, will be charged with cleaning up the water whether you use it to drink, swim in, or raise fish in. Is that correct?

Mr. INK. Yes, sir.

Mr. BROWN. In other words, that is their interest?

Mr. INK. Yes, sir.

Mr. BROWN. The recreational area or the transportation area goes to somebody else?

Mr. INK. Yes, sir.

Mr. BROWN. Are you telling me that the Environmental Council and the White House are concerned about what EPA is doing but it also has some of these other things it is concerned with?

Mr. INK. That is correct in a staff sense. The Council is not a line agency; it is not an operational agency. It is concerned with what EPA, Agriculture, Interior, and other agencies do, with respect to environmental policy.

Mr. BROWN. The question is, If EPA does not do its job under this reorganization, you have this Council to look down its throat and tattle to the President or to the Congress or to the American public or somebody. Is that right?

Mr. INK. In the sense of appraising the effectiveness of the program, that is true. Not only with respect to EPA, but with respect to other departments as well.

Mr. BROWN. You also have the substantive committees of jurisdiction, Mr. Blatnik's Public Works Committee, Interstate and Foreign Commerce Committee, and Mr. Hollifield's Joint Atomic Energy Committee. The House has passed a Joint Committee on the Environment. I think that is still along with other things hung up in the Senate. Presumably, that would also have jurisdiction over some of the EPA, would it not?

Mr. INK. I would suspect they would want to hear from this group. I am sure that they would. It will be a highly visible group and, as Mr. Ash pointed out this morning, we think it is in the interest of the public that there be an organization, one organization which has this kind of visibility for better accountability to the President and the Congress and the people in its important area of pollution control.

Mr. BROWN. I don't want to belabor the question, but, Mr. Chairman, if I might have permission to submit written questions—

Mr. BLATNIK. Yes; Mr. Ink will be available on his return.

Mr. BROWN. Fine.

The only comment I have to make is that I am glad we have in prospect here an agency which will have the standard-setting responsibilities and the research responsibilities and the enforcement responsibilities put together. One of the concerns that I had a couple years ago when we had the Clean Air Act up for consideration was that everybody wanted to do something about taking care of the air. We have now been in this business for several years.

Mr. BLATNIK. Seven years.

Mr. BROWN. Still, there was a real basic question as to what the standards should be, because the feeling was that adequate research had not been done. You were having somebody enforce and set standards that didn't control the research aspect of it. You began to feel around for answers and it was like fighting feathers.

In this area it seems to me we will now have a single responsible agency which will not be able to pass the buck to other agencies. We will be able to blame them for failures that occur or persist.

Mr. COSTLE. If I may, I would like to underscore the importance that we place on the standard-setting function. As we go down the road I think everyone expects that our problems of pollution are going to increase as our population does, as our society changes. The leverage that the standard-setting function has in this whole area is just absolutely critical. Even though we are transferring only a handful of programs, these programs represent that standard-setting authority that now exists, although fragmented within the Government. One should not underestimate the leverage that that function has on the whole question of environmental quality. It is an extremely influential factor in our efforts to improve environmental quality.

Mr. BROWN. Thank you.

Mr. BLATNIK. The gentleman made a very fine point in his concluding statement. The Chair is in complete agreement with it.

My question, Mr. Brown—not directed to you, but my question raised several times during the course of the hearings yesterday and today pertained to the fact that not enough of environmentally related activities are included in EPA; it was subjected to further research work; and the monitoring would revive the basic information and basis for your standards and enforcement.

Mr. BROWN. I would only submit, Mr. Chairman—and it might be appropriate to ask this question if it has not been already asked.

There are other environmental concerns, are there not, that will surface, or have already surfaced, that can at some later time be included in this agency or moved to this agency?

Mr. INK. Yes, sir; we agree with that. We regard this as an extremely important step. We do not regard it as the end-all for dealing with the pollution control problem. There are undoubtedly other things that the President and the Congress will feel should be placed in this agency. We feel, however, this is a very meaningful and important and significant step forward.

Mr. BROWN. That was an assumption on my part because there are other agencies or other activities in this area that I personally sense might be included and the plan, perhaps, could be criticized on that same basis for their exclusion. I am glad, however, to see the beginning made to develop this kind of strong regulatory agency.

I am not leary of using that word. I think that is what it is and what it ought to be. We should add to it and strengthen it and beef it up and change the laws because there are laws that need revision. We can build from this a much more effective knowledge as to how to deal with pollution in the future. It is going to be a whole of a lot more effective, I believe, than what we have had in the past. For this reason, I view it with some enthusiasm. If it does not work out you will be hearing from us, I am sure.

Mr. INK. I am sure of that.

Mr. LANIGAN. I have one question at this time.

Mr. BLATNIK. Yes.

Mr. LANIGAN. In the case of pesticides, there are two factors involved in registers or licensing. One is the chance that you might pollute the atmosphere or their use be dangerous. Another is whether or not they are as effective as claimed to be as pesticides. Will this new agency register and license pesticides on the basis of not being dangerous to the environment and being effective as pesticides, or will the Department of Agriculture still have to license them and do tests?

Mr. INK. The registration will be done in one place in the new agency. As we indicated earlier, the Agriculture Department will continue to have research responsibility concerned with the efficacy and will advise the new agency with respect to efficacy.

Mr. BLATNIK. Thank you very much.

Thank you and your associates, Mr. Costle, for standing by. Your testimony has been helpful to us.

The next witness is the Honorable Fred J. Russell, Under Secretary of the Department of the Interior, speaking for the Secretary of the Interior.

Mr. Secretary, thank you very much for your patience and your tolerance in standing by these past 2 days. Mr. Secretary, we know the gentlemen with you, the distinguished Assistant Secretary for Water Quality and Research, Mr. Carl Klein, and the Commissioner for the Federal Water Quality Administration, Mr. David Dominick.

Thank you very much for your standing by so long. Do you want to read your statement?

Mr. RUSSELL. It is short.

Mr. BLATNIK. Please feel free to utilize the time to present your case as you want to have it presented. You can read the statement or it certainly shall appear at this point in the record in full. Summarize parts of it, if you wish. Proceed at will.

STATEMENT OF HON. FRED J. RUSSELL, UNDER SECRETARY,
DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY CARL L.
KLEIN, ASSISTANT SECRETARY, WATER QUALITY AND RE-
SEARCH; AND DAVID D. DOMINICK, COMMISSIONER, FEDERAL
WATER QUALITY ADMINISTRATION

Mr. RUSSELL. Mr. Chairman, members of the committee:

I am pleased to appear before you today to testify in support of Reorganization Plan No. 3 of 1970, which the President transmitted to the Congress on July 9, 1970. This reorganization plan, prepared in accordance with chapter 9 of title 5 of the United States Code, provides for establishment of an Environmental Protection Agency (EPA).

The President, in his landmark message of February 10, 1970, on the environment, pledged to recommend new and improved administrative measures to meet the environmental crisis. The establishment of EPA will carry out that pledge by consolidating the major Federal pollution control programs. Since you have reviewed the reorganization plan and the accompanying message of the President, and have heard the witnesses who have preceded me, I will summarize the content of the reorganization plan briefly at this time, but will not go into great detail.

EPA will bring together Federal pollution control programs which are now administered separately by the Department of the Interior and a number of other Federal agencies and councils. It will be able to conduct a comprehensive campaign to advance environmental quality and to combat pollution in a manner which takes into account the interrelationship among what we have tended to consider independent environmental problems—air, water, solid waste, radiation, pesticides.

We expect that EPA will make the Federal Government's major pollution control programs fully effective; that it will expedite the elimination of pollution in its many forms from Federal activities and activities under Federal licenses or permits; that it will increase the status and consideration accorded to environmental problems and pollution abatement activities within the Federal Government; that it will facilitate more prompt compliance by industrial and other polluters by providing clear and consistent standards and unified enforcement; that it will encourage State and local governments to increase their emphasis upon environmental protection and pollution abatement by providing a focal point for financial support, technical assistance, and program guidance; that it will separate, and thus avoid, any real or apparent conflicts between (1) pollution abatement standards setting and enforcement activities, and (2) the continuing responsibility of various departments to promote activities which may cause pollution if proper safeguards are not provided.

EPA will have an estimated 5,605 personnel and a budget of \$1.4 billion for fiscal year 1971. Of this total, the functions to be transferred from the Department of the Interior presently have 3,005 personnel and \$1,098,576,000 budgeted for fiscal year 1971.

EPA will be comprised of the following components:

The Federal Water Quality Administration (FWQA), now in the Department of the Interior.

The National Air Pollution Control Administration (NAPCA), now in the Department of Health, Education, and Welfare.

Parts of the Environmental Control Administration (Bureaus of Solid Waste Management, Water Hygiene, and part of the Bureau of Radiological Health), also from HEW.

The pesticides research and standard setting program of the Food and Drug Administration, also from HEW.

The pesticides registration authority of the Department of Agriculture.

Authority to perform general ecological research, from the Council on Environmental Quality.

Certain pesticide research authorities of the Department of the Interior.

Functions regarding radiation criteria and standards now vested in the Atomic Energy Commission and the Federal Radiation Council.

Specifically, there will be transferred from the Department of the Interior the functions of the Secretary and the Department, which the Federal Water Quality Administration administers; the functions which Reorganization Plan No. 2 of 1966 transferred to the Interior from the Department of Health, Education, and Welfare; the functions which the Federal Water Pollution Control Act vested in the Interior; the functions with regard to the studies of effects of insecticides, herbicides, fungicides, and pesticides on fish and wildlife resources vested in the Interior by the act of August 1, 1958; and the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries at Gulf Breeze, Fla., which performs research on the effects of pesticides on fish and wildlife resources as its chief function.

In addition, the plan specifically transfers from the Department the Water Pollution Control Advisory Board and enforcement hearing boards provided for in the Federal Water Pollution Control Act, as amended, and the Secretary's functions as the Chairman of the Water Pollution Control Advisory Board under the act.

The Department consistently has endorsed the concept of consolidating activities related to environmental protection and pollution abatement in a single agency.

We are cooperating fully in making the necessary changes and adjustments which Reorganization Plan No. 3 requires.

I have with me other officials of the Department. We shall be happy to answer any questions which you may have.

Mr. BLATNIK. Thank you, Mr. Secretary.

Mr. Secretary, may I ask, did you say the Water Quality Control Administration would be more effective in the EPA by itself? What would it do better in EPA than it is doing now in the Department of the Interior?

Mr. RUSSELL. I would certainly say it would do no less better and it should be helped by the other activities of environmental protection and pollution abatement that would have been brought together with it.

Mr. BLATNIK. Your main point is that you would be satisfied, as far as the water aspects of pollution are concerned, they would be equally served by remaining in Interior, which is certainly justifiable. But do you feel that you would be in favor of coordinating or con-

solidating all environmental functions that may bring the water aspect closer to the others, such as pesticides?

Mr. RUSSELL. The help that would come from it being better coordinated with the effects of pesticides and some of the other pollution matters which now are addressed by our Federal Water Quality Administration at a distance.

Mr. BLATNIK. Getting back to the important point we mentioned yesterday, although not related directly to this proposition before us, we are deeply concerned by the complete and unexpected suddenness of the appearance of mercury poisoning in many large sections of the United States, almost simultaneously. Would you give us a quick summary of just what has happened or how this came about? How did it come about so abruptly? Obviously, the mercury poisoning, ingestion of mercury into our water systems and marine plants and fish-life didn't begin within the past few weeks or months.

The question is, what is happening and how did this mercury poisoning advance to the dangerous degree it has where it does threaten the health and welfare of organisms and human beings without having been detected earlier?

Do you have any comments on that?

Mr. RUSSELL. Well, first we must understand that mercury is an inert, heavy density metal and it has not been until more recent times that the condition has developed, or has become known, that it can be absorbed by such as fish in the waters. The accumulation of it, occurring over a period of time, reaches an intensity that is of concern, and it is a concern that is sufficiently great as to be dangerous. But, I think, certainly, one ought to keep in mind we don't have, in fact, a record of deaths of any people who have actually died.

Mr. BLATNIK. Why did it become lethal or dangerous so suddenly? Was the buildup sudden or just the discovery new?

Mr. RUSSELL. It is the discovery that is more recent. We should remember that we don't actually have this record of death of any significant number of deaths, that have been caused from it. However, the danger is present and, having been more recently discovered, it is something that has to be dealt with.

Mr. BLATNIK. How is this problem being approached? I notice from the health aspect that the Public Health Service is involved in the water quality aspect. The Water Quality Administration would be involved. Are they working together on this or are they each working in their own areas of responsibility?

Mr. RUSSELL. They are working together on it. We are able to do it by development of the techniques and the means by which we can actually make the measurement of the presence of mercury in fish and other life.

Mr. BLATNIK. It is not the mercury in the water so much as it is the mercury in the fish. If you eat the fish that is the dangerous thing, not the drinking of the water; is that correct?

Mr. RUSSELL. No, sir; there is no amount of mercury in the water that would be of sufficient a level as to be dangerous. It is only where it accumulates in the fish.

Mr. BLATNIK. I think we get the answer, then, that with the monitoring system no dangerous levels of mercury in the water would

show up. It is the cumulative effects in the fish, eating plants or organisms, that have this accumulation over a period of time.

Mr. RUSSELL. Yes, sir.

Mr. BLATNIK. Suddenly the lethal effects show up in the fish itself, that affect the human being.

Mr. RUSSELL. Yes, sir.

Mr. BLATNIK. It is a good illustration of how evasive and elusive and insidious this pollution can be. It can reach human beings through an indirect method rather than through water directly.

Mr. RUSSELL. This is even more elusive in that it is the accumulation in the mud which in turn transfers into the plants, which in turn are eaten by the fish, and finally accumulating in fish to the point of the danger level.

Mr. BROWN. Could I interrupt you just a minute?

Mr. BLATNIK. Yes.

Mr. BROWN. When was it discovered that mercury ingestions were dangerous or damaging? Does anybody know?

Mr. RUSSELL. Perhaps Mr. Klein.

Mr. KLEIN. Quite some time ago, we knew mercury was dangerous to human beings. The fact it was in the water and could be ingested in this way first came to our notice when we got new types of detection, the beginning of this year, when we were able to identify parts per billion.

Mr. BROWN. As affecting water, only a few months old?

Mr. KLEIN. It has been there for a great many years. For instance, the Wisconsin situation is still there even though those plants closed in 1958.

Mr. BROWN. I don't mean that. I mean the knowledge it was in the water and—

Mr. KLEIN. That is very, very recent.

Mr. BROWN (continuing). Ingested by human beings as a result of being in the water.

Mr. KLEIN. Only by the fact it is in the fish in the water. The fact—

Mr. BROWN. Knowledge as to its effects upon humans—

Mr. KLEIN. That is very recent. Within months.

Mr. BROWN. How long has it been known that the ingestion of mercury by human beings was damaging?

Mr. KLEIN. I think that is quite a period of time.

Mr. BROWN. Are you talking in years?

Mr. KLEIN. Yes, sir; they had deaths, I think, in the fifties in Japan from this.

Mr. BROWN. I heard something on the radio this morning that said people who made hats in England some years ago used to have something that had mercury in it and the expression "mad as a hatter" was an expression used because of the result of this. My question is, did people know that it was the mercury causing that condition when that expression became popular, or is this a relatively recent development? The inference from the news story this morning was that we have known for years that mercury was damaging and people were being damaged by it. I wanted to know whether that is true or not.

Mr. KLEIN. I think for quite some period of time they have known that it was damaging, but the delineation of the damages and where it came from is very, very recent.

Mr. BROWN. Thank you.

Mr. BLATNIK. If we have no further questions—

Mr. LANIGAN. I have a couple of questions.

One, how many positions are going to be eliminated in your central personnel or administrative services office, information offices, as a result of the transfer out of the Department of these 3,000 people?

Mr. RUSSELL. In view of the fact that the Federal Water Quality Administration would be moved in its entirety and the only other personnel moving are 32 other people, it would have a very limited effect insofar as other personnel that would have been either above in authority over these operations or would have been in a service relationship to them. We have not endeavored to make a measurement as to what this would consist of. It would be quite inconsequential.

Mr. LANIGAN. Would you say there may be none; no change in your central management personnel offices as a result of this transfer?

Mr. RUSSELL. I think it might be safe to say none.

Mr. LANIGAN. Still, the new agency will have to set up its own central personnel and administrative services, would it not?

Mr. RUSSELL. Yes, sir; it would.

Mr. LANIGAN. You will have an old system plus a new one.

Let me get to another question. Reorganization Plan No. 2 of 1966, which transferred the Federal Water Pollution Control Administration from HEW to Interior, provided for an additional Assistant Secretary of the Interior "who shall, except as the Secretary of the Interior may direct otherwise, assist the Secretary in the discharge of the functions transferred to him hereunder."

That is in connection with the Water Pollution Control transfer.

I see no provision in Reorganization Plan No. 3 either for the transfer of this Assistant Secretary to the new agency or for the abolition of his job. Was it contemplated that this additional Assistant Secretary will remain in the Interior Department?

Mr. RUSSELL. There are certain functions that continue in the Department of the Interior and would continue under that Assistant Secretary. Very frankly, it is another reorganization plan that we are not addressing today but will be addressing next week, this being the Reorganization Plan No. 4. This introduces some other changes affecting the Department of the Interior, and we will have to consider the effects of both of these reorganization plans in arriving at the decision on how to reorganize the Department of the Interior.

Mr. LANIGAN. Reorganization Plan No. 4 transfers away from the Interior additional employees?

Mr. RUSSELL. Yes, sir.

Mr. LANIGAN. Not adding?

Mr. RUSSELL. Yes, sir.

Mr. LANIGAN. Wouldn't you say that as a result of the transfer to Interior in 1966 of the Water Pollution Control Administration and the transfer out of it in 1970, Interior has sort of picked up an extra Assistant Secretary without going through the normal legislative process?

Mr. RUSSELL. As I said, we will have to take into consideration the effects organizationally on the Department of the Interior as a result of what will have transferred out of the Department of the Interior, plus taking into account the other developments that relate to the

work of the programs which continue to remain in the Department of the Interior. So we will have the need to reexamine our organization structure.

Mr. LANIGAN. Do you think one of the assistant secretaries might be abolished in view of all the transfers out of the Interior Department?

Mr. RUSSELL. It is a possibility, certainly. All I am saying is that we have not really evaluated it in terms of this Reorganization Plan No. 3 because we have another reorganization plan that is to take effect, and we would have all of these factors to consider, together in determining what next better be done about the Department of the Interior organization.

Mr. LANIGAN. Do you think that you will have more after you testify?

Mr. RUSSELL. No, sir. I would say that we would give it better attention than merely to take a look at it, at this early point.

Mr. LANIGAN. The point I was making, these jobs are still going to exist and the new jobs are going to be created and it would have the tendency to enlarge that.

Thank you.

Mr. BLATNIK. Any further questions?

Mr. RUSSELL. Thank you, sir.

Mr. BLATNIK. The Honorable J. Phil Campbell, Under Secretary of the Department of Agriculture.

Thank you for standing by for these 2 long days, and for making yourself available on such short notice. We appreciate that.

Mr. Secretary, we notice Dr. Irving is with you. Will you, for the record, give your full name and title to the reporter?

Dr. IRVING. George W. Irving, Administrator, Agricultural Research Service.

Mr. BLATNIK. Thank you.

**STATEMENT OF HON. J. PHIL CAMPBELL, UNDER SECRETARY,
DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY DR.
GEORGE W. IRVING, ADMINISTRATOR, AGRICULTURAL RE-
SEARCH SERVICE**

Mr. CAMPBELL. Mr. Chairman, I am pleased to appear before you and the members of your subcommittee to discuss the President's Reorganization Plan No. 3 of 1970. This plan would provide for an Environmental Protection Agency by consolidating in one agency functions from various departments concerned with the environment and pollution of land, water, and air.

The USDA recognizes the desirability of providing a focal point for Federal activities intended to insure further environmental protection and supports the President's proposal to consolidate a number of environmental control programs under one agency. We also recognize the role of including pesticides in the problems concerned with air, land, and water pollution.

Over the years the Department of Agriculture has worked diligently to help provide farmers with the chemicals that are so vital in meeting the Nation's food production needs, and so essential in the economy. At the same time, the Department has made every effort to assure safe application of chemicals for the protection of the American public and the Nation's wildlife. During the past year, additional reorganiza-

tion of pesticide control efforts has been accomplished within the Department to further carry out these goals and especially to give the public full assurance that human health and the environment would be protected in a completely responsible manner.

We anticipate that proper safeguards necessary for the protection of agriculture as well as for the American public in the area of pesticides will be maintained in the new agency and that the Department of Agriculture will have opportunity to work closely with the new agency on all items that directly affect agriculture. In other words, as the President has indicated, the new agency would be able to make use of the expertise of this Department with respect to the effectiveness of pesticides.

The effect of the reorganization plan on the Department would be to transfer to the new agency the responsibility for the administration of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), and the functions of the Secretary of Agriculture under section 408(1) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a(1)). This would involve the transfer of the Pesticides Regulation Division of the Agricultural Research Service which now administers these acts. This division had a total of 185 professional and 109 nonprofessional employees as of June 30, 1970. The majority of these personnel are located in Washington, D.C. However, there are 13 analytical laboratories located outside of the Washington area, in New York, California, Colorado, Mississippi, Georgia, Texas, and Beltsville, Md., which account for 94 of the total personnel. The laboratory at Brownsville, Tex., involving one professional and five nonprofessional personnel would be retained by the Department to continue activities concerned with pesticide use management.

In addition, our soil monitoring activities of the Environmental Quality Branch, Plant Protection Division of the Agricultural Research Service would also be transferred to the new agency. This branch has a total of 26 employees—12 professional and 14 nonprofessional. Of this total, 2 employees are located in Omaha, Nebraska, and 1 are located in Gulfport, Miss. Only those personnel would be retained by the Department that are essential to monitoring the ongoing activities of the Plant Protection Division concerned with plant pest control. The Department of Agriculture will retain its current responsibilities for research on pesticides as related to other pest control methods and on the effects on nontarget plants and animals. It will also retain responsibility for extensive pest control programs which utilize pesticides.

This is the total impact of Reorganization Plan No. 3 on the Department. I shall be happy to respond to any questions you or the members of the subcommittee may have.

Mr. BLATNIK. Mr. Secretary, your major concern would be the distribution of responsibility and a working relationship with this new agency for the protection of the environment in the area of pesticides and insecticides and in rodent control methods, is that right?

Mr. CAMPBELL. That is correct. Insofar as this transfer is concerned, we retain many activities in the Department which would be related to any agency involved with the environment because the Department has many other activities which do bear on the environment.

Mr. BLATNIK. You would retain some of the research functions of this operation. Can you explain what those would be?

Mr. CAMPBELL. We would retain research.

Dr. Irving, if you would give that detail insofar as the research that would be retained.

Dr. Irving. None of the research from the Department of Agriculture, Agricultural Research Service, would be transferred to this proposed new agency. All of the research now in Agriculture would remain in Agriculture.

Mr. CAMPBELL. I think the chairman asked specifically as to the research that would be relevant to the work in the new agency. Is that correct?

Mr. BLATNIK. Right; to the pesticides.

Mr. CAMPBELL. The research with regard to the uses of pesticides and the effects on domestic animals, crop and noncrop plants and trees would be done in USDA. We have an agreement with the Department of Health, Education, and Welfare whereby they evaluate pesticide uses with regard to human health.

Mr. BLATNIK. I notice the pesticide standards and research functions now in HEW and Interior would be transferred. Have you been working with HEW and Interior on pesticide work?

Mr. CAMPBELL. Yes, sir; we have done this for many years. Formerly there was a committee at the lower level within each of these Departments. Last year the committee was elevated to Cabinet status so that Secretaries Hickel, Finch, and Hardin were the committee in order to have better coordination coming right from the top.

Mr. BLATNIK. Mr. Secretary, it wouldn't be much of a problem to work out the same type of mutually satisfactory and beneficial relationship with this new agency.

Mr. CAMPBELL. Yes; we think we could do that.

Mr. BLATNIK. Thank you, Mr. Secretary.

Any questions?

Mr. JELLENBORN. No questions.

Mr. BLATNIK. Thank you very much.

Mr. CAMPBELL. Thank you, Mr. Chairman.

Mr. BLATNIK. Next we have Dr. Jesse L. Steinfeld, Surgeon General of the U.S. Public Health Service, speaking for the Secretary of HEW.

Doctor, welcome, and we thank you, too, for standing by these past 2 long days to make your presentation.

Dr. STEINFELD. It has been quite an education, Mr. Chairman.

STATEMENT OF JESSE L. STEINFELD, M.D., SURGEON GENERAL, U.S. PUBLIC HEALTH SERVICE, AND DEPUTY ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY CHARLES C. JOHNSON, ADMINISTRATOR, ENVIRONMENTAL HEALTH SERVICE; AND DR. DALE LINDSAY, ASSOCIATE COMMISSIONER FOR SCIENCE, FOOD AND DRUG ADMINISTRATION

Dr. STEINFELD. Mr. Chairman, appearing with me is Mr. C. C. Johnson, on my right, the Administrator of the Environmental Health Service, and Dr. Dale Lindsay on my left, Associate Commissioner for Science of the FDA.

Mr. BLATNIK. Do you have a prepared statement? Do you prefer to read the statement in its entirety or summarize it?

Dr. STEINFELD. I can read it very rapidly.

Mr. BLATNIK. Proceed at will. Make whatever points you ought to. We want to make the record complete. We are very happy to have you.

Dr. STEINFELD. Thank you.

I am pleased to appear before you to present the views of the Department of Health, Education, and Welfare concerning Reorganization Plan No. 3, submitted to the Congress by President Nixon on July 9, 1970. In that message, the President expressed his assessment of current Federal efforts related to pollution:

Our national Government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action.

Despite its complexity, for pollution control purposes the environment may be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness.

The case for centralization of responsibility for pollution abatement in a single agency is a strong one. A single agency can provide stability, focus, and overall direction to the complex problems of pollution control. Such an organization allows the development of an integrated operational strategy for considering the significant interrelationship among pollutants, including pollutants which affect more than one aspect of the environment, as well as those which are themselves caused by one aspect of the environment. A single organization with primary responsibility for pollution control can reduce the fragmentation which has characterized Federal pollution control to the present time. For these cogent reasons, the President has proposed the consolidation of these responsibilities into a single, cognizant agency for pollution control. To carry out these responsibilities, he has proposed the establishment of the Environmental Protection Agency, an independent, sub-Cabinet level agency, to report directly to him.

The establishment of EPA, with the wholehearted assistance of related programs can greatly improve the effectiveness of Federal action in pollution abatement. The Department of Health, Education, and Welfare looks forward to assisting the Environmental Protection Agency in effectively carrying out its pollution control responsibilities.

Several major programs of the Department of Health, Education, and Welfare are to be transferred to the Environmental Protection Agency according to the reorganization plan. From the Environmental Health Service, these include:

The National Air Pollution Control Administration;

The Bureau of Solid Waste Management;

The Bureau of Water Hygiene; and

The environmental radiation functions of the Bureau of Radiological Health.

In addition, the responsibilities of the Food and Drug Administration for establishing pesticide tolerance in food, as well as for the research which is integral to tolerance setting, will be transferred to EPA.

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The Department of Health, Education, and Welfare supports the President's reorganization of environmental programs and offers its full cooperation to the environmental protection agency in facilitating the transfer of these functions and the personnel associated with them.

To minimize any untoward effects of this reorganization on the careers of many of the personnel serving in these programs which are to be transferred to EPA, the Department transmitted to the Congress on July 16, 1970, draft legislation, "To provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service."

The effort to control environmental pollution, which has long been a concern of the Public Health Service, engages some 900 PHS commissioned officers. Of these, approximately 600 are directly serving functions which will be transferred to the new agency in accordance with Reorganization Plan No. 3. The draft bill would authorize those officers serving in transferred functions, and officers serving related functions as jointly agreed upon by the Secretary and the Administrator of the EPA, to transfer to competitive civilian positions within the new agency. The transfers would be effected in most cases at levels of compensation, and with benefits, comparable to those now being received by the officers. In addition, for those officers whose functions have been transferred to EPA, but who do not wish to transfer to competitive civilian status, separate provision has been made in the draft legislation to assign them to duty with the EPA while they remain on active duty with the Public Health Service. This legislation is necessary to facilitate the transfer of HEW programs to EPA, and we recommend its early and favorable consideration by the Congress.

Beyond present arrangements for the transfer of functions and personnel to the new agency, the future relationship between HEW and EPA will be an important one. While EPA is to have primary responsibility for setting standards and conducting applied research on the health as well as other effects of pollution, HEW will continue to be responsible for basic research as well as all other facets of health, including the environment as it relates to health. The impact of the environment is an important and growing concern in human health, and is one in which HEW has special interest and special competence. The Department of Health, Education, and Welfare will place a very high priority on the establishment of a good working relationship with the Environmental Protection Agency in these areas of mutual concern, and will offer EPA every assistance in carrying out its important responsibilities in the abatement of pollution in our environment.

My colleagues and I will be pleased to try to answer questions.

Mr. BLATNIK. Thank you very much, Doctor.

Dr. STEINFIELD. Yes, sir.

Mr. BLATNIK. You say a total of 900 Public Health Service commissioned officers will be included in this transfer, is that correct?

Dr. STEINFIELD. No. These are the number that are engaged in activities that relate in some way to environmental pollution. Approximately 600 are in those areas which we have identified as being affected by the transfer.

Mr. BLATNIK. Of the 900, 600 will be transferred to the agency?

Dr. STEINFELD. Approximately. These additional individuals may be sanitary engineers, health educators, people interested in the environment or conducting research, perhaps basic research related to the environment. They would not necessarily be transferred.

Mr. BLATNIK. Do you have any other noncommissioned personnel operating in the transfer function? What would be the total personnel, commissioned and noncommissioned transfers, from the Public Health Service or HEW into the proposed agency?

Dr. STEINFELD. Approximately 2,200.

Mr. BLATNIK. We didn't have that in the testimony at all, did we?

Dr. STEINFELD. I didn't have it in the prepared testimony. We are currently reviewing all of these activities to determine just what their relationship is to the functions of EPA as it has been characterized and to determine what should be done with functions remaining in HEW.

Mr. BLATNIK. These 2,200 personnel were engaged in or taken from the Environmental Health Services, the National Air Pollution Control Administration, Bureau of Solid Waste Management. Is there a solid waste management operation in HUD, too? Do you have the entire program yourself?

Dr. STEINFELD. I cannot speak for HUD. Perhaps Mr. Johnson could answer that.

Mr. JOHNSON. The lead role at the Federal level is in the Environmental Health Service program of HEW. We have the basic responsibility in solid wastes. Other departments have solid waste activities, Department of Agriculture, Department of Interior.

Mr. BLATNIK. Which has the—

Mr. JOHNSON. The dominant role is in the Department of HEW.

Mr. BLATNIK. Which one would be trash and solid waste from municipalities?

Mr. JOHNSON. That is the Bureau of Solid Waste Management within the Environmental Health Service of the Department of Health, Education, and Welfare.

Mr. BLATNIK. It comes under the Interstate and Foreign Commerce Committee; is that right?

Mr. JOHNSON. That is correct.

Mr. BLATNIK. You also have some environmental health activities coming into the Committee of Labor and Education; is that right?

Mr. JOHNSON. Yes; if you are talking about the activities that are in our Health Services and Mental Health Administration under the Indian health program.

Mr. BLATNIK. What is the total budget? Could you give me an idea of what the budget is in round figures; that is, for air pollution control?

Mr. JOHNSON. In 1970 our budget was approximately 1,055 people, about \$102 million.

Mr. BLATNIK. Can you tell me for what type of activity most of that budget went? Does it involve grants for public facilities, such as municipal incinerators?

Mr. JOHNSON. Well, not quite in that way, Mr. Chairman, but I would say that half, or a little better than half, of the dollars went to research and demonstration grant activities. The next largest portion, about 30 percent went into abatement and control activities.

Mr. BLATNIK. What kind?

Mr. JOHNSON. This is the strengthening of the State and local efforts to carry out programs that are administered through the National Air Pollution Control Administration under the Clean Air Act of 1967.

Mr. BLATNIK. Is that a grant to a municipally owned facility such as an incinerator?

Mr. JOHNSON. No, sir. This abatement and control activity would be the establishment of control operations on the part of a State air pollution control agency or a local air pollution control agency. We matched their funds at the rate of about 50 percent local moneys, 50 percent Federal moneys; we set up air quality control regions through which the States implement the various aspects of the Clean Air Act.

Mr. BLATNIK. Can you give us some samples of the nature and types of activities for the money that you put into demonstration projects? What type of activities would they be?

Mr. JOHNSON. We have one now with the TVA in demonstrating advanced design on an incinerator that will help to reduce the amount of sulfur oxides that come out of the incinerator. This will be a pilot plant operation. We have two stages on this. We have others in which we will demonstrate the adequacy of the control of automobile emissions. The Federal Government actually regulates the control of emission of various gases from the exhausts of automobiles and we have to find out how well the controls actually work. We have demonstration grants with the State of California in which we try to evaluate that aspect of the program.

Mr. BLATNIK. Do you have any demonstrations with industry, say, the steel-making industry, with enormous volumes of obnoxious fumes?

Mr. JOHNSON. We do have cooperative research programs with various industries. We have one with the coal industry, for instance, in trying to find ways of reducing sulfur oxides from burning coal, or cleaning up coal to remove the sulfur from it prior to burning.

Mr. BLATNIK. I was thinking of the steel industry. We have a combination of metallic oxides, and what not, impurities. It is a very complicated process.

Mr. JOHNSON. I would expect we do. I cannot recall one right now but we are working with each of the major industries, whether steel or the foundry industry, or cement industry, to find ways to reduce the amount of pollutants that issue from their manufacturing process.

Mr. BLATNIK. Do you set the standards for the proper levels at which emissions are tolerable or permitted?

Mr. JOHNSON. We do, in a way.

Mr. BLATNIK. Do you set the standards or do the States do it?

Mr. JOHNSON. We establish criteria against which the States establish ambient air quality standards and standards that actually regulate the emissions that come from these various pollutant sources.

Mr. HENDERSON. Do you have to approve the State standards?

Mr. JOHNSON. We do approve the State ambient air quality standards and the implementation plans against which the States will operate to achieve the standard.

Mr. HENDERSON. Are your criteria maximum or minimum, or what?

Mr. JOHNSON. Our criteria are based on a number of effects. Actually, they are not maximum or minimum. They attempt to illustrate

the various effects that will result from various levels of concentrations of pollutants.

Mr. BLATNIK. The solid waste program is one that seems to be further behind. This has been stated several times in the course of the hearings and the Chair is certainly inclined to agree. It is a very difficult problem and one of enormous magnitude.

Is the major Federal solid waste program or effort in your agency, the one being transferred, the one that we are talking about?

Mr. JOHNSON. That is correct.

Mr. BLATNIK. Again, could you give us a more precise picture of the magnitude of our effort? Could you give us the number of personnel involved and the dollar volume?

Mr. JOHNSON. Yes, sir. For the fiscal year 1970, figures for that are approximately 200 people.

Mr. BLATNIK. You have 2,200 for air?

Mr. JOHNSON. You said solid wastes?

Mr. BLATNIK. Yes, sir.

Mr. JOHNSON. I am giving you the figures for solid wastes in 1970 -- 200 people and \$15.3 million.

You must understand that the legislative authority that we are now operating under is essentially one of promoting solid waste planning through State, local, and regional agencies, and of demonstrations and research on improved methods of solid waste management. This is not a regulatory program.

Mr. BLATNIK. In the Federal program for solid waste management you have roughly 200 personnel with a \$15 million budget for 1970, versus your efforts in the air pollution control program where you have over 1,000 personnel with a \$100 million budget. Is that correct?

Mr. JOHNSON. That is correct.

Mr. BLATNIK. Is there any reason for such a small effort being exerted in the solid waste program?

When was the air pollution program enacted by Congress, 1963?

Mr. JOHNSON. The first basic legislation that gave us the big program, other than research, was in 1963.

Mr. BLATNIK. When did the solid waste management program come in?

Mr. JOHNSON. 1965 was the first Federal legislation.

Mr. BLATNIK. Five years. Do you have any indications, on the basis of your research, what happened to greatly expand this program so badly needed?

Mr. JOHNSON. I believe there are lots of indications but I believe that both the Congress and the executive branch have felt that more demonstrations and research, particularly in terms of reducing the amount of solid wastes at the source before it really becomes a problem, are necessary steps before you have a much larger program at this particular time.

Mr. BLATNIK. I did not realize that we were so far behind. This is no reflection on your operation. It is the responsibility of Congress to do what you have done with water pollution, where you are operating a much larger program. I can see where on air pollution, as explained earlier by Dr. Ash, the dollar volume may not seem too large, but \$100 million is considerable.

When you set standards and enforce them on auto emission devices, it would be an economic factor of quite some magnitude toward economy even though borne by the users, and perhaps partly by the industry, we hope. I didn't realize we were very far behind and your effort was that small in solid waste management.

Mr. JOHNSON. There are some other efforts of equally small magnitude, in the Department of the Interior and the Department of Agriculture.

Mr. BLATNIK. Are there any questions?

Mr. Erlenborn?

Mr. ERLBORN. I have one or two questions, Mr. Chairman.

On page 2 of your statement you mention, "the responsibilities of the Food and Drug Administration for establishing pesticide tolerances in food, as well as for that research which is integral to tolerance-setting, will be transferred to EPA."

How about enforcement? Will that still be in the Food and Drug Administration?

Dr. STEINFELD. The enforcement will remain in the Food and Drug Administration, in connection with their responsibilities for other chemicals in food products. It would not make sense to break up the enforcement apparatus to enforce the pesticide tolerances separately.

Mr. ERLBORN. Do you envision any problem in separating the establishment of the level of salaries and the enforcement procedures?

Dr. STEINFELD. No; I do not. We plan to work closely with the new Agency as we have worked closely with other agencies in the past.

Mr. ERLBORN. I notice one of the other witnesses, I think Mr. Ink, and now you mentioned draft legislation has been transmitted to Congress concerning the commissioned officers in the Public Health Service. What assurance do you have that this legislation will be acted upon?

Dr. STEINFELD. I do not have any assurance that it will be acted upon. We think it is a good piece of legislation. It provides that these individuals who have dedicated their careers to health activities, who are working in the Public Health Service, will be able to retain the kind of careers which they have chosen and continue their work under the new Agency, assuming the new Administrator agrees and would like to continue with the existing personnel. If this is so, it would permit the exchange of commissioned officers from HEW and the Public Health Service to the new Agency so there would be a continuing exchange of expertise and experience. I think this would insure a strong input to the new Agency. With young PHS officers coming in, perhaps this system would provide a form of recruitment for EPA as well.

Mr. ERLBORN. What authority do you now have for having a commissioned officer assigned?

Dr. STEINFELD. We have authority to assign commissioned officers to various Public Health Service activities, and also to the Coast Guard, the Bureau of Prisons, the Indian Health Service, which is now part of the Public Health Service, and, if Congress approves this legislation, to EPA as well.

Mr. ERLBORN. So there is some precedent for this type of legislation.

Dr. STEINFELD. Yes; there is.

Mr. ERLNBORN. In the transfer from HEW to Interior of the water pollution activities, what happened to the commissioned officers?

Dr. STEINFELD. I was not here but, as I understand it, everybody was not too pleased with the transfer. A number of officers were transferred to Civil Service status, although they had chosen a career in a commissioned corps. They lost a large number of their benefits. Other officers who transferred from different units were able to retain their benefits. So, there were people who were working side by side, perhaps doing similar jobs, who were receiving widely varying rates of pay for similar jobs. This was one of the major problems, as I understand it, in the previous transfers.

The proposed legislation would obviate this problem. We hope we have learned from our experience of 4 or 5 years ago.

Mr. ERLNBORN. Drawing on that experience, do you think you would be able to make the transfer in more orderly fashion and with less disruption of the commissioned service?

Dr. STEINFELD. I think we can and, in addition, I think we can assure a strong and continuing relationship, assuming the legislation passes.

Mr. ERLNBORN. Thank you, Mr. Chairman.

Mr. BLATNIK. Mr. Lanigan?

Mr. LANIGAN. I wanted to ask the same question of HEW. The plan is to transfer out of HEW about 2,600 people. To what extent do you plan to reduce the number of positions in your central services, such as personnel offices and administrative services offices, as a result of these transfers?

Dr. STEINFELD. We are currently reviewing the parts of the Environmental Health Service which will remain behind in HEW in order to determine whether we should organize a component around those moving elements of FDA, Health Service and Mental Health Administration, and other organizations in HEW, into it, or whether we should distribute the remaining portion of the Environmental Health Service into the existing health components of HEW.

We do propose to transfer proportionately the overhead and managerial positions to the new Agency.

Mr. LANIGAN. Do you have any idea how many positions that would be?

Dr. STEINFELD. I do not have the management positions, but I would expect that we would be transferring the great majority of the management positions of the Environmental Health Service and the corresponding management positions at the Department level, to the new Agency.

Mr. LANIGAN. Could you furnish us with more definite information concerning that within the next week?

Dr. STEINFELD. We are undertaking an audit at the current time, and we will be most pleased to provide you with the information. The final determination will be worked out by the Office of Management and Budget. We hope to provide them with the information on which they will make the final decision.

Mr. BLATNIK. Doctor, what role does the Bureau of Water Hygiene play in the current mercury poisoning episode?

Mr. JOHNSON. We have a responsibility for the Nation's domestic water supply. As a result of that, when mercury became very prominent we did an immediate survey.

Mr. BLATNIK. How did it become prominent? It didn't become a problem just 2 weeks ago on Monday morning.

Mr. JOHNSON. If you would permit me to digress, I would like to talk about that for a second.

Mercury, as well as a number of other highly toxic substances, were never really recognized as being a very prominent problem in the environment. It is only because of this recent interest in ecological results of the things man is doing to himself that you begin to get this kind of concern. People of all kinds, scientists particularly, are beginning to probe now into many areas whose safety, before, was previously more or less taken for granted.

As a result of this interest, we had, first, pesticides in their various ramifications. We have had mercury, cyclamates, and a number of other things. We are going to have more in the future.

Unfortunately, this country does not have at this time any kind of national surveillance network that will give to us beforehand some reading of various insults that might occur and become significant in the environment. I believe the steps we are taking now in the Environmental Protection Agency will be a step in the right direction to help to establish this kind of surveillance network. Instead of just picking something out of food or picking something out of air or water, we will be able to see what the total body burden might be of certain insults that are just traces, almost inconsequential, when you look at them by themselves. It is in this kind of situation that mercury emerges as a concern in the environment.

As somebody pointed out, it is nothing new to us that mercury is a highly toxic element to people. What is new is that it is accumulating in the environment so as to pose a threat to man. We will have to look at many elements because of this, both in the air we breathe, the water we drink, and the food we eat.

Mr. BLATNIK. Speaking as a layman, apparently you have been aware of the levels of mercury in water, but I understood the Bureau of Water Hygiene has set the levels of permissible exposure for drinking purposes. Is that correct?

Mr. JOHNSON. That is correct. This is about 5 parts per billion. This is a very minute amount. It is also very difficult to measure. Sophistication in instrumentation in the laboratory has only begun to come into being. Many laboratories do not have the capacity to measure down to this level in a very accurate way.

As we now look at it, it is being surveyed as a result—

Mr. BLATNIK. Mercury poisoning results because of the cumulative effect in plant life, fish life, and, then, in human beings. Is that the cycle?

Mr. JOHNSON. At the present time, our real concern has to be with food, and, particularly, fish in this instance, or, as has been pointed out, there were a couple of episodes of poisoning through grain because of certain agricultural pesticide treatment processes. Basically, the current problem is the result of the accumulation of mercury as a result of the eating habits of fish.

Mr. BLATNIK. Has this happened before and has never been detected?

Mr. JOHNSON. It may or may not have. Certainly, it had never been recognized.

Mr. BLATNIK. The mercury accumulated in the fish started in the accumulation in algae and plant life at very low levels.

Mr. JOHNSON. I think it has happened because of a renewed awakening of man's interest in the environment, and we are checking lots of things. Each thing that comes up may be new only because we are now discovering that it is in the environment in such a way that it can raise questions of whether it is healthy for man or not.

Mr. BLATNIK. What is your background? Are you from the chemical or medical field?

Mr. JOHNSON. I like to think I am an environmentalist. I am an engineer by training. I have worked in the public health field for 25 years now. You pick up quite a bit of knowledge and experience along the road.

Mr. BLATNIK. Would you be involved in this proposed transfer, should it go into effect?

Mr. JOHNSON. I have been involved. I hope to be involved. I support it in its entirety.

Mr. BLATNIK. Thank you very much.

Doctor, we have no further questions. I thank you, and I thank the gentlemen with you.

We have our friend and colleague, who is very knowledgeable in the field of conservation, and resource utilization, and preservation, and many aspects of environment. He has been a tireless worker in this effort for many years, recognized so by people in many different walks of life—our colleague and friend, Congressman John D. Dingell, from Detroit, Mich.

Congressman, we appreciate your standing by all day long, and yourself available. We have just concluded the administration's position in behalf of the President's Reorganization Plan No. 3 of 1970 proposing the establishment of an Environmental Protection Agency.

In my conversations with you, I know you are very familiar with the proposal, and we are interested in hearing your opinions and judgment in response to this proposition.

STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. DINGELL. Mr. Chairman and members of the committee:

I want to express my particular appreciation to you for hearing me. I know the committee is very busy. I know the labors you face both here and on the floor and in your offices are very heavy, because I happen to have not dissimilar experiences in my own capacity.

I wish to thank you, Mr. Chairman, for a most gracious reception and introduction to the committee. I wish to reciprocate by having you know the high regard in which I hold you as one of the leaders, one of the distinguished and great conservationists of this Nation, and, indeed, I may say, one of my mentors in this field.

For the record, my name is John D. Dingell. I am a Member of Congress from the 16th Congressional District of Michigan.

Mr. Chairman, waiting around to appear in opposition to Reorganization Plans Nos. 3 and 4 I do not regard as a burden but, rather, as a duty and necessity. I am prepared to testify against both today, but I understand it is your wish that I should testify only on Reorganization Plan No. 3 since that is the matter which is presently before the committee.

Mr. BLAVENAK. If the gentleman will confine himself to Reorganization Plan No. 3, which all the witnesses have done, he may be heard again next week, or shortly thereafter, when hearings are held on Reorganization Plan No. 4.

Mr. DINGELL. I do wish to be heard on that one, also, Mr. Chairman. I would point out in the beginning, certain comments that one makes with regard to plan No. 3 can be reversed in application to plan No. 4.

Plan No. 3 ostensibly seeks to unite everything under an environmental agency that is going to consider all aspects of environmental problems. Plan No. 4, in setting up NOAA, seeks to bring out the aspects of the environment—atmosphere, biosphere, ecosystem—which relate to the sea.

I might say strikingly, Mr. Chairman, it turns it over to the explorers and polluters as opposed to the agencies that have traditionally been conservation oriented.

Now we have here two very different sets of circumstances.

I might say these plans constitute a very admirable application of one of the portions of the Peter Principle. If you have read the book on the Peter Principle, you will recall a number of interesting things, the most interesting of which is reference to what is known as Peter's placebo. That is, if you have an enormously difficult problem and have neither the means nor the inclination nor the ability to address yourself at a particular time, you do something else which looks like you are doing something and which looks like you are doing something important, even though you might be doing something which is, in fact, counterproductive, ineffective, or, indeed, totally useless.

I would point out, if the administration really seeks to do something in the field of the environment, there are far better ways in which it may do so. I would say reorganization of the Government is not only useless in this area, but it is generally recognized by those who have studied the matter to be entirely counterproductive.

For the record, Mr. Chairman, I would like just to set out some of my interests in this matter.

As you recall, when I came to the Congress I had the privilege of serving with you on the Public Works Committee, and I am proud to say that I was able to work with and assist you in the drafting of the first meaningful water pollution law enacted by the Congress.

Since that time I have maintained an active interest in this matter of water pollution and have been active in applying continued pressures, first to the Public Health Service, then the Department of Health, Education, and Welfare, and then the Department of the Interior, to move aggressively in the field of water pollution.

Together with you, Mr. Chairman, I have tried to provide leadership for adequate funding which really is the key to the problem.

Mr. Chairman, I have studied the agencies involved in Reorganiza-

tion Plans Nos. 3 and 4 in connection with my responsibilities as a member of a number of committees and subcommittees of the House of Representatives. I have been a member of the Interstate and Foreign Commerce Committee for about 15 years and have had an opportunity to study the Food and Drug Administration, the Public Health Service, and most of the constituent agencies of the Environmental Protection Agency which, with the exception of the Federal Water Quality Administration, are responsive to the Committee on Interstate and Foreign Commerce.

We have broad responsibilities over health administration through the Federal Trade Commission, the Food and Drug Administration, the Department of HEW, and the National Institutes of Health. So I have some familiarity in that area.

I am also chairman of the Subcommittee on Fisheries and Wildlife Conservation on the House side which conducted hearings which resulted in passage of the Environmental Policy Act and, together with you, Mr. Chairman, cosponsored that legislation which ultimately became law.

Also, together with you, I cosponsored the legislation which established the Joint Committee on the Environment.

I have served on subcommittees on health and have been instrumental in the drafting of a number of pieces of legislation relating to the National Institutes of Health, the Public Health Service, and constituent organizations of the EPA, and also have been responsible for a number of amendments to the Food and Drug Act, and have served on committees that reported out every major amendment to the Food and Drug Act since 1956.

Reorganization acts probably should be matters that are handled by statute. I really doubt very much whether we are wise in permitting any administration, this administration or any other, to submit to the Congress take-it-or-leave-it proposals which we must swallow whole without chewing, or else reject whatever small good might be present with whatever large evil might be present.

I think these two reorganization plans tend to prove the unwisdom of allowing any executive department or any executive authority completely to reorganize the executive branch of Government with only a veto vote by the Congress of the United States. As these proposals come up to amend the Reorganization Act, I intend to oppose each and every one of them.

I believe my colleagues, as time carries forward, will come to join me in recognizing the unwisdom of allowing the administration power to combine weird mishmashes of good and bad into the kind of monstrosities that we see here before us.

It is my experience with reorganization acts that the practical results of such acts have been to establish a definable and clearly observable period of total inaction within the agencies concerned. If you will recall, when a similar reorganization took place, moving the then Federal Water Pollution Control Administration from HEW to the Interior Department, we witnessed a number of peculiar phenomena take place. First of all was the period of inaction preceding and following. Then a number of things transpired. There were new offices to be selected by the bureaucrats. There were new office secretaries to be hired. There were all of the status symbols that must.

necessarily, be acquired by bureaucrats; including rugs, drapes, and the emoluments of office such as vehicles and things of this sort. Until these important questions and the occupants of the offices had been selected, absolutely nothing transpired.

A passing strange thing transpired in that in an agency which had been able to function quite effectively with limited numbers of persons, all of a sudden became inundated with large numbers of people and became absolutely swamped in time studies, efficiency-type citizenry who contributed very little to programs but a great deal to waste of time and taxpayers' money.

Mr. Chairman, that, you will recall, was the beginning of the institutionalization of a long fight which you and I have made to upgrade the abatement of water pollution within the Federal Government.

It is fair, I believe, to say that where EPA tends to combine, NOAA tends to fragment. I would point out to you the question of the Food and Drug Administration is a very excellent example. The Food and Drug Administration, which is a well established, well functioning, efficient agency, finds itself now not only with authority to fix standards but authority to enforce. It is interesting to note that Food and Drug setting a tremendous amount of research capability in matters entirely related in the food additive field, additives, which migrate in food packaging, additives which come in by way of additions through feeds and processing, additives which come in by way of deliberate addition.

It also has thoroughly skilled, highly competent staffs which will have to continue to operate in precisely the same areas of food additives in all of these areas. So, if we cut out a major portion of the Food and Drug Administration's responsibility and capability to do this, we probably will wind up with what will really be two research operations which will more or less duplicate the present capacity and capability of Food and Drug to engage in this particular research work.

Imagine, in connection with this, the confusion that reigns. Everything stops until the new leadership is appointed. Musical chairs begin. Movements to new offices and new buildings occur. New executives without experience are appointed and we lose valuable time. As I have mentioned, Mr. Chairman, the important emoluments of office—seals, appealing receptionists, secretaries, limousines, desks, furniture, carpeting, drapes—all of the things that go with being a properly constituted Federal executive must be secured. Valuable time, obviously, will be lost. Old scores are going to be settled. Rifts will occur. Patronage will be dispensed. Policies that are unpopular with polluters will be modified and reviewed and dispensed with. Unpopular enforcers of law will be disposed of. Polluters will be consulted in copious fashion and progress will be halted while the reorganization steps are carried out.

How much better would it be, Mr. Chairman, if we were to see to it that the agencies had proper leadership, proper coordination, proper funding, and determination from the top that the agency should function.

Mr. Chairman, to say that the constitution of EPA and NOAA will move all agencies having related matters into one particular area is either to demonstrate remarkable ignorance or to deliberately attempt

to mislead, because the fact of the matter is that throughout the whole Government structure, such agencies as NIH, Federal Trade Commission, and parts of Food and Drug, are going to remain large parts of the responsibility of EPA.

The Fish and Wildlife Service traditionally has done some of the best work that has been done in the field of protection to the environment from pesticides by trying to protect fish and wildlife from pesticides. It is a very modest program, consisting of 12 people, but it has done the major part of the work inside the Federal Government on protection of fish and wildlife from pesticides. We are going to find that no longer will the conservationists, no longer will people like myself who have authority to consult with that particular agency directly through committee responsibilities, be able to go to them. As a matter of fact, if we are to continue to protect wildlife from pesticides and matters of that kind, we probably will have to reconstitute some kind of research program within the Fish and Wildlife Service or find that that very important aspect, protection of both human and wildlife resources in this country, will be pretty much abandoned.

Another matter that should be forcibly brought to the attention of this committee is that if we really seek to upgrade the agencies, we are taking a passingly strange device to do it. I would point out that no longer is it going to have a Cabinet rank spokesman who will speak.

I have heard it said that this is analogous to NASA, or something of this kind. NASA has been successful, as every Member of the House knows, because the White House said we were going to do it and we were going to do all things and spend all funds necessary to accomplish that goal and necessary to achieve supremacy in space.

I would commend to this committee's thought—I am satisfied that it is correct—that if we are determined to have environmental protection, we can have it within the structure of the existing governmental agencies, and not by going around and emasculating existing agencies, putting together a group of bits and fragments, totally disorganized, with entirely new leadership and with no increase in budget.

In my opinion, under this set of circumstances, EPA will be at least counterproductive, and I would say in all probability we are in for a period of backward movement.

For example, in the field of water resources, the Bureau of Mines, Bureau of Reclamation, and the Office of Saline Water are not removed and none of their functions are removed. It is fair to say that the Department of Agriculture has large numbers of areas of responsibility dealing with water. The Federal Land Management Agency has responsibilities in this area.

I would point out that none of their capacity to deal with the problems of water pollution, which are closely related, are removed.

Irrigation is one of the major sources of water pollution in the country. None of these are being moved to EPA. Yet we are told this is going to be an agency which will handle the whole problem.

One thing that I find particularly offensive, one thing that I believe you, as one of the sponsors of the Environmental Policy Act, should find particularly offensive, is the fact that this plan to

away from the Council on Environmental Quality the power to study, to engage in ecological research, and research in ecological questions.

I would think, having just passed that bill, the Congress would be extremely chary of letting that kind of emasculation take place.

I would point out the President's comments in this area as to how he intended to use the Council on Environmental Quality would tend to indicate that he either is unaware or has been sold a bill of goods with regard to this particular point.

I have served on a number of committees that have been concerned with the problem of how to get the Government moving in major questions of this sort. I would point out that in all instances we found that constituting new departments and making new governmental reorganizations was not the way, and that the way that these matters should be tended to was by requiring and by encouraging and by demanding that there be intelligent coordination of the sundry and different programs which are interrelated.

It is absolutely impossible in a Government this size to put everything that deals with any one thing in one place without literally destroying or decimating or hazarding any number of related other matters that deal closely with the same problem. It is impossible to isolate one particular problem and say, "Put all your attention on this and let all other problems that might exist be totally ignored." That is one of the vices of Reorganization Plan 3 and Plan 4, which sets up NOAA.

If the administration has succeeded in transferring out these ecological studies which I have alluded to and retained in the Council on Environmental Quality the power to continue to do the same thing, then that talent by all means should be devoted to the management of the national debt and to the expenditure of the public purse.

I would point out it is the first instance in my 16 years in the Congress that I have ever seen a governmental agency involved in a system whereby they may have their cake and eat it too. That is essentially what they do. They either transfer that authority out or retain it in the Council on Environmental Quality.

Mr. Chairman, the Council on Environmental Quality was set up for a very simple purpose. It was set up to see to it that for the first time we had one entity in Government which would be able to provide the President with the assistance he needs in coordinating and bringing together all of the policies that exist with regard to the environment, to carry out the reviews that are needed, to see to it that the Government's policies are responsive and that they meet the needs, and to see to it that there is a device within Government for coordinating all of these disparate programs and responsibilities and agencies.

The President recognized this by setting up a Cabinet-level committee. I would say, Mr. Chairman, that having been chairman some years ago of the Subcommittee on Oceanography, I had a similar problem with regard to oceanographic problems. Oceanographic agencies are scattered and strung all over the structure of Government. The Honorable George Miller, my predecessor as chairman of that subcommittee and now the chairman of Science and Astronautics Committee, came to the same conclusion.

I inherited a bill from him and was able later to get it passed. We set up as a result of this a council which would provide the kind of coordination, integration of programs, clearinghouse and device for interrelating Government programs and Government responsibilities in the field of oceanography. We came to the first conclusion it would be extremely unwise to take a little bit from the Navy, a little bit from Fish and Wildlife and Bureau of Commercial Fisheries and merge them together. Rather, it would be far better to provide an intelligent, effective functioning, high-level device to give the coordination that is needed to provide the proper interrelation and interaction of governmental programs in all these areas. Each of the programs was going to continue to have areas of responsibility which were peculiar unto a particular department and which would be related to the on-going programs of that particular department.

Mr. Chairman, there is something else that I think we ought to recognize in our consideration of this matter: that is, you and I throughout the years have given thought to the problems of pollution. We recognize that there are similar problems with regard to pollution, great similarities, and if you are not careful, if you handle one kind of waste wrong, you are going to create another pollution problem. Since the problem of pollution is really the problem of misplaced resources, misuse of resources, it was our conclusion, and it was certainly mine, that it served no useful purpose to put air and water pollution, solid waste and all these things together. It is my firm belief, and I think it is one which is wise and based upon long observation of this matter, that it is not necessary to put them all under one roof. There are still going to be programs in other agencies which are going to deal with the question of solid waste or air pollution or water pollution and what should be done is that we should engage in a very careful program of coordinating these so that they would work out.

I think it is important for this committee to have a clear understanding and for those who are concerning themselves with this matter to have a clear understanding of how the Government does coordinate programs. What happens is that they set up task forces and committees. Every agency will set up and send representation to it. These groups will meet and lay down the policies and decide how the expenditures are going to be carried out and what will be done. The respective agencies under the leadership of one agency, selected as the lead agency, will proceed to carry out the governmental policy and relate the different laws and Government responsibilities together so that there might be a unified or uniform program.

I would point out that it does not change existing law. It simply is a better way of administering legal responsibilities.

I would point out that this reorganization plan, or these two plans, 3 and 4, could not constitute a device for changing existing law, unless I am gravely and grossly in error. As I understand the reorganization act, it does not provide the basis whereunder there can be a change in an existing law.

Mr. Chairman, the day before yesterday we had before our committee a number of people from the administration, including Mr. Siciliano, who will probably be here in connection with plan No. 4.

and also Dr. Tribus of the Department of Commerce. They had some interesting things to say. They said essentially in that presentation something which I think is the answer to this. This is what Mr. Siciliano said: "We are not talking about who participates. We are talking about who takes the lead. We can decide who is going to take the lead. After all, what is important, who can work together, and this I am sure that we can do. We may decide to have an entire agency work on the atmospheric sciences. We may decide from time to time to rotate the leadership responsibility. What is important is whether we get coordination. Isn't that what you believe?"

What he is essentially saying is what I am telling you today, Mr. Chairman. That going through vast reorganizations, which are going to lead to more hiring and more waste and inefficiency, more disorganization and a substantial period of inaction, is not the way. The way to do it is to have an intelligent coordination program.

Mr. Chairman, I would point out with regard to water pollution something which I think is very important; that is, all of the Government's activities in the field of water pollution are not going to be moved evenly. I would point out there is a major program in the Department of Agriculture which is going to remain there. They are going again to have the coordination problem.

There is a major program of sewers and water collection in HUD. I would point out both the Department of Agriculture and HUD have enormous pollution problems.

Mr. BLATNIK. Which program in Agriculture? Are you referring to Agriculture which will not be included in the transfer?

Mr. DINGELL. You have the program of grants for water and sewers.

Mr. BLATNIK. The Farm Home Administration program?

Mr. DINGELL. Yes, sir; you have a similar thing in HUD. Neither would be moved. I don't know whether the administration considered this and rejected it or whether it never was aware of the fact these programs existed at all.

Mr. Chairman, I have had in for a number of years, and I am certain that the administration must be aware of it, legislation which would move all of these water pollution grant programs to one agency, the Department of the Interior. I have brought constituents down here to get assistance under these programs and they go home firmly convinced this is a town inhabited only by crazy men. They go from agency to agency and the only thing they have to show for their trip is a canceled airplane ticket, considerable exhaustion, great frustration, and considerable bitterness from the Federal Government.

Here we have a very classical example. Mr. Chairman, EPA and NOAA are matters that are of the gravest and most high importance to the American people. They are matters which should be handled after careful consideration by the Congress. I know of no Member of Congress who was consulted in advance to find out what he thought should be in these different agencies. I would point out, Mr. Chairman, I know of no committee that has been working on these things where we have been called in and said, "We are going to do these things." Certainly no such communication was made with me as a member of the Commerce Committee where we deal daily with the major part of EPA. I would point out—

Mr. BLATNIK. Would the gentleman yield on that point?

There is another very important point you stress again and which was brought out in the course of testimony which caused a great deal of concern. The witnesses were told that the staff covered practically all of the environmental programs in many, many departments of the executive agencies—over 180-plus persons consulted. Except for limited contacts, we found that none of the people on the congressional staffs were involved in these different conservation and environmental programs you speak of. Congressman Saylor and a whole list of other people we can name, know about the problem and the history of these environmental programs we are talking about today. Only a small percentage of these programs are being put under the so-called comprehensive Environmental Protection Agency.

I am glad that you underscored that, too.

Mr. DINGELL. This, I think, is a very important point. There is, Mr. Chairman, something that is going to have to be recognized. This legislation and the testimony of the departmental witnesses that I have heard and read in the press—and a reading of it would indicate that is so—are so totally incomplete and so totally inadequate it becomes very plain that further administrative changes are necessarily going to have to be made before either EPA or NOAA is going to find its proper home or achieve the place in Government or a governmental structure which will be efficient in reaching the problems for which they have addressed themselves.

Actually, EPA and NOAA should be two parts of the same agency. Actually, I would point out that they should be two parts of one agency which would be dealing with the entire question of environment or the entire question of natural resources.

I would point out, Mr. Chairman, that EPA should really, by all rights, be a part of the Department of Natural Resources. I am satisfied that when history is written it will either be a part of a Department of Natural Resources or a part of a Department of Environment. I am well satisfied, Mr. Chairman, that it will be absolutely necessary within the orderly course of history that EPA will be transferred to some kind of agency or so constituted as to be headed by a secretary and have full Cabinet status. It simply cannot function and do what it is supposed to do with present BOB budget restrictions, present support from the White House and the present budgetary structure. There is no amount of saying to the contrary that is going to change that fundamental fact.

What we are doing, Mr. Chairman, we are wrenching, by these two plans, two agencies out of departments. We are creating prodigious, fantastic, and totally intolerable levels of confusion and disorganization in these important areas. We are faced, almost certainly, with the absolute surety, Mr. Chairman, that these are only interim steps. I personally, believe very strongly, apart from the other vices so clearly apparent in the creation of either EPA or NOAA, that one fact alone should militate against these reorganization plans; that is, the prodigious disorganization which will take place is not going to be the first disorganization and misallocation of time, energy, and resources in personnel, but, rather, it is only going to be one step which will lead to a further traumatic experience of exactly the same kind inside the

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Federal Government when we carry forward the next reorganization which is clearly demanded by the kind of orphan structure that we are legislating with the establishment of EPA and NOAA.

It is my hope that you and your committee will recommend disapproval of these two reorganization plans and that, at an early time, you move to see that the House summarily rejects them, as you should, since they are not in the public interest and do not solve the problem. Then we can begin to move in concert with the White House, if the White House wants to, toward a legislative reorganization of the Government's affairs by enabling the Congress to participate in that action through the establishment of a Department of Natural Resources and a Department of Environment. In this way, appropriate opportunity will be afforded all persons, and there are large numbers of persons, conservation organizations, Members of Congress, Senate, people who have been studying and working on these matters, people in the universities, to participate in the reorganization plans.

I would point out the only people that I know of involved in one of the plans are the members of the Ash Commission.

Mr. Chairman, I would be happy to read, if you wish, a little ad hominem. I would be pleased to read some of the comments appearing in the press and in the financial world about Mr. Ash's administration of Litton Industries which has fallen on rough days of late. I would say if he has the talent he is supposed to have he would direct his talent to the Litton Industries rather than screwing up the affairs of the Federal Government which he has so clearly done here.

With those remarks, Mr. Chairman, I would repeat that this body, the House of Representatives and the Congress, should be consulted in these matters. We should have legislation which would enable everybody to participate, instead of disgruntled industrialists operating behind closed doors, so that we can come up with programs which are really going to reflect national need and which will conclude the reorganization of the Government instead of setting up an interminable period of organization which will accomplish nothing.

Mr. BLATNIK. Congressman, we thank you for a very impressive statement which was very necessary to give us a full, rounded out point of view from different angles on this proposition. You made one of the finest presentations ad lib from a few penciled notes. It was a very orderly, logical, and smooth flowing presentation. I congratulate you and express appreciation of the entire subcommittee for the most helpful contribution you made to this record. Thank you very much.

Mr. DIXON. I thank you, Mr. Chairman.

Mr. BLATNIK. Are there any further witnesses or persons desiring to have statements put in the record?

Mr. John Kinney, sanitary engineering consultant, Ann Arbor, Mich., appeared before us on water pollution matters and public works. He had to catch a previously scheduled plane flight. His statement will appear at this point in the record.

(Mr. Kinney's prepared statement follows:)

PREPARED STATEMENT OF JOHN E. KINNEY, SANITARY ENGINEERING
CONSULTANT, ANN ARBOR, MICH.

Mr. Chairman, members of the committee: Pollution control was my major for undergraduate and graduate academic degrees. Now, with nearly 30 years of experience, I can report to you that those who suggest pollution control

and environmental control are synonymous are seriously in error. Pollution control, however, can exert control over the environment—so much so, in fact, that unless the consequences of the proposed controls are anticipated, the resulting environment will not be what we want.

Thus, my testimony before this committee is not directed toward the point that there would be, by this reorganization, a combining of the policing agencies dealing with violations of air, land, and water standards. That is desirable, for obviously they are interrelated. My concern is with the potential of this agency under the title of environmental protection to actually cause environmental damage since, as proposed, this agency is not designed to appraise the total environment.

My appearance before this committee results from questions by members of the staff who had been researching past Government Operations Committee records of hearings dealing with water management. The role of pollution control in water management had pointed up how water management, in turn, has a role in environmental management. I was asked whether this proposed agency is properly constituted to provide environmental protection. As a witness in past hearings before this committee and others dealing with water management and pollution control legislation, as well as having had experience in regulatory activity at county, State and interstate levels and as an advisor to government, industry, conservation, and planning entities, I have had opportunity to be intimately acquainted with the problems, the expectations of people and legislators and the failures of accomplishment.

Is this reorganization adequate to do what is proposed? I think not.

Perhaps the easiest way to explain my concerns would be by example. But as a prelude, may I suggest how important I think your committee role is in properly assessing the issues before you on this reorganization.

There are two major domestic concerns—the state of the economy and the quality of the environment. These will be the issues before the voters this fall. The difficulty comes in the public connotation of environment as being synonymous with pollution; it is not. Nor is ecology—the other word we hear so much. But there is a very definite and positive interrelationship.

Ecology and economics both have the same Greek root—*oikos*, or household.

Ecology is involved with the interrelationships of the members of the household.

Economics is involved with the supplying of the needs of the members of the household.

The household can be considered as global, continental, regional, neighborhood, or a small unit such as an aquarium. For whatever unit is selected, the summation of all the factors involved is the environment. We may modify or preserve an environment but we don't save or destroy it. The environment continues to exist in one form or another.

The modification may be an improvement or a worsening and it can be in one or more aspects. Considering the environment of man as paramount requires that all his needs as well as his relationships must be considered, in other words, his health, shelter, education, work, safety, recreation, transportation. When the Congress passes legislation to achieve a most desirable objective, it sometimes finds a quite unexpected situation develops. The same thing occurs with programs proposed to control pollution. The objective can be most noteworthy; the results can be anything but desirable by actually adversely affecting the ecology of an area or the potential to supply the needs of its members.

The Congress has recognized the complexity of economics and the serious impact seemingly slight modifications can have on the economy of the environment by utilizing a Council of Economic Advisers. Let me offer three illustrations of how similar attention to the physical environment—the ecology, if you will, is essential.

LAKE ERIE

No body of water has been maligned more than Lake Erie. Called a dead sea and a cesspool by national speakers this body of water is really a gem, a national resource of the greatest value. William Pecora, Director of the U.S. Geological Survey, the agency set up by Congress to learn the interrelationships of land and water, calls the statement that Lake Erie is a dead lake "pure rubbish."

Lake Erie does have problems. Most water bodies do. But the massive pollution control program now underway for Lake Erie won't solve the most serious problems of that lake. The algae problem in the western lake wouldn't be solved

if you shut off all the sewers around the lake. The reason is that the two controlling factors are land drainage and the physical features of the lake which influence the flow.

The existing pollution control agency does not have the environmental assessment capability to undertake the guidance of such a program. Placing it in a new agency will not correct this deficiency.

ASPEN, COLO.

As proof of this assertion consider the Roaring Fork River above Aspen, Colo. There are two ponds on that river which make the point. The first was caused by a rockslide just downstream from Maroon Lake at the headwaters of the river. It is loaded with algae and is in an advanced state of eutrophication. Lake Erie doesn't compare with it and yet there are no sewers, no industry, no people living there. This is above 10,000 feet in elevation.

Further down the river below the gorge there is a perfect miniature Lake Erie—same silted-in shallow entrance, same types of algal problems in the entrance end, same deep water and good fishery in the exit end.

The people in the Lake Erie basin have been promised that if they pay for installing tertiary treatment of sewage and closed industrial water systems, the algal problems in that lake will be corrected. However, there are no sewers in the Roaring Fork situation, just land and the manner of using the land causing the same effect as in Lake Erie.

The pollution crimes in Colorado—in fact, there are illustrations in all the Western States—are mostly committed as part of programs authorized to promote recreation.

However, there is no independent environmental analysis agency to anticipate the effects of programs in order that detrimental effects can be avoided. And these mistakes, though truly pollution, for they do cause interference with usage by others, cannot be corrected by pollution control agencies. If there is to be environmental protection, such problems must be included.

WHAT THIS MEANS TO PEOPLE

There is underway a multibillion dollar pollution control program in the Lake Erie basin. Part of it is essential to correct some of the environmental blights such as polluted beaches and decaying organic sludge deposits. But part of the expenditure will cause harm rather than good.

Such programs also divert funds from other essential environmental needs such as control of crime in the streets and education. Part of this wastage in the Lake Erie basin will be by the city of Detroit which is having great financial difficulty.

It is a peculiar environment where propagation of fish in the stream rates priority over safety of humans to walk on the streets. But it is an even less desirable environment in which money is expended on the promise of improving a fishery when there is real evidence the fishery problems need different approaches.

Lake Erie now produces (as it has since 1879) about 50 million pounds of fish a year—half the total for all the Great Lakes. If it is a dead lake, it is a unique dead lake.

The fishery has changed in Lake Erie just as it has in all the other Great Lakes. These changes started before many sewers were connected to the lakes—before man-made pollution could possibly have been a cause. The answers are not all in the sewers.

Incidentally, the water in Lake Erie away from the shore can be drunk without treatment. This makes a lie of the assertion the lake is a cesspool.

LAKE MICHIGAN

The adverse effect on the economy in the Lake Erie basin due to the untrue publicity about the condition of the lake has been real but is small, however, compared to what will happen to the economy of the Lake Michigan basin if the latest pollution control regulation is enforced.

The Assistant Secretary of Interior, head of the water pollution control agency, issued a regulation that discharges to Lake Michigan cannot be more than 1° warmer than the lake. No mixing zone is to be allowed.

Since cities discharge water warmer than that, all cities as well as industries will have to provide cooling towers. The combined municipal-industrial demand for this area is now, according to FWQA, 5.72 billion gallons of water a day.

Cooling towers evaporate water as part of the operation. With an evaporation loss of 5 percent there would be 286 million gallons a day or 104 billion gallons a year removed from the lake and discharged to the atmosphere.

Most of this water will not precipitate in the basin so the lake level could drop. But this amount of water regularly discharged to the atmosphere could cause weather modification. It will definitely cause fogging and icing.

Even more, pumping this amount of water over cooling towers will consume electrical energy in large quantities. This means a faster depletion of coal, gas, and oil, and there are finite limitations on these reserves.

But the added expenditure of energy also means there will be more particulates and carbon, nitrogen, and sulfur compounds discharged to the atmosphere as well as heat.

Also, inland cities which now suffer water shortages and which are prevented from pumping water from Lake Michigan by court decree, will watch this precious asset float uselessly overhead.

What Canada will say about the diversion as a violation of its treaty with the United States can be anticipated.

All this started because some well meaning fishermen apparently convinced a pollution control official that warm water discharges adversely affect the fishery in the lake. So, in this era of emotional involvement over the environment when the magic word is enhancement, any suggestion of eliminating a discharge is immediately considered enhancement and must be adopted at all costs. Unfortunately, not all costs are considered. And neither are all consequences on the environment.

In this instance while the people's environment will be changed and they will be paying dearly for the changes, the fishery won't be improved unless effective fishery management is instituted. This is not provided for in this reauthorization. And actually, the warm water discharges have no effect on the temperature of Lake Michigan outside mixing zone areas. Much better for the total environment if there were requirements limiting mixing zones. The thermal pollution hysteria is resulting in many environmental errors.

STANDARDS AND POLICING

What it boils down to is that the EPA will be an agency independent of other departments which will argue for the freedom to set standards as a prerequisite to the policing of what it deems necessary in protecting the environment.

If our environment is to be truly protected, there must first be a definition of the environment we want and that includes the total environment of man. We need to answer his needs which include, but are not limited to, quality of air, water, and land.

Yet for every benefit a penalty must be exacted and for every regulation or every development some effects will result. So if we are to have environmental protection, both ecology and economics must be considered.

As an illustration, consider the complexity of the problem of providing sufficient electrical energy. To some the issue is simply one of burning gas, low sulfur coal or oil and then provision of cooling towers. But to others the issue is seen in terms of availability of fuel now and, of even more importance, availability 30 years from now. At that time according to the Academy of Science report "Resources and Man" there will be critical shortages of petroleum, gas and low sulfur coal and, unless breeder reactors are in use, critically reduced sources of cheap radioactive uranium.

In fact, the report emphasizes that although pollution is a disgraceful condition, it can be cured once we have defined specifically what should be done and spend the money to do it. The report points up the true environmental problems are population distribution, availability of food from land and sea, availability of minerals from land and sea, and energy. Emphasis on pollution distracts attention from these vital issues.

Also, emphasis on constructing waste treatment facilities leaves the impression the problem is simple and isolated from other aspects of the environment and that a rapid expenditure of funds is all that is needed. Much has been done in the last two decades to abate pollution; much more needs to be done. But if the

environment is to be considered, the pollution control program must be considered in terms of time and objective to determine cost and in terms of relationship to other environmental needs to establish priorities. But it must also be considered in relation to the manner in which other environmental aspects can be affected.

ISSUES TO BE CONSIDERED

The objective in this reorganization is to get coordination and more effective implementation of programs. But will this do it?

The spending organizations will continue to be individual entities for at least 110 days after date of effective consolidation. What guidelines are established to achieve the integrating effect within that time, or is a longer period to be anticipated?

Will this reorganization tend to halt all policymaking decisions and thus impede pollution control rather than accelerate it? You may recall this was the history of the two previous reorganizations of the water pollution control agency.

At present the pollution control agencies within the various departments have varying degrees of cooperation with the other bureaus in the departments, which can and do supply data for decisionmaking. At present the potential for data exceeds the utilization but at least the potential is there. If this new agency is created apart from the departments, how will the EPA get the data it should be getting from such entities as Geological Survey and Soil Conservation Service? Are arrangements made for such activity? Or is it planned to drain personnel via Bureau of Budget adjustments from these agencies for transfer to EPA?

Since an announced intention is to increase EPA power to set standards, who shall review the impact of proposed standards?

If EPA is to absorb some of the ecology research from the Quality of the Environment Council, will not EPA have the authority to limit the studies to those it deems essential to policing the standards it proposes?

Will EPA continue to be a loose conglomerate, despite the title, simply because there will be a number of congressional committees and appropriation subcommittees interested in certain aspects of the program?

A PROPOSAL

Until there is a separate factfinding and environmental analysis agency, the Members of the Congress as well as the people have no place to go for an independent appraisal of proposals or an unbiased evaluation of a situation.

If there were such an agency, the State and interstate regulatory officials could have positive support in setting standards of quality which, if violated and not enforced at that level, could be by the Federal Government.

Also, if there were such an agency, the many bureaus in Government dealing with various aspects of the environment could have a counseling board at which alternatives could be evaluated.

One might argue that if consolidation of the agencies for policing is desirable, why not do that via this reorganization and then proceed to add on to this venture at a later date. One might also argue equally well that grouping of such policing agencies should be under a program that would first organize the separate mechanism for developing objectives and standards which would then be policed by a policing organization.

In essence then the two issues before the voters this fall—the state of the economy and pollution control—are actually both part of the same issue—the state of the environment. In this sense the environment we want improved and protected is cultural, social, economic and physical, and unless placed in that perspective is cause for trouble, not benefit.

With a rapidly increasing population and a finite limitation on resources, there must be an end to optimistic but blind reaction, a determination of what is truly in the best interests of man, a forum for mutual agreement, an encouragement for those who can interpret the facts and guide our getting where we want to go.

Our deficiencies at present are facts and solutions. This reorganization, unfortunately, guarantees neither. Unless the Congress can see the need, we are apparently doomed to further airless wanderings, for as Carl Jung has summarized our public attitude, the situation is not optimistic.

"We rush impetuously into novelty, driven by a mounting sense of insufficiency, dissatisfaction, and restlessness. We no longer live on what we have, but on promises, no longer in the light of the present day, but in the darkness of the future, which, we expect, will at last bring the proper sunrise."—(*Memories, Dreams and Reflections*.)

Mr. BLATNIK. Hearing no further requests for time, the hearings on plan No. 3 are recessed and the subcommittee is adjourned, subject to the call of the Chair.

(Whereupon, at 4:40 p.m., the subcommittee adjourned.)

REORGANIZATION PLAN NO. 3 OF 1970 (Environmental Protection Agency)

TUESDAY, AUGUST 4, 1970

**HOUSE OF REPRESENTATIVES,
EXECUTIVE AND LEGISLATIVE REORGANIZATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
*Washington, D.C.***

The subcommittee met at 10 a.m., in room 2154, Rayburn House Office Building. Hon. Benjamin S. Rosenthal, presiding.

Present: Representatives John A. Blatnik, Chet Holifield, and Benjamin S. Rosenthal.

Staff members present: Elmer W. Henderson, subcommittee counsel; James A. Lanigan, general counsel, and J. P. Carlson, minority counsel, Committee on Government Operations.

Mr. ROSENTHAL. The Subcommittee on Executive and Legislative Reorganization will come to order.

This morning we continue our hearings on Reorganization Plan No. 3 to create an Environmental Protection Agency. You will recall we considered this plan earlier, on July 22 and 23.

We will have testimony this morning from representatives of the Atomic Energy Commission, the Federal Radiation Council and other interested organizations. The plan transfers certain radiation standard-setting functions from the AEC to the new agency and gives to the new agency all of the functions of the Federal Radiation Council.

This morning we are pleased to have with us Dr. Glenn Seaborg, Chairman of the AEC, accompanied by Commissioner James T. Ramey. Also with them at the witness table is Paul C. Thompson, Executive Director of the Federal Radiation Council.

We will be very pleased to hear your statement in any order that you gentlemen choose.

STATEMENTS OF DR. GLENN SEABORG, CHAIRMAN, AND JAMES T. RAMEY, COMMISSIONER, ATOMIC ENERGY COMMISSION; ACCOMPANIED BY HAROLD L. PRICE, DIRECTOR OF REGULATION; JOSEPH F. HENNESSEY, GENERAL COUNSEL; PAUL C. TOMPKINS, EXECUTIVE DIRECTOR, FEDERAL RADIATION COUNCIL; AND CLAIRE C. PALMITER

Dr. SEABORG. I am going to make the statement for the Atomic Energy Commission.

Mr. ROSENTHAL. I might suggest that you identify those with you at the table.

Dr. SEABORG. Mr. Harold Price, Director of Regulation, on my right, and Mr. Joseph Hennessey, the General Counsel of the Atomic Energy Commission, on my left. You identified Mr. Ramey and Mr. Tompkins.

Mr. ROSENTHAL. You may proceed.

Dr. SEABORG. Mr. Chairman and members of the committee, I am pleased to have the opportunity to review with you certain aspects of the administration's Reorganization Plan No. 3 of 1970 as it affects functions of the Atomic Energy Commission.

As you know, this plan fulfills the President's pledge of early this year to recommend improved Federal administrative machinery to control and abate pollution of all forms which pose an increasing threat to the quality of our environment. The Commission supports the plan and the ultimate objective expressed by the President in his message of July 9, 1970, to the Congress:

To insure that the Nation's environmental and resource protection activities are so organized as to maximize both the effective coordination of all and the effective functioning of each.

Reorganization Plan No. 3 would bring together in a new agency—the Environmental Protection Agency (EPA)—pollution control programs now existing in four separate agencies and an interagency council. In the field of radiation, the plan would transfer to EPA all functions now vested in the interagency Federal Radiation Council (FRC), which would be abolished, and the functions of the AEC for setting generally applicable environmental radiation standards as administered by its Division of Radiation Protection Standards. My testimony is related directly to the transfer of these functions, the respective roles and relationships of the FRC and AEC in this field, and our understanding of how these activities will be carried out under the new reorganization plan.

Before discussing the transfer of the AEC function, I would like first to discuss the work of the FRC and its transfer to the new Environmental Protection Agency. For perspective, a little background in the field of radiation protection standards may be helpful.

The International Commission on Radiological Protection, created in 1928, and the National Council on Radiation Protection and Measurements, established in 1929, have provided the basic radiation protection recommendations that have been used throughout the world as the bases for national regulations to control uses of atomic energy and radiation. Since 1959, the Federal Radiation Council has provided official guidance in the United States to Federal agencies for control of exposures to radiation. The basic guidance of the FRC and the basic recommendations of the NCRP and the ICRP have been mutually compatible.

Specifically, the FRC was established by Executive order and amendment to the Atomic Energy Act of 1954, and directed to "... advise the President with respect to radiation matters directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards" The Council, which consists of the Secretaries of Health, Education, and Welfare; Defense; Commerce; Interior; Agriculture; Labor; and the Chairman of the AEC, was directed to consult qualified scientists and experts in radiation matters, including the president of the National Academy of Sciences, the Chairman of the National Council on Radiation Protection

tion and Measurements, and qualified experts in the field of biology and medicine and in the field of health physics.

The charter of the FRC provided for access to a wealth of scientific experience and expertise which has been reflected in the eight reports published by the Council to date. Its recommendations are in the form of radiation protection guides for occupational workers, for individual members of the public, and for the population as a whole. These guides apply to all sources of exposure from normal peacetime operations but exclude exposures from natural background radiation and radiation from medical procedures. Federal agencies having jurisdiction in radiation matters, including the AEC, have relied on this broad guidance developed by the FRC and approved by the President.

As noted in the Presidential message, the new agency will work closely with and draw upon the expertise and assistance of other agencies having experience in the environmental area: thus, we would expect that in its radiation protection standards development activities, as has been the case with FRC, it would bring to bear the available scientific competence in such organizations as the National Academy of Sciences and the National Council on Radiation Protection and Measurements. The facilities of the Atomic Energy Commission and results of our ongoing research would, of course, be readily available.

All of the functions of the FRC, as described above, would be transferred to the EPA.

I would now like to discuss the relationship which has existed between AEC and the FRC and the transfer of certain AEC functions to the new agency.

The Atomic Energy Commission, through its Division of Radiation Protection Standards, has been responsible for the development of standards for protection of public health and safety against radiation in the regulation of the atomic energy industry. The activities of this division have included participation in the Commission's work with the FRC in formulating generally applicable radiation protection guides for use by Federal agencies in their development of safety requirements tailored to meet their particular needs. The radiation protection guides developed and recommended by the FRC have been implemented in AEC regulations and in the licensing process as specific regulatory standards and requirements applicable to such atomic energy activities as nuclear power reactors, chemical reprocessing plants, fuel fabrication plants, and the use of radioisotopes in medicine, industry, and research.

That part of the AEC's authority, as administered by its Division of Radiation Protection Standards, to develop and set generally applicable environmental radiation standards for the protection of the general environment would be transferred under Reorganization Plan No. 3 to the Environmental Protection Agency. The Division of Radiation Protection Standards presently has a staff of 19 persons and less than half of the total manpower available in this division is devoted to this function.

The AEC would continue to have the responsibility for the implementation and enforcement through its licensing and regulatory authority of the environmental radiation standards which would be developed by EPA. In implementing these standards the AEC would

establish regulatory requirements which would be applied to persons who receive, possess, use or transfer byproduct, source, or special nuclear material, or who conduct or operate nuclear facilities. The requirements would include such items as design criteria, operating procedures, limits on radioactivity in the effluents released outside the boundaries of locations under the control of the user and monitoring to develop data to demonstrate compliance with AEC requirements.

As part of its enforcement function, the AEC would require its licensees to carry out such monitoring programs—both within and outside the boundaries of locations under the control of the licensee—as may be necessary to demonstrate compliance with AEC limits imposed on the licensee. These limits would, of course, be compatible with the standards developed by EPA. The AEC would carry out such independent monitoring programs as deemed necessary to verify that AEC limits are met, and would collect, collate, and publish monitoring data developed by its licensees in its regulatory programs and data developed by its contractors in its operating program.

Our understanding is that the Environmental Protection Agency would be responsible for carrying out such monitoring programs as it deems necessary in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive materials. EPA would also be responsible for collecting, collating, and publishing monitoring data gathered in its programs. If data developed by EPA should indicate that its environmental quality standards are not being met, the matter would be referred to the AEC for appropriate enforcement action.

The Atomic Energy Commission, in the conduct of activities not subject to licensing by the AEC, will use the EPA environmental standards in carrying out agency responsibilities for controlling the release of radioactive effluents to the general environment.

Standard contractual provisions in all AEC contracts relating to operations on AEC sites, require contractor adherence with AEC radiation standards and reserve full control over such matters to AEC. AEC policy requires not only that its operations be conducted in compliance with radiation standards but that radiation levels be held to levels as low as practicable below such standards. AEC operating contractors establish conservative management controls over each operation which are designed to assure that these requirements are met. Contractor performance is regularly appraised by AEC staff located in field offices throughout the country. Field office and contractor performance is reviewed by AEC headquarters.

In summary, the Commission feels that the establishment of the EPA is a desirable and workable aspect of the administration's goal to coordinate and focus the Nation's efforts to protect our environment.

Mr. ROSENTHAL. Thank you.

Mr. Ramey, I believe, has a statement at this point.

Mr. RAMEY. Mr. Chairman, I don't have a formal statement, but I am prepared to help answer questions that arise.

Mr. ROSENTHAL. Mr. Tompkins, do you have some remarks you want to give us the benefit of?

Mr. TOMPKINS. Would you like me to read my prepared statement now, sir?

Mr. ROSENTHAL. Yes; I think so.

Mr. TOMPKINS. Very well.

Mr. Chairman and members of the committee, first I would like to mention that I have with me Mr. Palmiter, my colleague on the Federal Radiation Council staff. I have been asked to appear before you to testify regarding the effect of Reorganization Plan No. 3 on the work of the Federal Radiation Council (FRC) which will be abolished as an administrative entity by that plan.

In addition to the transfer of the function of the FRC, the functions of the Division of Radiation Protection Standards (AEC) that have to do with establishing generally applicable environmental standards and the Bureau of Radiological Health (HEW)—except for those functions related to consumer product regulation and medical and dental uses of radiation—will also be transferred.

I expect the primary effect of the transfer of these functions to be in the area of administrative procedures involved in the development of radiation protection standards, since this responsibility will be vested in the Administrator of the Environmental Protection Agency (EPA), rather than in a Council involving seven Federal agencies.

Second, the inclusion of certain functions from the AEC and HEW into EPA should reduce the existing gap between the formulation of basic standards as a matter of policy and the implementation of those standards by various Federal agencies.

A few specific examples should suffice to illustrate the procedural differences. The statutory responsibility of the Council is to "advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States."

The FRC has no regulatory authority, it establishes no legal limits, it has promulgated no emission standards of any kind, and its recommendations to the President are not processed through the Administrative Procedures Act. The recommendations proposed by the FRC are broad in nature and cover the general philosophy of radiation protection, which it hopes will be carried over and into the standards and regulations of Federal agencies.

FRC recommendations are encompassed in what is called dose to tissue. These doses are expressed numerically in terms of exposure to people, not in terms of conditions leading to exposure. FRC guidance on contamination to the environment is in similar terms and is directed at the point of intake, again, personal exposure.

Upon approval of FRC recommendations by the President and publication in the Federal Register, the recommendations become official guidance for Federal agencies in establishing their radiation protection activities.

A Federal regulatory agency starts with the prescribed dose to tissue, as recommended by the Council and the annual average intake of certain nuclides that would be expected to result in this dose and work backward to the point of emission as the basis for promulgating limitations on allowed emissions. Such regulations are the agency's responsibility. They are subject to the Administrative Procedures Act and have the force of law. Whereas such regulations must be com-

patible with the basic guidance of the FRC, the resulting regulations are not FRC standards as such.

The Administrator of EPA, as I understand, will conduct activities similar to the FRC and provide for the establishment of broad radiation protection guides. He will also develop secondary standards to be processed through the Administrative Procedures Act; that is, among other things, formal public hearings.

I would expect that the appropriateness of criteria promulgated by the EPA would be determined and continually reexamined as is done now by the FRC by use of panels of scientists from inside and outside the Federal Government to review and study data produced by investigators in the scientific community and to recommend specific areas where existing guidance may not be appropriate.

The EPA will use these primary radiation protection guides in setting general environmental standards. By standards we mean limits on radiation exposures, or levels, or concentrations, or quantities of radioactive material in the general environment outside the boundaries of locations under the control of persons possessing and/or using radioactive material.

To go from radiation protection guides to MPC's or other forms of permitted emissions the EPA will make use of its own competence, as well as that of the staffs of the AEC, HEW and other Government agencies and outside experts. It is expected that other Government agencies, including the AEC, will use these standards in both its own and regulated activities.

Like the FRC has in the past, EPA will continue to seek the advice of the National Academy of Sciences (NAS), National Council on Radiation Protection and Measurements (NCRP) and will make full use of reports and opinions published by such international groups as the International Commission on Radiological Protection (ICRP) and the United Nations Scientific Committee on the Effects of Atomic Radiation.

In closing, I see no basic reason to suppose that the transfer of functions required by the reorganization plan will impede the development of responsible programs of radiation protection by various agencies of the Federal Government and, in many respects, may expedite the continuing improvement in development of such programs.

Mr. ROSENTHAL. Mr. Holifield?

Mr. HOLIFIELD. Dr. Seaborg and Dr. Tompkins, I am pleased to have you before this committee. You are often before the Joint Committee on Atomic Energy, and we are pleased to have people with your background of scientific knowledge and your long experience in the field.

I have a few questions that I would like to ask which cause me some concern about this transfer, notwithstanding the fact that both of you have said that it could work out all right and maybe it can.

On page 4 of your statement, Dr. Seaborg, you mentioned the fact that we have 19 people doing this work in the Division of Radiation Protection Standards in the AEC.

Your statement is that, "The Division of Radiation Protection Standards presently has a staff of 19 persons and less than half of the total manpower available in the division is devoted to this function."

So if we cut that in two, we have eight or nine persons who are directly functioning in the standard formulation.

This chart which you gave us on the Environmental Protection Agency, shows the transfer of three positions. It does not show any continuation in the budget. The budget is still recommended to be between \$75 and \$67 million.

The thing that concerns me, if it is necessary to have 19 or nine in the AEC with their long experience in this field, how can this work be done efficiently by three people who would be transferred over into an environmental agency, which has some 6,500 employees?

My real concern, No. 1, is that we are not transferring an adequate number of people over into the agency. And, No. 2, perhaps they will be lost in this tremendous agency whose basic interest and scope and application is as wide as pure water and pure air.

So it is all-embracing of those two factors in our economy and goes into other things too, of course, like pesticides. But how can three men do what you are now requiring nine to 19 men to do? Do you have some comment on that? Does this concern you?

Dr. SEABORG. I might say first no final decision has been made as to the exact number of people that will be transferred to the new Environmental Protection Agency from the AEC's Division of Radiation Protection Standards.

Mr. HOLIFIELD. We have your chart before us, which you have probably seen, which shows there will be four from the Federal Radiation Council and three from the AEC. Have you seen that chart?

Dr. SEABORG. I have seen charts equivalent to it if I haven't seen exactly that chart.

Mr. HOLIFIELD. I will be glad to send one down to you.

Dr. SEABORG. It is contemplated that it will be of that order, but whether it is three or four or five or six hasn't been definitely decided.

Mr. HOLIFIELD. This is what concerns me: and the point of this plan is that we have adequate people down there to do this job, if it is transferred over. I must insist that there be enough people moved over. And I would like to have your frank opinion.

Do you have too many on this in the AEC now to do the job?

Dr. SEABORG. The second point that I was going to make is that those 19 people have additional responsibilities beyond the setting of the environmental protection standards guided by the guidelines that have been given us by the Federal Radiation Council.

Mr. HOLIFIELD. But you said at least half of those are directly employed in the setting of standards?

Dr. SEABORG. Or a little less.

Mr. HOLIFIELD. Well, half is eight and a half, so we will say eight men instead of eight and a half.

Dr. SEABORG. Maybe five or six. The others are involved in the implementation of the environmental standards.

Mr. HOLIFIELD. Well, that will still remain with the AEC.

Dr. SEABORG. Yes, that is why they are not being transferred.

Mr. HOLIFIELD. I understand that. But I want to be specific now that the number of people that are now required are about half of 19, and the chart only shows transfer of three.

Dr. SEABORG. I think I should ask Mr. Price to give you precise numbers on that.

Mr. HOLIFIELD. Yes, Mr. Price.

Mr. PRICE. Mr. Holifield, the chart that you have is a breakdown, our best effort, of what those 19 people are now doing in the Division of Radiation Protection Standards. It turns out that about 3 or 4 man-years are devoted in that Division to development of environmental standards.

That function is being transferred to the EPA.

Mr. HOLIFIELD. The function of those people is to study the data which is developed in the research program, biomedical and all other types of research that you are doing in the AEC, which runs up to around \$97 million.

Mr. PRICE. That is right.

Mr. HOLIFIELD. And they study the end result of that research and utilize that material in the establishment of standards which are in conformity with the Federal Radiation Council's recommendations.

Mr. PRICE. That is right, and that \$97 million worth of effort, that information is also available to the NCPR, ICRP, and the Federal Radiation Council and they fix the basic numbers that people talk about when they talk about environmental standards.

Mr. HOLIFIELD. Who fixes it?

Mr. PRICE. ICRP and NCPR recommend them, FRC adopts them for guidance, and these people in AEC take those numbers and put them into standards promulgated by the AEC.

Mr. HOLIFIELD. By the FRC?

Mr. PRICE. Well, the FRC gives the guidelines, the basic numbers like permissible doses to the general public and individuals in the public; numbers like the 500 MR and the 170 MR come through that scientific chain to the FRC. They promulgate them as guidance, and we in AEC, through these three or four people, 3 or 4 man-years of effort, put them into AEC standards that are enforced against licenses of nuclear plants and other licensees.

To tell you about the rest of these 19 people, Mr. Holifield, they are involved in the following additional functions which are not being transferred to the new agency. First, implementation of the environmental standards. For example, release limits from plants, what ought to be the limit at the plant in order to be sure that you meet these environmental standards.

In addition, some of these people are involved in working on occupational standards promulgated by the AEC. That standard setting function of the AEC was not transferred to this new agency.

In addition, there is work on product standards. For example, standards with respect to luminous dials on watches. So there is this additional work in this division that is not being transferred.

Mr. HOLIFIELD. I understand. I think we have made it clear that the standards which have been set by the AEC are not a matter of bureaucratic judgment alone; they are derived from recommendations made by the most knowledgeable bodies in the world, to wit, the National Council on Radiation Protection Measurements and the International Council on Radiation Protection, and the National Academy of Sciences; is that right?

Mr. PRICE. That is right.

Mr. HOLLIFIELD. So the propaganda that is in the papers that accuses the AEC of being a promotional and an originator of these scientific levels is fallacious; is it not?

Mr. PRICE. Yes, sir, and if these half a dozen people we are talking about had to do all the experimental and research work and the work of these national and international bodies, it wouldn't be near enough, of course.

Mr. HOLLIFIELD. There are 65 scientists on the National Council on Radiation Protection.

Mr. PRICE. Yes; and these four or five people have been enough to take the end product and put it into environmental standards. And that is the function that is being transferred.

Mr. HOLLIFIELD. Now I want to know if you can find three—and I have a grave reservation about this three, and I recognize it for that. I think when we get into the problem, we cannot have all of the scientific disciplines that are necessary to do this job that these eight and one-half men are doing wrapped up in three men.

Mr. PRICE. This may be so, Mr. Hollifield because these four or five or six or whatever it is are backed up by the total resources of the Commission, and it just may be that this new agency will need more in-house capability. Of course, they are getting a large number from the Bureau of Radiological Health and it is possible in the course of the transfer that some additional people that are not now in it—

Dr. SEABORG. That is the point I wanted to make. We are concerned as you are, Mr. Hollifield, that this new agency have competence in this very important field.

And if in the course of the buildup of the agency there are indications that additional people that the AEC has should be transferred in order to give EPA this competency, we would certainly be inclined to look favorably on that transfer.

Mr. HOLLIFIELD. In the last analysis, these people are lost in the shuffle. If they are inadequate to do the job, or if they do not have access and a flow of information between those people left in the AEC, and particularly the laboratories and universities doing the research work, you are going to have a dangerous gap between research and discovery of facts which are necessary in the setting of standards and implementation of standards, monitoring of standards—you are going to have a tremendous gap there.

This is the thing that concerns me, because I am just afraid, having seen a lot of these reorganizations take place, that three men will be lost in the sea of 6,500 men. I recognize that also the four transferees from the Federal Radiation Council are there.

Now, are we in effect talking about seven people that will be charged with the same duties when we talk about three from AEC and four from the Federal Radiation Council?

Mr. PRICE. Mr. Hollifield, I think it is possible that the new administration may decide they need more than that, and as Chairman Seaborg said, the Commission would look with favor on finding competent people in other parts of the Commission's program.

Furthermore, there will be a large number of people that are working in this area right now in the Bureau of Radiological Health and I think—

Mr. HOLIFIELD. Well, there are over 500 working there.

Mr. PRICE. So I think the Administrator might decide some of those people would devote some effort to this work.

Mr. HOLIFIELD. There are 551 positions in Radiological Health which are being transferred from HEW over there. Now will they be in the area of amplification to the Federal Radiation Council and AEC, working on radiation protection standards and functions, or will they be auxiliary to it? How will this work out?

Mr. PRICE. Most of those people are now engaged in various monitoring programs and those programs will have to continue.

Mr. HOLIFIELD. They will continue, but they will be lost in the sea of 6,500 men and will not be closely coordinated with the three men that are transferred from AEC and the Federal Radiation Council, as I understand it.

Dr. SEABORG. They might be lost. But the 551 positions would be an additional source of competence, certainly.

Mr. PRICE. These half dozen people are not now lost in the AEC where there are 6,000 employees.

Mr. HOLIFIELD. I understand that, but they have a lot more employees in the research and development field right in the same agency. What we are doing is taking three people out of the agencies that have all the backup work and all the years of experience and collection of data, based on laboratory experience running into hundreds of millions of dollars, and moving them over here into a different agency. What I am concerned about is the connection between the two.

Mr. PRICE. It is on account of that I think, as Chairman Seaborg says, maybe some additional competent people in this area from other parts of the AEC or someplace else may need to be found to augment this staff.

Mr. HOLIFIELD. You realize also, in the event this function isn't carried out properly in this EPA, that news of anything they do which is either too restrictive or not restrictive enough will come right back on the AEC, which has the program of developing peacetime uses of atomic energy. They can be absolutely choked to death by unsympathetic action on the part of the Administrator of EPA, by restricting these men or ignoring them or even giving them administrative orders to do certain things.

Dr. SEABORG. We understand that and that is why we want to do everything we can to cooperate in finding competent people for the EPA to carry on this important function.

Mr. RANNEY. I think that in considering the small number of standard-setting people going over to this agency that has 6,000 people, you would probably want to compare them with the standard-setting people in these other areas on water and air. The point that Chairman Seaborg made, I believe, is that perhaps in the water quality area and the air pollution area, they do not have outside groups such as there are that have essentially been laying the basis for radiation standards, the National Council on Radiation Protection and the International Commission on Radiological Protection. So they would have to have more in-house competence on their standards setting so the proportion may not be quite so different as one might think.

The other point is—

Mr. HOLIFIELD. On the other hand, the interest in clean air and clean water is so pervasive throughout the Nation that there will be a

great deal more attention given to those factors. The problem is much bigger because the carrot has not been given to the creation of clean air and clean water in our economy that has been given in the radiation field. The money hasn't been spent in experimental research in the fields of water and air. The money has not been spent in the protective procedures and codes and monitoring and implementation and so forth that has been given in the radiation department. Because these problems are big, for instance, the pesticide problem affects maybe a million farmers, so you have much bigger fields.

This is where I am concerned about the loss of attention that may occur to this small group that is going over there.

Mr. RAMEY. I think it is a valid concern. I think the other point that is being considered is how the Atomic Energy Commission and its laboratories can assist in this.

Mr. HOLIFIELD. You can only assist if they ask you for your information. You may send it over there and it gathers dust on the shelves.

Mr. RAMEY. We have had a rather good relationship with the Federal Radiation Council and its staff on providing a continuing flow and stream of information. They are not, of course, a part of the Commission.

We also have arrangements between the Department of Health, Education, and Welfare and our laboratories whereby the department actually provides funds for certain research and development in which they are interested. We have memorandums of agreement and a real mutual interchange between these agencies.

Mr. HOLIFIELD. If this plan goes through, I would hope there would be a very close area of coordination and transfer of the wealth of knowledge which has been obtained in some 24 years in the AEC, and that it would be brought forcibly to the attention of the Administrator of the EPA by the Chairman and the Commissioners of the AEC. I am deeply concerned about this disruption of what has been a successful system.

Now, I want to ask Mr. Tompkins, what do you conceive, regarding this transfer of four to the EPA, that there will be close liaison between those four and the three from AEC or whatever number there would be? Will there be a different function or will there be a coordinated function at that time?

Mr. TOMPKINS. As I indicated, Mr. Holifield, there will have to be a change of position. First for clarity of the record, I would like to point out that of the four members of the FRC staff being transferred, two of them are professional and two of them are clerical. We are talking about the professional competence, we should talk about two of them and not four.

Now, as to the resources of the Federal Government available to the FRC, it is not at all disrupted by the staff of the two professional people from the FRC office. Each agency has appointed a senior member of the technical staff and those that have multiple interests. The Atomic Energy Commission has good liaison people with us and the Department of Health, Education, and Welfare and the Food and Drug Administration and others. So the working part of the Federal Radiation Council involves two people from the staff and nine scientific people from the Federal agencies. It is through those nine people that the FRC has been able to tap—

Mr. HOLIFIELD. Is it your understanding that the nine people from the other agencies will also be transferred over there?

Mr. TOMPKINS. No, they definitely will not. What I am saying is that EPA has to set up some kind of procedure like that now being carried on.

Mr. HOLIFIELD. We are going to watch this very closely from this committee and from the Joint Committee on Atomic Energy; so you will, in effect, have a double-barreled shotgun looking at you. I am not speaking about you, personally; I am talking about whoever is the head of EPA. He is going to be called upon to prove to the Joint Committee on Atomic Energy that these functions are being transferred over there and are exercised with the same care, attention, and coordination between research in our laboratories and universities that have occurred in the past; because that is the one thing, as you know, that the Joint Committee on Atomic Energy has looked at for years and we have always stressed the safety of people, populations, and workers as the prime reference, notwithstanding some of the unwarranted criticism we have had.

Mr. TOMPKINS. As indicated in my statement, I definitely expect the EPA to follow the same general procedure and that does imply and imply close coordination and cooperation with the technical staff, not only with the Atomic Energy Commission but we have our problems that deal with atmospheric dispersion, we have close contact with the ESSA group in the Department of Commerce and this must continue. Whether or not the formal arrangement in terms of letters of agreement have to be modified in order to maintain it, I don't think makes any difference. But the functional aspect simply is that EPA cannot set the standards in a vacuum. It cannot do it as a simple in-house operation and if it does it should fail.

Mr. HOLIFIELD. In connection with that statement, the possible transfer over to EPA, and also the abolishment of the FRC, the Federal Radiation Council, by the reorganization plan, the Joint Committee reported out on July 28, section 11, subsection 274 h. of the Atomic Energy Act as amended, which reads as follows:

"Any Government agency designated by the President is hereby authorized and directed to enter into and administer an arrangement with the National Council on Radiation Protection and Measurements for a comprehensive and continuing review of basic radiation protection standards, and the scientific bases therefor, pertinent to the health and safety aspects of exposure to radioactive activity resulting from the development, use or control of atomic energy, and an arrangement with the National Academy of Sciences for a comprehensive and continuing review of the biological effects of radiation on man and the ecology in order to provide information pertinent to basic radiation protection standards. The respective scopes of the arrangements may, in the discretion of the President or the designated Government agency, also encompass exposure to the effects of radiation from sources other than the development, use or control of atomic energy. The respective arrangements shall require—

"(1) the conduct by the National Council on Radiation Protection and Measurements of a full-scale review of the radiation protection guides presently in effect by virtue of the recommendations of the Federal Radiation Council, and of all available scientific information;

"(2) the conduct by the National Academy of Sciences of a full-scale review of the biological effects of radiation, including all available scientific information;

"(3) consultations between the National Council on Radiation Protection and Measurements and the National Academy of Sciences to assure effective

tive coordination between these bodies to serve the objective of the arrangements;

'(4) consultations by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, respectively, with scientists outside and within the Government;

'(5) the preparation and submittal by the National Council on Radiation Protection and Measurements to the President, or to the Government agency administering the arrangements, and to the Congress, by December 31, 1979, of its first complete report of its review activities, which shall also set forth its recommendations respecting basic radiation protection standards and the reasons therefor;

'(6) the maintenance by the National Council on Radiation Protection and Measurements of reasonably thorough knowledge of scientific matters pertinent to basic radiation protection standards within the scope of the arrangements, including studies and research previously performed, currently in progress or being planned;

'(7) such recommendations by the National Council on Radiation Protection and Measurements and the National Academy of Sciences respecting the content of any studies or research directly or indirectly pertinent to the basic radiation protection standards, or the biological effects of radiation on man and the ecology, under the respective scope of each arrangement, as either body deems advisable from time to time;

'(8) the furnishing of scientific information and advice by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, within the respective scopes of the arrangements, to the President, Government agencies, the States, and others, at the request of the President or the Government agency administering the arrangements;

'(9) the furnishing of scientific information and advice by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, within the respective scopes of the arrangements, to the Congress pursuant to the request of any committee of the Congress;

'(10) the preparation and transmittal to the President or to the Government agency administering the arrangements, and to the Congress, by the National Council on Radiation Protection and Measurements and by the National Academy of Sciences, at the end of each calendar year subsequent to 1979, of a report covering their respective review activities during the year: the report by the National Council on Radiation Protection and Measurements shall also set forth any significant scientific developments relative to basic radiation protection standards, including any recommendations; and the report by the National Academy of Sciences shall set forth any significant scientific developments bearing on the biological effects of radiation on man and the ecology, including recommendations;

'(11) the preparation and transmittal to the President, or to the Government agency administering the arrangements, and to the Congress, by the National Council on Radiation Protection and Measurements, of a prompt report of any significant changes which it deems advisable to recommend in regard to its previous recommendations respecting basic radiation protection standards or the scientific bases therefor and not theretofore identified in its reports; and

'(12) the conduct of the activities of the National Council on Radiation Protection and Measurements and of the National Academy of Sciences, under the respective arrangements, in accordance with high substantive and procedural standards of sound scientific investigation and findings.

Reports received from the National Council on Radiation Protection and Measurements and the National Academy of Sciences under the arrangements shall be promptly published by the Government agency administering the arrangements. All recommendations, in such reports by the National Council on Radiation Protection and Measurements, respecting basic radiation protection standards pertinent to the health and safety aspects of exposure to radioactive activity resulting from the development, use or control of atomic energy, shall be carefully considered by any Government agency having authority to establish such standards and, within a reasonable period of time, such Government agency shall submit to the Joint Committee a report setting forth in detail its deliberations respecting the recommendations and the measures, revisions, or other actions it proposes to take, adopt, or effect in relation to the recommendations."

Then it goes on and ties in the statutes, the procedures which we have had in the past, and goes a little beyond that. We provide that the EPA, if this plan is successfully consummated in the legislative body, will be authorized to make contact with the most knowledgeable bodies that there are in the world for guidance, because we don't want to see administrative and bureaucratic judgment used in lieu of scientifically proven facts which have been developed by disinterested objective scientists of many, many disciplines.

So we are making it possible that this procedure be followed, not in an informal way as it has been in the past, but under specific contracts with the National Radiation Council and the National Academy of Sciences. Then the people of the United States can be sure of receiving rules, regulations, and standards based on scientific knowledge and not upon emotions or propaganda or hearsay.

Do you see anything wrong in continuing this arrangement in a formal statutory way which has been more or less followed by the AEC now for 24 years?

Mr. TOMPKINS. Certainly not. I would like to point out that the obligation—it is felt that the National Academy of Sciences and the NCRP is a formal charge—

Mr. HOLIFIELD. To the AEC?

Mr. TOMPKINS. No, sir; to the FRC in section 274 h. of the Atomic Energy Act. We do have contracts with the Academy and have had for several years. We also have a contract with the NCRP—

Mr. HOLIFIELD. But that is being abolished now. That goes to the authority of the FRC and the FRC is being abolished. While its functions are being carried over, I am not sure statutes pertaining to it are being carried over.

Mr. TOMPKINS. My indication is that the transfer of functions would include the transfer of obligations as stipulated in existing section 274 h.

Mr. HOLIFIELD. Is that your interpretation?

Mr. HENNESSEY. Yes, sir, Mr. Holifield; I think the transfer of functions carries with it the duties imposed under the statute.

Mr. TOMPKINS. EPA is required to continue this.

Mr. HOLIFIELD. You don't see any reason why this new bill cannot be passed, do you?

Mr. TOMPKINS. I really haven't had an opportunity to develop what I would consider a considered opinion, Mr. Holifield.

Mr. HOLIFIELD. All right, Mr. Hennessey, I ask you to make a study of this from a legal standpoint and furnish an opinion to this committee and also to the Joint Committee on Atomic Energy on the effects of this amendment as contained in this bill, and as to whether it is already covered or whether this goes beyond the present statutes and imposes upon the EPA Administrator these additional obligations.

Mr. HENNESSEY. Of course, this will be affected by the timing. Mr. Holifield. If this bill were to be enacted before the coming into force of the reorganization plan, there would be no Federal Radiation Council left after enactment of the Joint Committee bill.

Mr. HOLIFIELD. I understand that. Will there be a FRC left after the introduction of the plan? Both the plan and the bill would abolish

the FRC. There is no controversy on that point. It hasn't, in my opinion, fulfilled its purpose; and I say this with due respect to Dr. Tompkins, whom I consider one of the most knowledgeable scientists in the world in this field and for the benefit of the members of this committee. Dr. Tompkins was in technical charge of the Hunters Point Naval Laboratory established immediately after World War II when he first came to the attention of the Joint Committee on Atomic Energy, and he had 600 scientists working under him analyzing and evaluating the effect of radiation on people and materials.

That was his background when he first testified before the Joint Committee on Atomic Energy. It is a great comfort to me to understand that you are also going over into EPA. I understand that you are; is that right?

Mr. TOMPKINS. It is my understanding, yes.

Mr. HOLIFIELD. Well, nothing is certain. But I did want to say a word of encouragement to those who may not know you as some of us know you, that there will be confidence in the operation on the part of the Joint Committee on Atomic Energy, if you are transferred over there, because we always found you to be responsive and objective in your appearances before the committee. It will help us to swallow this questionable dose that we are faced with here if we know you are going to be transferred over there.

Mr. TOMPKINS. Thank you, Mr. Holifield.

Mr. RAMEY. Mr. Chairman, in that language that you read, the legislation certainly does go beyond the present statute in the sense of the recommendations of the NCRP and the Academy. The implication is that they are made public. So it is not just a consultation, it is making these recommendations public, it makes any changes from previous recommendations public and the reasons for such changes have to be laid out.

Mr. HOLIFIELD. And if there are any deviations from the recommendations, and support of these recommendations, they must appear before the committee of Congress and justify those deviations from the recommendations of the scientific bodies.

Mr. RAMEY. That is right. I think that is a desirable improvement, personally.

Mr. HOLIFIELD. It is my opinion that Mr. Hennessey will come up with that kind of evaluation.

Mr. RAMEY. He might be looking at it primarily from a legal standpoint; I wanted to throw in the policy and programmatic aspects of it.

Mr. HOLIFIELD. Yes; we will clear that up.

Now, Dr. Tompkins, you said the inclusion of certain functions from the agency and HEW and EPA should reduce the existing gap in the formulation of basic standards as a matter of policy and implementation of those standards by various Federal agencies. Would you describe what you mean by the phrase, "existing gap." Why is it present in the system under which you now function, and is this a procedural deficiency, or might it result in some technical discrepancy?

Mr. TOMPKINS. What I have reference to there, Mr. Holifield, is to give a specific example to illustrate the point, the basic standards of FRC, as I indicated, are exposures to people. The existing environmental standards such as regulating substances are predicated on the

total intake from all sources—the nuclides which include total exposure as well as various modes of transmission.

This has always caused something of an implementing problem when one considers standards specifically for water or standards specifically for air. I think by bringing them into the same agency, one must now deal with vector standards as well as the total exposure standards. In many cases this can be very much closer than I have succeeded in arranging so far on this particular matter.

That is what I made reference to.

Mr. HOLIFIELD. Do you visualize working as a unit, combining the functions of the Federal Radiation Council with the people from AEC? In other words, the three that are shown on this chart here, would they work as a unit or would they be two separate groups?

Mr. TOMPKINS. I haven't the slightest idea how it is going to be organized at the present time.

Mr. HOLIFIELD. It seems like you are going to have joint responsibilities, and rather than pairing off into separate compartments, you should be working very closely together.

Mr. TOMPKINS. It is perfectly obvious that there should be a maximum amount of working together. The people who have experience primarily, like in reactor effluent, they are now going to examine it in terms of local concentration such as water or air simultaneously. To answer your question, if the existing organization, the 4 people from FRC and the three people from AEC, and so on, are not consolidated, I think communication would be very difficult.

Mr. HOLIFIELD. Well, we are going to watch this very closely from this committee and the Joint Committee on Atomic Energy, because there is too much at stake here, and jeopardizing the health of the people of the United States is something we cannot pass over lightly.

This doesn't relieve the Congress of the responsibility to see that it works with no less efficiency and if possible greater efficiency.

Mr. TOMPKINS. You hope it is greater.

Mr. HOLIFIELD. Any further comments from the witness?

Dr. SEABORG. No, other than I think this plan is a desirable step because it does place all of the aspects of environmental pollution in one agency and I think it can be made to work.

Mr. HOLIFIELD. This is all, Mr. Chairman.

Mr. ROSENTHAL. I have one or two questions.

Dr. Tompkins, on page 1 of your statement you said:

In addition to the transfer of the function of the FRC, the functions of the Division of Radiation Protection Standards (AEC) that have to do with establishing generally applicable environmental standards, and the Bureau of Radiological Health (HEW)—except for those functions related to consumer product regulation and medical and dental uses of radiation—will also be transferred.

Can you tell us why those functions will not be transferred?

Mr. TOMPKINS. Yes; in the Bureau of Radiological Health, for example, there is at least one specific program, which is not a standard program. That is devoted to improving the effectiveness of the use of isotopes in medical practice.

Mr. ROSENTHAL. That is one that will not be transferred?

Mr. TOMPKINS. That is one that will not be transferred.

Mr. ROSENTHAL. What about consumer product regulations?

Mr. TOMPKINS. The Department of Health, Education, and Welfare now has by law the responsibility for establishing regulations for the emission of radiation from consumer products.

Mr. ROSENTHAL. Do you mean products such as TV sets?

Mr. TOMPKINS. Yes, that was one of the first standards that was put out. That particularly encompasses microwaves.

Mr. ROSENTHAL. You mean such as microwave ovens?

Mr. TOMPKINS. Yes, that is specifically regulatory and they are emission standards and to that extent that regulatory function of the HEW is exactly comparable to that part of the regulatory function of the Atomic Energy Commission that applies to reactors.

Mr. ROSENTHAL. Let me see if I understand this.

The standard-setting function regarding consumer products, that is, television sets and microwave ovens, will stay with HEW?

Mr. TOMPKINS. Insofar as emission is concerned.

Mr. ROSENTHAL. What is the logic to that? Why isn't that transferred? Isn't it part of the total environment?

Mr. TOMPKINS. The general pattern, if I understand it correctly, standard setting will all be concentrated in EPA. But many of the regulatory functions now existing, for example, food and drug, will stay with the Food and Drug Administration.

Mr. ROSENTHAL. I still don't understand the logic of why standard setting for radiation emission for television sets shouldn't also go to EPA. I don't understand why not.

Mr. TOMPKINS. Well, I cannot really give you an example of that, Mr. Rosenthal.

Mr. HOLIFIELD. Also, where does the determination of radiation foods, which is now in the Department of Agriculture, go? Is that transferred over? Pesticides were transferred over.

Mr. TOMPKINS. I think those are not part of the material being transferred to EPA.

Dr. SEABORG. The acceptability of irradiated foods. The standards there are under the aegis of the FDA. I believe it remains there, as far as I know.

Mr. HOLIFIELD. Well, we are finding a lot of things have been left out.

Mr. TOMPKINS. In that particular case, Mr. Holifield, this is the application of radiation to food for purposes of sterilization and so forth. There is not an issue of radiation being emitted from the food itself.

Mr. HOLIFIELD. But the radiation is emitted from the devices that are used to sterilize the foods and that is the point, you see. That goes into the environment.

Mr. ROSENTHAL. I think the point I tried to make is the point Mr. Holifield is making. That is, those who work in the processing plant are subject to radiation emission but in the television set the general public is subject to radiation if it goes beyond excessive limits and I do not understand why that was not included in EPA.

I am not satisfied with your explanation. I have a suspicion. I am trying to see whether it is based on emotion or logic.

Mr. TOMPKINS. I do not think I can tell you why the line of demarcation was made as it was.

Mr. PRICE. I think we have the wrong witnesses from the wrong agencies to answer that question.

Mr. ROSENTHAL. Maybe we have the right witnesses. It depends on whose ox is being radiated.

Mr. PRICE. I meant this involves functions that are now going on in HEW and we are not as qualified to address ourselves to it.

Mr. ROSENTHAL. From the scientific point of view, am I correct in the thesis that X-ray emission from television sets is as much a part of the environment as some of the other functions that EPA will consider?

Mr. TOMPKINS. I would certainly say so from that viewpoint. I would simply comment that in the background of all of these reorganization plans there is the process of consolidating standards specifically with relation to consumer products. Maybe it would apply there and establish environmental protection.

Mr. ROSENTHAL. The point Mr. Hollifield made that you seemed to concur with was that the standards that you set within the AEC and those standards that you will take with you to EPA were based on high level scientific experimentation and diagnosis and were based on the profound opinion of well respected scientists; isn't that correct?

Mr. TOMPKINS. Yes.

Mr. ROSENTHAL. In the field of X-ray emission from television sets, the benefit of industry should be taken into account in addition to scientific knowledge.

Mr. TOMPKINS. Well, let us back up a minute. In answer to your first question, one implies that consideration of what you might call feasibility was not also a part of the recommendation. There was high level scientific consideration given to the basic standards.

Mr. ROSENTHAL. In television radiation?

Mr. TOMPKINS. Yes. The first standard that came out for X-ray emissions from the television sets was recommended by the National Council on Radiation Protection.

Mr. ROSENTHAL. I think you are going beyond my question. We both agreed that there was certainly a scientific ingredient that went into those standards. But, in addition, wasn't there also financial quotients of industry that fed into that decision?

Mr. TOMPKINS. I do not think so.

Mr. ROSENTHAL. In other words, the interest of the industry and its ability to maintain that limitation was not any part of that decision?

Mr. TOMPKINS. Yes, eventually, but the main recommendation for emissions from TV sets, which is 0.5 M rads per hour at 5 centimeters from the set, were conditioned very largely by the characteristics of the emission, their energies, the fact that in many cases there was a small beam, a very small beam instead of a broad beam—

Mr. ROSENTHAL. I do not doubt for a moment that there was considerable scientific thought that went into this decision. My question was a very narrow one, that the interest of the industry was also fed into that decision. You say it is possible.

Mr. TOMPKINS. There is always a little risk-benefit.

Mr. ROSENTHAL. Then, specifically, from what I gather from your testimony, the regulation of consumer products will not go to EPA.

Mr. TOMPKINS. I could be misinformed on this, Mr. Rosenthal, but it is my understanding that that is true. Now, do not take that as an expert's reply.

Mr. HOLIFIELD. I think the gentleman is right. One of the things that the public does not realize is that where scientific advice is given to the AEC in relation to radiation emissions from nuclear reactors, the AEC has an organization to impose those recommendations and monitor them continuously. Where industry frequently has asked for scientific advice, there has been no agency, no consumer agency looking out for the peoples' interest to follow through and measure the emissions of radiation from televisions and other devices and to impose upon them the safety rules and regulations.

This is the thing that you are talking about, and you are testifying that advice was given to the television set manufacturers, but there was nobody following up to measure those sets until there were several very bad cases brought to light, and then there began to be some scrutiny on the emissions and the correction of some of the television sets that were emitting more than they should have and more than the scientific advisers said they should have.

Mr. TOMPKINS. The follow-up mechanism that you indicated. Mr. Holifield, is in fact now available in the Department of Health, Education, and Welfare.

Mr. HOLIFIELD. That is right, but it was not before we passed that act in the Congress. All along, you see, the AEC has had this responsibility of continuous monitoring to see that compliance with the recommendations of the scientists was followed; where, in the consumer field, Mr. Rosenthal, there was not this close continued scrutiny on whether these devices such as television sets followed the safety recommendations of the scientists.

Mr. ROSENTHAL. Dr. Tompkins, you are correct in your statement. You did make a broad statement that the functions relating to the consumer product regulations were not transferred; and I read from the President's message on page 3, it says, "The following functions of the Bureau of Radiation Health . . ." these functions are not transferred:

Radiation from consumer products, including electronic product radiation; radiation as used in the healing arts; occupation exposure to radiation and research technical assistants and training relating to those three.

The point I was trying to make—and I may be shooting in the dark—is that the three areas in which there are deep economic interests involved are not being transferred to this high-level Environmental Protection Agency, and I wonder if you have any thoughts on it.

Mr. TOMPKINS. I do not think I can expand on anything more than I have said.

Dr. SEABORG. Well, I am certainly not an expert on this, but I doubt that the criterion was economic interest. I believe there is enough flexibility in the organization, the EPA, so if it were deemed advisable some time in the future to make such a transfer, it could be made.

Mr. ROSENTHAL. I am sure that is true.

Mr. RAMEY. Certainly on radiation standards there are some very large economic interests involved that were and are affected by the transfer. Your whole nuclear power industry, for example. It is the largest capital industry in this country.

Mr. ROSENTHAL. They may not be as well organized in Washington as some of these others are. Maybe I am just being overly suspicious.

Well, thank you very much, gentlemen. We are very grateful for your testimony this morning.

Our next witness is Mrs. Donald Clusen of the League of Women Voters. Mrs. Clusen, are you here?

We are very pleased to have you with us this morning. Because of the time problem involved and the number of other witnesses, with your permission, we could include your statement in the record. If there is anything specifically you want to bring to our attention you might do that now or rely completely on the statement.

STATEMENT OF MRS. DONALD E. CLUSEN, DIRECTOR, ENVIRONMENTAL PROGRAM AND PROJECTS, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mrs. CLUSEN. Yes, Mr. Chairman, thank you. That is exactly what I intended to ask: that you would insert the full text of the statement into the hearing record. I should like to make a few comments about the attitude of the league toward Reorganization Plan No. 3.

We are glad of this opportunity to support the establishment of this new and independent agency for a number of reasons. We think having a single agency will reinforce the work of the committees of Congress who have been involved in pollution abatement over the years.

We think that the experience of the past has shown that there is a necessary degree of coordination required which Reorganization Plan No. 3 makes possible.

We think establishing an institutional basis for pollution control is very important. The proposed Environmental Protection Agency is a necessary first step toward the goal of a healthful environment. Most of all, we are supporting this because we think it is a good idea to separate the responsibilities for promoting or developing a recourse from the responsibility for regulating the effects.

We think that it is very wise to have an agency which can carry on independent research in addition to that which will be continued in each of the transferred agencies. We agree with the view that the new Agency and the Council on Environmental Quality complement each other and that, taken together, they can provide a more effective means than exists at the present time for a coordinated pollution abatement campaign.

We were glad to see there are plans to protect the personnel status in transferring of people to the new Agency. The experience and motivation of personnel in present agencies should be given new impetus in the transfer.

I should like to say we hope that action already underway can continue to move forward without delays due to reorganization. We

hope that there will be no uncertainty about the authority of the new administrator. We want him to have the authority to act promptly, decisively, and effectively.

We should like to remind the committee that there is no question but what the public is focused in on the dangers of pollution. They see it. They feel it. They taste it and get sick from it.

In brief, we think the Environmental Protection Agency is an important step in the right direction and we are confident that bringing together present fragmented pollution control programs will have a good effect on environmental programs, as a whole.

Most of all, we appreciate the hard work which has been done by a good many members of this committee and other congressional committees over the years to develop environmental programs. Thank you.

(Mrs. Clusen's prepared statement follows:)

PREPARED STATEMENT OF MRS. DONALD E. CLUSEN, DIRECTOR, ENVIRONMENTAL PROGRAM AND PROJECTS, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

I am very pleased to have this opportunity to appear before your subcommittee to express the League of Women Voters' support for the President's proposal to create an Environmental Protection Agency. I should also like to express appreciation to the subcommittee for permitting public witnesses to testify on a Presidential Reorganization Plan, a privilege sometimes limited to Members of Congress and Government officials.

The League of Women Voters supports establishment of a new and independent agency, an agency empowered to monitor pollution, set standards, administer regulatory functions, coordinate and engage in research, and consolidate administration of the many grants, technical assistance, and manpower training programs related to pollution control. We urge the subcommittee to report the measure favorably.

We think it is consistent with the extent and immediacy of the threat from pollutants of many kinds that a single agency for pollution control activities be established under Presidential reorganization powers. It seems a proper use of authority so wisely granted by the Congress to the President.

Having a single agency for major pollution control activities should make it easier for the committees of Congress to exercise their legislative responsibilities to evaluate present agency programs and to determine the nature and scope of future programs. No matter where the programs lie administratively, Congress will still be the key force in directing the Nation's commitment to the development of a healthful environment.

We in the League are very aware and appreciative of the contributions you, Mr. Chairman, have made to the development of present water quality control programs. We are confident you will continue to exercise this same kind of leadership with regard to a new agency such as the one proposed.

Many of you gentlemen are already familiar with the long years of league action in support of policies and legislation to promote long-range planning for conservation and development of water resources and for improvement in the quality of water. From the beginning of our studies in 1956, it was quite clear that controls to prevent and clean up pollution of the Nation's irreplaceable water resources are inseparable from planning and action to achieve sound water resource programs.

League members have found the same thing to be true as they considered problems of air and solid waste. The longer members worked in their communities, regions, and States to achieve sound water resource programs, the more they saw that what happens with waste affects the air, affects the water and so on in an endless, interwoven cycle. And while we have learned that it is unrealistic to try to deal with one pollution problem at a time, our work on water has shown us that efforts to attain sound administration through coordinating committees in the executive branch are not successful.

All of this experience, Mr. Chairman, lies behind league support for the proposed Environmental Protection Agency. And permit me to say too that we feel it is your work as much as anything else which has led to the realization that

uniform standards for pollution control must be developed; that the major pollution abatement programs must be monitored jointly and administered in a coordinated system; and that the regulatory functions must be administered separately from the developmental and promotional programs.

Perhaps, then, you will let us join you in a feeling that this proposal to establish an Environmental Protection Agency is a victory for you, as it is for the principle of improved coordination on the Federal level which the League of Women Voters has long supported.

We shall not burden you with any summary or analysis of the presidential proposal. Several witnesses have already done that. We wish instead simply to share with the subcommittee a few more reasons we think Reorganization Plan No. 3 is an important first step to take now—as quickly as possible.

The League of Women Voters is convinced that we shall be able to achieve a high quality environment for human life only if the Nation provides the institutional basis through which unified, realistic programs can be administered. Preventing as much pollution as possible is one aspect of creating a better environment. The proposed agency, to which key pollution control administrations would be transferred with all their present power and authorities, seems a necessary and important step toward the goal.

The league is particularly pleased that the new agency would separate the responsibilities for promoting or developing a resource from responsibilities for regulating the environmental effects of a particular program or activity. For example, many leagues have been studying the effects of nuclear powered utility plants proposed or being built in their areas. They are convinced that the agency charged with promoting the use of atomic power should not be the one to set permissive radiation standards. This same kind of problem applies to other resources, and the league is pleased that, although this separation of developmental and regulatory powers is not completely achieved for the Atomic Energy Commission or any other department in this reorganization plan, important improvements will be made. Later, the Congress can take legislative action to clarify the distinctions between developmental and regulatory powers in all areas of potential environmental damage.

The league believes it very wise to grant the Environmental Protection Agency authority to carry on research independently from and in addition to that which will be continued in each transferred agency. As we understand it, such Environmental Protection Agency research will be directed specifically toward determining the cumulative, total impact on people and environment of pollution from many sources.

At present, no single department or agency has the mission of research, or of monitoring and surveillance, to determine the total impact of pollutants. Without the kind of information that should result from such study, neither the Congress nor the executive branch can act with maximum effectiveness to assure sound environmental programs.

The league supports the President's view that the new agency and the Council on Environmental Quality are complementary, and that, taken together, they should provide the means to mount an effectively coordinated campaign against environmental degradation in all of its many forms. The Council on Environmental Quality, concerned with all aspects of the environment, not just pollution abatement, and most assuredly should be retained to perform top-level advisory and coordinating functions relative to all Federal environmental programs.

We are pleased to note plans to protect personnel status in the transfer of people from existing authorities to the proposed agency. There is valuable experience, knowledge, and high motivation which should be utilized and given new impetus in the transfer.

Now, we should like to make a few comments of a more general nature. First, we hope that administrative technicalities of transfer and reorganization will not cause delay in pollution control programs already underway. While the new weaving-together is underway, action must continue to move forward.

We note in the provisions of the Reorganization Plan No. 3 that, when the agencies involved are transferred to the Environmental Protection Agency, the functions of each respective administrator are transferred to the administrator of the new agency.

The league thinks there should be no uncertainty about the authority of the new administrator of the Environmental Protection Agency to take strong action to enforce pollution control standards. We want the new agency to have authority to act promptly, decisively, and effectively. We want its director to have powers commensurate with his responsibilities.

In the press briefings and statements released upon announcement of Reorganization Plan No. 3, emphasis was placed upon the value of a central pollution agency as having "the great attraction of focusing public attention on the highly important environmental programs."

I am sure you are aware from your mail, as we are from league mail from all areas of the country, that large numbers of the people are already focused-in, so to speak, on the dangers of pollution. They see it. They feel it. They hear it. They get sick from it. They do not have to be told about it. What they want is action to improve conditions before it is too late.

Thus, you have some idea of why the league supports the proposal for the new Environmental Protection Agency. We think it is an important first step in the right direction. We are confident that bringing together fragmented programs will increase understanding of the cumulative effects of a variety of pollutants and will hasten just, prompt, and pin-pointed remedial action.

One last plea. Let us not reduce this agency to a part of the alphabet soup. Very few will remember what EPA means. Let us keep the pollution control goal plainly before the people by calling the agency by its full name--the Environmental Protection Agency.

Mr. ROSENTHAL. Thank you very much, Mrs. Clusen. We are very grateful to you and the League of Women Voters.

Our next witness is Mr. T. E. Larson, president of the American Water Works Association. Mr. Larson, considering the time and the problems we have, I wonder if we could ask, with your permission, to insert your complete statement with the supporting material into the record and perhaps you would choose to touch on some of the highlights of your statement.

STATEMENT OF T. E. LARSON, PRESIDENT, AMERICAN WATER WORKS ASSOCIATION, ACCOMPANIED BY ERIC JOHNSON, EXECUTIVE DIRECTOR

Mr. LARSON. Yes, sir; I would like to read one or two paragraphs which are the main thrust of what we are asked about.

I leave with me Mr. Eric Johnson, who is the executive director of the American Water Works Association. We represent the water industry across the country.

Our concern over the change has to do with the danger of having water supply matters completely submerged in the overriding concern with pollution control, for certainly a more efficient pollution control effort rather than better water for people is the major thrust of the reorganization. Recognizing this, the association's board of directors has filed with the President and the Council on Environmental Quality this resolution:

The American Water Works Association urges that the new Environmental Protection Agency include a separate, identifiable, public water supply function with a budget adequate to provide leadership and assistance in research and training to meet the new and complex problems facing the water utility industry.

The association appreciates the fact that these details of structure within the Environmental Protection Agency are not the direct concern of your committee. Nevertheless, it feels that the record should show that the water supply industry views this change with both hope and trepidation that what little Federal water supply program is left will be channeled into and lost in the pollution control effort. This is our concern.

Mr. ROSENTHAL. As you well know, the chairman of this subcommittee, Mr. Blatnik, is also concerned about the same subject. And I

know he will read your statement and your proposal with interest as will the rest of the committee.

We are very grateful for the opportunity of having you appear before us and we thank you very much.

(The prepared statement of Mr. Larson follows:)

PREPARED STATEMENT OF THURSTON E. LARSON, PRESIDENT, THE AMERICAN WATER WORKS ASSOCIATION

My name is Thurston E. Larson. I am president of the American Water Works Association, a scientific and educational organization with a membership of more than 21,000. Since 1932 I have worked with the Illinois State Water Survey which I now serve as head of the chemistry section. Since 1962 I have held a post as professor of sanitary engineering at the University of Illinois. And for many years I have served as a consultant to the U.S. Public Health Service and the U.S. Army Environmental Health Agency. On behalf of the association, I am pleased to accept your invitation to present its views on the President's Reorganization Plan No. 3 of 1970.

The American Water Works Association represents an industry that provides public water service to 170 million Americans through 23,000 water systems with facilities valued at more than \$50 billion. Its purpose, since it was founded in 1881, has been to improve the service that the water supply industry provides to the public by advancing knowledge of the design, construction, operation, and management of the water systems providing that service.

At the present time, the only Federal agency directly concerned with the quality of public water supplies is the Bureau of Water Hygiene in the Environmental Control Administration of the Department of Health, Education, and Welfare. The Bureau was left behind in the 1966 reorganization that transferred the water pollution control program from HEW to the Department of the Interior. And its history since the change has been one of constantly diminishing capability, until now with a proposed budget of only \$2.3 million for fiscal year 1971 and no funds to enlist the assistance of universities or private agencies in its research and training effort, it is clearly inadequate to its task.

At the same time as the Bureau has been wasting away, burgeoning population, urbanization, and pollution have been multiplying the problems that it should be helping the public water supply industry to face. Although today's water supply technology is adequate to handle the known contaminants of today, it is important that research into the nature of new contaminants be done now if we are to have time to develop the technology and train the technologists to handle them when they begin to become significant to the production of high quality drinking water.

For this reason, the association looks with hope at the proposal to move the Bureau of Water Hygiene into the new Environmental Protection Agency. Although a \$2 million bureau may not loom very large in a \$1.1 billion agency, it should be an improvement over a \$2 million bureau in a \$50 billion department. And it is our hope that an agency concerned solely with the environment will better recognize the high priority that water for people deserves.

Our concern over the change has to do with the danger of having water supply matters completely submerged in the overriding concern with pollution control, for certainly a more efficient pollution control effort rather than better water for people is the major thrust of the reorganization. Recognizing this, the association's board of directors has filed with the President and the Council on Environmental Quality this resolution:

"The American Water Works Association urges that the new Environmental Protection Agency include a separate, identifiable, public water supply function with a budget adequate to provide leadership and assistance in research and training to meet the new and complex problems facing the water utility industry."

The association appreciates the fact that these details of structure within the Environmental Protection Agency are not the direct concern of your committee. Nevertheless, it feels that the record should show that the water supply industry views this change with both hope and trepidation—hope that the importance of its problems will be recognized, trepidation that what little Federal water supply program is left will be channeled into and lost in the pollution control effort.

In making its plea for a greatly augmented water supply program, the association does want to point out that it urges this augmentation only in the fields of research and training. The industry has a history of self-sufficiency in the matter of building and operation of its facilities. But because the industry is essentially

a small-melt operation, with 85 percent of its 23,000 utilities serving fewer than 5,000 population. It is not able to perform for itself the basic research and training that are required now to meet the problems that will be facing it in the future.

The public water supply industry expects to deliver 50 billion gallons of water per day by the year 1960, twice the volume provided today. It further expects that this water will be of even better quality than today's. Although it expects that great progress will be made in stream pollution control over this period, the industry expects, too, that new contaminants will, nevertheless, reach our sources of drinking water and that research and training efforts must grow now if we are to deal effectively with them. The association reiterates, therefore, the urgency of maintaining the separate identity of the public water supply program in the establishment of the Environmental Protection Agency, and of providing that program with greatly increased resources for research, training, and technical assistance.

The association will be anxious to cooperate with the Environmental Protection Agency in developing a water supply organization capable of giving the industry the assistance it needs in protecting the quality of the Nation's drinking water.

AMERICAN WATER WORKS ASSOCIATION,

New York, N.Y., July 23, 1970.

The President

The White House,
Washington, D.C.

Sir: I am writing as The American Water Works Association, a scientific and educational society representing the 23,000 water utilities that serve 170 million Americans with safe drinking water, is deeply interested in your proposed reorganization plan to establish an Environmental Protection Agency. The association is particularly concerned with the fate of the public water supply program that EPA will acquire through the transfer of the Bureau of Water Hygiene from the Department of Health, Education, and Welfare. In expressing this concern, the association's board of directors has already filed the following resolution with your Council on Environmental Protection:

"The American Water Works Association urges that the new Environmental Protection Agency include a separate, identifiable public water supply function with budget adequate to provide leadership and assistance in research and training to meet the new and complex problems facing the water utility industry."

The association believes that it is highly important that the new Administrator of EPA understand the difference between the problems of public water supply and those of stream pollution and recognize the need to attack these problems separately. It believes, too, that only an administrator who is uncommitted and objective as far as the conservationist—water user confrontation is concerned, one who is experienced in local, State, and Federal Government operations, and one who is capable of understanding and dealing with the many technical disciplines involved will be able to handle this assignment to the maximum benefit of the Nation.

These qualifications, the association feels, will help to assure that the Federal public water supply program will no longer be confused with nor overwhelmed by the pollution control effort, that balanced rather than restricted development of water resources will be fostered, and that the views of local, regional, and State agencies responsible for operating public water supply facilities will be given their proper priority.

In recent years, budgetary support of the Federal Government's public water supply program has declined steadily at a time when burgeoning population, urbanization, and pollution have been tremendously increasing the problems to be faced. So today, the Public Health Service, which once was looked to for leadership in research, technology, and training in the field, is almost extinct as far as its service to the public, through water utilities, is concerned.

It is on this basis that the association urges your appointment of an EPA Administrator who not only recognizes the need for a separate water supply function, but recognizes the importance of a greatly expanded water supply training, research, and technical assistance effort within that function.

The association is anxious to cooperate in any way that it can toward the cause of providing better water for Americans.

Sincerely yours,

ERIC F. JOHNSON,
Executive Director.

Mr. ROSENTHAL. Our next witness is Mr. Charles H. Callison, executive vice president of the National Audubon Society.

STATEMENT OF CHARLES H. CALLISON, EXECUTIVE VICE PRESIDENT, NATIONAL AUDUBON SOCIETY, NEW YORK, N.Y.

Mr. CALLISON. Mr. Chairman, my name is Charles Callison. The National Audubon Society enthusiastically supports Reorganization Plan No. 3 submitted to the Congress by the President on July 9 and proposing the consolidation of a number of pollution control bureaus and functions into a new independent agency, the Environmental Protection Agency.

In our view, the EPA plan offers two compelling advantages. First, it will coordinate defense of the environment, recognizing the ecological principle that the land, the water, and the atmosphere are not separable but parts of the whole, and that all things in nature, including man, are inescapably related. It recognizes that air pollution control, water pollution control, and solid waste management must be coordinated because any industrial processes produce all three kinds of environmental degradation.

Secondly, pollution control and regulatory agencies within EPA will be freed of certain restraints that inhibit them now from the kind of vigorous and free-swinging action that is urgently needed to avert and reverse the environmental crisis that threatens to engulf us. Secretary of the Interior Walter J. Hickel is a forceful leader for water quality, as was Secretary Stewart L. Udall before him. Nevertheless, the Federal Water Quality Administration now has to compete with all the other bureaus in the Department of the Interior for the Secretary's decisionmaking time; and in Interior, pollution-control policies that start out sharp sometimes become blunted from collisions with such development-minded giants as the Bureau of Reclamation and Bureau of Mines.

Similarly, pesticides registration and regulations can never really protect the health and welfare of the whole public while subservient to the more-bushels-per-acre mission of the Department of Agriculture.

Political scientist and author Theodore H. White has recently likened the proposal to the bold reforms which, in the early days of the Franklin Roosevelt administration, established a whole new panoply of crusading emergency agencies to reorganize a moribund national economy.

This appeared in Life magazine on June 26, and I am sure members of the subcommittee saw it. American Government has a genius for creating such agencies when faced with a national crisis. White noted, but he cautioned that their vitality depends upon "their connection with the politics and forward thinking of their times."

In other words, EPA will succeed only if the public supports it; if the President gives it a strong chief and a free hand; and if Congress provides the necessary laws and appropriations. The National Audubon Society urges this committee to give the plan its approval. We pledge our best in helping provide the public support.

I thank you, Mr. Chairman, and the chances are that someone else

has submitted this Life article by Theodore H. White for the record. But if not, I would like to present it to the committee for this purpose, and also an editorial that appeared in the New York Times entitled "Plan for the Environment" from the July 12 issue of the Times.

Mr. ROSENTHAL. Is that the same editorial that raised some question about plan No. 4?

Mr. CALLISON. Yes; it did raise some questions about plan No. 4.

Mr. ROSENTHAL. How do you feel about plan No. 4?

Mr. CALLISON. I think there are some questions that need to be raised about plan No. 4. We are not prepared today to testify on that.

Mr. ROSENTHAL. Thank you very much. We are very grateful for your testimony.

Mr. CALLISON. Thank you.

(The magazine and newspaper articles referred to follow:)

[From the New York Times, July 12, 1970]

PLAN FOR THE ENVIRONMENT

President Nixon's proposed reorganization of environmental agencies is a statesmanlike move which could prove to be almost as historic in its own way as the great alphabetical upheavals of the early Roosevelt administration.

Basically the President's plan rests on two concepts. One, long nurtured by conservationists of all shades, is that no agency entrusted with promoting the development of an area's natural resources—minerals, seafood, water power—should be entrusted at the same time with protecting the environment against the consequences of that development. The two objectives often conflict, and it is almost invariably the organized exploiters who win, the unorganized public that loses.

The second concept of the plan is that problems posing current environmental dangers, calling for quick solution or mitigation—air pollution from automobiles, the pumping of raw waste into streams—are the province of one type of agency; while those long-range problems, calling for study and research—the impact of modern society on the plankton of the seas, the cumulative effect of chemical discharges on the earth's climate—require different treatment.

The President's approach would take into account the first of these broad principles by assigning to a new Environmental Protection Agency those functions that old-line Cabinet departments and independent commissions have largely failed to perform because of their concentration on stimulating production or aiding particular groups in the population.

Agriculture and the Food and Drug Administration would yield to the new agency their often reluctant and ineffective control over pesticides. The Atomic Energy Commission, bent on producing energy, would lose its authority to set radiation standards. Aspects of water-pollution control would be brought together from Interior and the Department of Health, Education, and Welfare, which would likewise lose its function in the field of air pollution.

The second of the two principles would be satisfied by creation of a National Oceanic and Atmospheric Administration. This agency, with an eye on the distant future, would draw its components from old-line agencies where they now exist, for the most part as disconnected bits and pieces of government. But it will be incorporated, unfortunately, in the unimaginative Department of Commerce.

Inevitably the plan will draw criticism—subdued and unofficial in the departments whose empires will be reduced; loud and on the record in Congress, where so great a reorganization is bound to affect those committee chairmen whose power derives from the hold they have on particular departments and agencies. Conservationists in good standing will have questions of their own: why should the Army Corps of Engineers retain any say in the matter of industrial discharges into navigable waters, for example? And why should aircraft noise levels be left to the Department of Transportation, which is sold on the SST?

Everyone can play the game—but it can hardly be helpful. The President's plan offers a major advance in drawing together a great many of the scattered

concerns of some 84 Government departments, bureaus, administrations, councils and the like. If nothing else, it would break up the bureaucratic pattern of all too many entrenched, encrusted agencies—some clashing, some overlapping, some moribund.

Congress has 60 days in which to veto the reorganization or let it take place. Along with millions of others, we will watch hopefully for the triumph of imagination over the politics of special interest.

[From Life magazine, June 26, 1970]

THE NIXON ADMINISTRATION HAS DRAWN UP ITS PLAN TO UNTANGLE THE ENVIRONMENTAL JUNGLE—BUT THERE ARE PROBLEMS—HOW DO WE GET FROM HERE TO THERE?

(By Theodore H. White)

(Out of today's mess, on the wings of new Federal agencies, the Government hopes to bring us a future where environmental problems can be not only anticipated but controlled)

In the dream, it works something like this: The huge hall of environment control is lit from above. Operators below press controls and the translucent dome glows with jet streams slashing the upper atmosphere, shaping the world's weather. Other controls are pressed and the glow changes color. Now it illuminates the middle atmosphere over America, showing regional smog-bearing inversions that may lock over cities within hours. In and out of walls glide panels on which river basins shine with flood-crest warnings or change hue to show rise-and-fall of pollution. Central energy control occupies an adjoining hall where lights wink on a giant map as gas, coal, water power and nuclear fission pour their energy into the national electricity grid, swinging from midnight lull to morning peak. At planning sessions energy control's panels slide back to show the same grid 5, 10 or 20 years hence, marking future power plants designed for maximum efficiency and safety. Nearby, in the Surveillance Center of Environmental Health Services, pesticides, oxides, nitrates, adulterants, all 30,000 chemicals used by industry or everyday life are indexed, cross-referenced, computerized for interactions and contaminations. Over in the Office of Land Use maps show America today and America in 1980, 1990, 2000—open spaces preserved in a system of planned new cities, new industries, new transport nets and free shorelines that must hold the 100 million Americans to be added in the next generation. * * *

In Washington today men who nurse such dreams believe that some day this ultimate National Center for Environment Control will be larger than the Pentagon. The Pentagon protects America from foreign enemies; Environment Control must protect America from Americans, which is more difficult.

But between dream and reality falls politics. No one in Washington opposes the dream—it is only that no one agrees on how to get there from here. For over a year congressmen and senators, clubwomen and fishermen, flower-children and commuters, students and professors, editorialists and TV commentators have joined to make environment the No. 1 issue on the political fashion parade. The last defenders of smog, sewage, smoke, pollution and noise have hushed. All that remains is for someone to give government to the movement—which is most difficult of all.

"Gouverner," say the French, "c'est choisir"—to govern is to choose. And what Richard Nixon has chosen in the past 2 months out of the cascade of papers, reports and options before him are the emergency first steps in a master plan for the American environment. What he is about to offer the Nation for debate is a program which will raise hard questions: Which committees of Congress must be outraged, which departments of government ripped apart, how much of the political debris of the past is to be discarded immediately? What traditional liberties of initiative and enterprise must be given up to preserve the bare liberty of life for the Americans of tomorrow?

There come rare moments in a President's term when politics and history coincide. For Nixon, in midpassage of his troubled presidency, such a moment is now. Politically, the last issue of fashion on which he still holds people's feet

gress and media with him lies in the great environment crusade. Historically, he must seize this moment before it goes the way of the cause of the cities, the crusade for civil rights, the war on poverty. For if he does not make the most of this crest of concern for America's ravaged environment, then time and space may have closed over the Nation for good before the next wave comes.

Time and space had been shrinking for almost 3 centuries before the first ripple of concern began to make a wave in American politics. "Conservation" was the phrase that Theodore Roosevelt used to call American attention to the new condition. In 1890, the census had declared America was entirely settled, it no longer had a frontier. Thus, on coming to the Presidency in 1901, Roosevelt brought politics to bear to preserve for tomorrow the wilderness wonders he had known in his youth. He would preserve, "conserve" it all—unspoiled skies, clear streams, the wildlife resources that were vanishing, from pigeon to buffalo. To this day the Department of the Interior, Roosevelt's chosen agency for the job, bears as its emblem the buffalo.

It was more than saving buffaloes that stirred the next wave of concern a generation later—it was man's own plight. When Franklin Roosevelt became President, the winds of the mid-1930s were scouring the dust bowl, while the Mississippi valley, stripped of trees and sod, was flooding uncontrollably. Tree-belt windbreaks, Soil Conservation Service, TVA and CCC all followed in response—to be interrupted by war.

Then, with the war over, the cause of environment was stilled for another generation, and, in a spasm of unplanned growth, Americans added half as much again to their population, and as much new production to what they already had as total Russian and German production combined. As automobiles tripled in number, a cocoon of poison fumes began to shimmer over new highways. Cities draped their towers in acid shawls of smog, lakes bobbed with organic sewage and plastic refuse, blue-claw crabs were vanishing from the coasts of the Chesapeake to the Great South Bay, scientists packaged chemicals in foods and poisons in spray cans. And the two natural containers of the environment, the air and the water, finally vomited back on Americans the filth they could no longer absorb. Man, said some concerned observers, was beginning to emulate the gorilla, an animal which defecates in its own sleeping place; but such people were dismissed as kooks.

"When we came in, in 1960," says Stewart Udall, former Secretary of the Interior and the leading environmentalist of the Kennedy-Johnson Cabinet, "not a single new national park had been set aside since 1947, and all but 5 percent of the country's free coastline was shut off. The Eisenhower administration," continues Udall, "had thought pollution was a local matter. So we'd all sat there like spectators and watched Los Angeles wrestling with smog—it was their problem. I came in as a classic conservationist—you know, preservation of nature and seashores, of birdlife and wildlife, of endangered species. Then gradually it came over me that man himself was an endangered species, that we were part of the same chain of life as the birds. Only in the last 3 years I was in office did I see it as a whole piece. We'd erred in thinking environment was simply a matter of managing natural resources. What had to be managed was man himself. We had to have a concept that considers man as the significant focus. We brought the country to an awareness of the problem: Nixon's job is to give it management."

A JUMBLE OF LOBBIES AND FEUDS

In his first week in office Richard Nixon talked of a new environmental agency he planned to set up to "think about the lakes, the mountains, the seas." A small-town boy, he had seen Southern California overrun and fouled by people, industry, cities. Now, he insisted, he would come to grips with the problem.

But whenever any President tries to grip a problem, he must come to grips first with the stubborn instruments of the Government he inherits. Trying to find an overview of this problem, Nixon first deputized White House Aide John Whitaker, a geologist, to come up with an environmental program by early fall. But Whitaker could find general answers nowhere. "I finally had to call up every Cabinet officer," says Whitaker, "and ask them to detach one young man from their office to work with me as a task force to get any kind of picture of what was going on." By fall Nixon had instructed the Ash Council on Government Reorganization to unravel the tangle of overlapping, contradictory agencies and bureaus dealing with environmental action—and the Ash Council came up with

a list of 41 major agencies in five major departments inextricably denuded in something called the environmental game. In a few more months the Library of Congress, consulting its indexes, expanded that list to 84 bureaus. And by fall, as politicians rushed to join the environment crusade of 1969, as students clamored for answers, it was quite obvious that there were no simple answers for their two great questions: Why don't they do something about the environment? How did we get in such a mess?

To answer such questions, investigators would have required a three-dimensional chart, with at least seven different kinds of colored ribbons and a stereoscopic viewer to make clear even the simpler relationships of the players in the environmental game. Beyond this, there was the tangle of lobbies, committees, pressure groups, ambitions and bureaucratic feuds which had to be sorted before one could begin to see the mess clearly.

Almost each of the 80-odd agencies which shared management of the American environment had a history of its own, crusted over with an entrenched lobby, an entrenched congressional committee, an entrenched bureaucracy, each ferociously defending its own prerogatives. Such bureaus had been born variously of a national crisis, a public outrage, a scientist's insight or a President's dream—but all reflected that hoary first principle of American government: when something itches, scratch it.

Some of the scratch marks were over a century old: the Coast and Geodetic Survey dated back to Thomas Jefferson, the Coast Guard to Alexander Hamilton. Each successive wave of concern had left behind, like flotsam on a beach, a tidemark of new bureaus or expanded older bureaus. The Department of Interior, Theodore Roosevelt's favorite tool, clustered the Geological Survey, the Bureau of Land Management, the Bureau of Mines, Fisheries, Reclamation and still others. To the Department of Agriculture, with all its traditional bureaus, Franklin D. Roosevelt had added Soil Conservation, Rural Electrification Administration and others. Eisenhower had set up the Department of Health, Education, and Welfare. It now held the Public Health Service, the National Institutes of Health, Bureau of Radiological Health, Occupational Safety, others. The Department of Army controlled the Corps of Engineers. Beyond, freewheeling on their own, were, among others, TVA, the Atomic Energy Commission, the Interstate Commerce Commission, the Federal Power Commission, the Federal Communications Commission.

On top of all these were even newer bureaus. It had been Congress, rather than the press or the Executive, that had first rung the alarm in the 1930's. A trio of outstanding senators—Muskie, Jackson, Nelson—had lobbed the environment ball at the White House and the White House had reacted. Chief among the newer agencies were the Air Pollution Control Administration (located in HEW), and the Water Quality Administration (located in Interior). A perhaps apocryphal story illustrates how the pattern was shaped. Lyndon Johnson, so the story runs, had tried to reach Stewart Udall on the telephone to talk about a water-pollution problem. Udall doesn't control water, he was told. "Well, he should," said Johnson after a moment's reflection. "Get water transferred to Stu."

Even while Richard Nixon, all through 1969 and early 1970, tried to make sense of the apparatus he was trying to grip, it grew more complicated. As the environmental crusade accelerated, politicians wildly tried to stay abreast. Congress, for example, told the Department of Health, Education, and Welfare to protect everyday life from the radiation of TV sets, microwave ovens, or X-rays—but then it neglected to appropriate money for the task. Environment was a Klondike of gilt-edged, risk-free political issues, and any legislator could score by tacking his name on a bill. At one point, at the end of 1969, an official of the Office of Economic Opportunity telephoned a White House staffer to ask, "Can we get more money for our budget if we prove poverty causes pollution?"

Without clear direction from the top the bureaucracies clashed as they had for years, only more so. The National Park Service (Interior) feuded with the Forest Service (Agriculture). The latter's job was to serve timber and grazing interests while the former sought to keep forests inviolate as nature created them. Health experts at HEW were convinced that hard pesticides like DDT were dangerous not only to birds and fish but also to man. Experts of the Department of Agriculture, however, spoke for the interests of farmers to whom pesticides promised high crop yields. A dam the Federal Power Commission might approve

was, in the eyes of the Fish and Wildlife Service, an atrocity. Federal agencies clashed not only in Washington with each other, but with mayors, governors, city planners.

"THERE'S PLAIN GOLD IN GARBAGE"

Where agencies did not clash they overlapped or worse, underlapped. "You can't say all problems fell between two stools," said an investigator of the Ash Council. "Some fell between six stools." Rats, for example, are a menace to slum dwellers in congested cities. Everyone hates rats, including the United States Government. But trying to locate command of the Federal rodent control program is as difficult as locating COSVN in Cambodia. The war on rats involves Interior (Fish and Wildlife Service), Agriculture (Agricultural Research), Health, Education, and Welfare (NIMH and FDA), the White House (Office of Economic Opportunity) and, at last count, no less than six other agencies.

Other larger problems fell nowhere. As early as 1950, Government scientists knew Lake Erie was dying. Yet no one was responsible—not the fringe of cities from Toledo through Cleveland to Buffalo which dumped sewage in the water, not the steel industries which poured in acid pollution, not the farmers whose manures and high-nitrate fertilizers drained off into streams that, ultimately, eutrophied the lake. So Lake Erie died because, for 20 years, while all watched and mourned, no controlling branch of government was responsible for averting tragedy.

A traditional Government bureau, charged with a specific problem, might attack it with good will and then find itself trapped in the revolving doors of administration. The Bureau of Mines is usually cartooned as the tool of the "interests" in actual fact it swings from decade to decade in response to pressure, with no philosophical guidance whatsoever. BuMines was born in 1936 in response to public horror: almost 3,000 miners a year were being killed by a brutal industry, and the bureau was created, initially, to protect them. In World War II, however, as mineral after mineral after mineral became critically short, BuMines became a prospecting agency to find uranium, molybdenum, copper, nickel. After the war, with a glut of minerals, the bureau became an official marketing agent for the mining interests seeking new outlets and uses for surplus metal. In the past 3 years Congress has plunged it into the environment game to become involved in smoke control, pollution of mountain streams by strip mines in Appalachia, junk automobile disposal and garbage recycling. But each of these adventures tangles the bureau with many other players. In Madison, Wis., for example, the bureau jointly operates with the Forest Service and HEW an experimental garbage disposal plant. The three agencies are trying to separate refuse: paper (a forest product), from organic garbage (a health and rodent threat), from scrap metals (which the bureau sees as treasure trove). Bureau specialists feel cities can make an actual profit out of refuse disposal. "There's just plain gold in this garbage business," said one specialist. "Gold from lost jewelry, silver by the ton from photographic products, metallic iron and aluminum. Even tin cans are useful; we need them for copper processing." But, he continued, even three agencies cooperating are not enough. The real problem of garbage recycling begins with picking it up in city streets, and that is the responsibility of HUD and HEW—who do not want it. "We'd take it gladly, if someone told us to," he continued.

Until this summer, therefore, despite all public, philosophical and political outcry, there has been no one overall managerial plan in America's much-touted effort to pass on a livable environment to her children.

What is about to happen now is a first step in that direction.

"You have to take it step by step," says a White House aide, "and you have to balance the dangers. If we don't do something *now*, the country is going to hell. And if you try to do too much all at once, the whole apparatus could break down. We could make a super-super Department of Environment and Natural Resources, but that would have to absorb Agriculture and Interior, as well as HEW, HUD and DOT. It would wind up as the 'department-of-practically-everything.' Then there's politics—not only what Congress and the committees will stand for, but the reaction of business and farming and scientific interest groups. Everyone thinks he can get hurt, or at least squeezed, in a reorganization. So we're doing the maximum we think we can manage, or get away with without throwing Congress into convulsion."

Thus, the first step on the White House drawing boards, after 9 months of study, is a new master body tentatively called the Environmental Protection Authority, or EPA. Here will be gathered water control and air control, solid wastes, pesticides, radiation hazards, all torn from present departments or congressional committees and united as a national environmental police force. "You can't separate these agencies," said Amory Bradford, former general manager of the *New York Times*, who formulated the first recommendations for the Ash Council. "They have to function together. We found that if Air Pollution Control tells a powerplant to get fly-ash out of the air, the plant dumps fly-ash in the water; and if Water Quality Control tells it to get the fly-ash out of the water, the plant collects it and makes it a solid waste problem." How effective the new agency will be depends on its chief, for whom a quiet search has begun. The new chief, who will report to the President directly, would have almost dictatorial powers to set continental standards and regulations, vertically and horizontally, conduct common research, bring industries and cities to trial. A weakling could make the new agency another reshuffle of paper boxes; an overbearing chief could aggravate to shock the normal trauma of political surgery.

Bolder in imagination is NOAA, National Oceanic and Atmospheric Agency, which will be set up simultaneously with EPA. Under NOAA's roof, in the Department of Commerce, will be gathered the master sciences to explore the entire fluid envelope of the globe, the throbbing, interacting drive wheels of energy in ocean and atmosphere, which charge and recharge the fundamental batteries of life for all organisms, from plankton and pupae to man and mountain goat. Ripped away from the Navy would be its Oceanographic Data and Instrument Centers; from Interior its marine mining, commercial fisheries and anadromous fish; from the Army's Corps of Engineers its Great Lakes survey; from the National Science Foundation its sea-grant program of research. These would be joined to Commerce's ESSA (Environmental Science Services Administration) which already clusters the U.S. Weather Bureau, the Coast and Geodetic Survey, and radio propagation labs. The surveillance of NOAA's scientists would run from the Interior Great Lakes, through the vast Continental Shelves with their minerals and oil, probably as far as Antarctica.

The first of the new master bodies, the Environmental Protection Authority, would monitor and regulate man's everyday life within the thin membrane of activity scratched by our smokestacks and smirched by our leavings. The second, NOAA, would monitor the global container, the entire hollow of sky and inelastic surface of earth which holds us all from outer space to ocean depths. It would try to learn how man's pollution has already harmed the oceans and affected its life down to bottom ooze, or affected its atmosphere up to the emptiness where NASA and the astronauts take over. EPA would tell men how they must live within the weather and climate; NOAA's function would be to explore, to predict long range and short range, what is happening to that environment—and then go on to actually try to change that climate and its weather.

Already in place on the administration's master plan is, of course, a third body, the Council on Environmental Quality. Up to now the understaffed, six-month-old Council has been a fire brigade, rushed in to pass judgment on a project like the cross-Florida canal, or invited to give quick opinion on the noise effects of the supersonic plane. In the new thinking the Council would be the President's eyes and ears for his entire government. Every department and bureau of Government—Defense and Transportation, Agriculture, Interior, Housing and Urban Development, and all the others—would have to send their plans to the Council to be cleared for environmental impact as they now send such plans to the Budget for clearance on costs.

Beyond these three organs are yet other fancies, not yet programed on paper: a suggestion that America have a National Energy Council which would absorb the Atomic Energy Commission, the Federal Power Commission, and other agencies dealing with total energy needs; a suggestion that America have a National Land Use Board which would absorb the Army's Corps of Engineers, the Forest Service, the National Parks and all others who plan or regulate the use of land for parks, industries, towns, or expansion. There is, finally, a suggestion from the Ash Council—rejected for the moment by the White House—that all such resource-oriented agencies be combined for long-range planning in a new Department of Natural Resources. Thus, on the far horizon, would be a system where four major voices replace the present cacophony of 84 bureaus.

For the moment, however, it appears that the administration will be content if it can master the managerial and political questions its immediate proposals raise. How, for example, can one be sure that one is breaking off "the bureaucratic joints" along the proper cleavage line: Will the farm lobby let all pesticide control be transferred from the friendly Department of Agriculture to the austere new EPA? Can one satisfy the sports fisherman by leaving trout under Fish and Wildlife in Interior and giving all other fish to NOAA? Or another set of questions: How can one find or train the proper people to staff even present schemes? By 1974, we will need 28,000 air-quality analysts to man planned controls, and today we count only 2,700. Money can be found for training, but training cannot be speeded. "We can get money," says John Ehrlichman, Nixon's chief domestic counselor, "but making the money useful is like squeezing bread through a keyhole."

NIXON WANTS TO BITE THE NAIL NOW

Beyond, rise questions of law and philosophy: Should the Department of Justice create a new division, like its present Anti-Trust Division, to prosecute environmental offenders brought to court by the EPA? Or do we need an entirely new system of courts, like the tax court of the Internal Revenue Service, specializing in the jurisprudence of environment? Or in the name of the safety of a larger mass of citizens, an entirely new philosophy of law, curtailing men's right to move, build, discard as they will.

No one, not even the architects of the present planning, are satisfied with what they must present and debate in the next few months. "In the business of government," says Murray Comarow of the Ash Council, "any movement from hideous to bad is progress, from hideous to fair is spectacular. Some of the ideas we've served up could move things from hideous to somewhere between bad and fair." John Whitaker, the President's man on environment, puts it more bluntly: "We could sit here for 3 more years and still not come up with a perfect plan. But the job of government is to act. This is our chance to line up the silent majority and the underprivileged on the same side. Nixon wants to bite on the nail now. Politically, this is the time to go."

This administration is faced with the most difficult problem of domestic government since the New Deal reorganized the economy 40 years ago. No one then could tell what might happen as the bureaucratic gamesmen of that time doodled boxes on paper, drew lines between them, talked trade-offs, lopped off agencies and added bureaus in a contraption no one was ever quite sure would work. What was at stake was too important for simple administrative patterns to solve: It depended on the politics and spirit with which Franklin Roosevelt could infuse a revolution.

Since then, Americans have seen some great patterns of government thrive and others wither, their vitality dependent always on their connection with the politics and forward thinking of the times. Many once powerful regulatory agencies of government have been strangled by the simple technical narrowness of their thinking. Divorced from the wellsprings of science or public philosophy, they have become anachronisms or become prisoners of interests they were supposed to control.

Emergency agencies, however, masterpieces of American administrative genius, have flourished. Over and over again, when faced with a national crisis, American government has been able to spawn single-purpose agencies which override all bureaucratic entrapments. The Marshall Plan, which revived Europe, was one such agency; NASA, which reached the moon in its allotted decade, was another; the Atomic Energy Commission was a third spectacular of this genre. But such crisis agencies operate best over a limited time span, reaching a peak of brilliance when the best civilian talent of the nation is recruited by the urgency. Then they fade as the best men depart, and urgency degenerates into housekeeping.

Now, American politics must entertain Richard Nixon's first major original approach to government in an adventure that must combine both emergency action and long-range housekeeping. Promising to decentralize Washington and return power to local government, he will now propose a system that will enlarge the authority of the Federal Government even more than did Roosevelt's New Deal. Over the long run, if this new system is to be effective, it must control not only General Motors, but the local garagemen who spill crankcase oil in sewers. It must control not only oceangoing tankers and offshore drilling, but beach buggies that ravage sand dunes and pleasure boats that flush toilets in lakes.

The echoes in the White House give one the sense of a politically buffeted President, gingerly but stubbornly balancing inevitable political controversy

against options that define real needs. One senses a firming of presidential thinking—his recognition of the inescapable need to impose absolute national standards of control so that no industry can escape its costs by shifting plants and jobs from stern States to lenient States. One senses a groping as he attempts to strike a balance between the zero-limit fanatics on the one hand, those who advocate zero radiation, zero smog, zero pollution, zero population increase in a static future America and, on the other hand, what remains valid in the robust older tradition of growth. There is also the increasing echo of his favorite, personal idea, the new cities program. "You have to see Nixon," said one of his closest aides, "as a man who knows that villages like Whitflier, where he grew up, are dead. And as a man who lived in New York for 5 years, traveling between Wall Street and Fifth Avenue in his limousine, and not liking what he saw. Somewhere in between he has this dream of spreading America out and planting it with entirely new medium-sized cities, not suburbs but planned cities. But that gets you to a national land-use policy, which is a whole other can of worms."

No cool rearrangement of bureaucratic boxes on paper will solve the problem by itself: only a presidential presence and sense of direction can translate today's concern into tomorrow's reality. The game being played is being played on a world scene: in Europe, in Asia, in Russia, men wrestle with the same problem of man's growth in limited space. What must emerge in the next few weeks is not only the first large glimpse of this President's feeling for the Nation's future, but also his resiliency in offering the world a style of American leadership it has forgotten.

MR. ROSENTHAL. Our next witness is Mr. Parke C. Brinkley, president of the National Agricultural Chemicals Association.

Mr. Brinkley, you have a well thought-out statement. I wonder if we, with your permission, could insert the complete statement in the record and perhaps you could pick up a few points that you think are highly significant and new, and also at the same time introduce your colleagues.

STATEMENT OF PARKE C. BRINKLEY, PRESIDENT, NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION; ACCOMPANIED BY ROBERT L. ACKERLY OF SELLERS, CONNER & CUNEO, WASHINGTON, D.C.; DR. C. BOYD SHAFFER, AMERICAN CYANAMID COMPANY; DR. E. M. SWISHER; AND DR. DONALD A. SPENCER

MR. BRINKLEY. Yes, Mr. Chairman, that would be entirely satisfactory with us. We do appreciate the opportunity of being here.

I have with me on my right Mr. Robert L. Ackerly of the law firm of Sellers, Conner & Cuneo of this city; on his right, Dr. C. Boyd Shaffer of the American Cyanamid Co.; on my immediate right, Dr. E. M. Swisher of Rhom & Haas Co.; and on my far left, Dr. Donald A. Spencer, Consulting Ecologist to our association.

We are pleased to be here this morning. We have presented in our statement our position at the moment and we endeavored to get this into your hands prior to today that you might have an opportunity to see it, if you so desire.

Maybe the best thing to do is to see if you have any questions on it.

MR. ROSENTHAL. Well, I am just trying to read the statement pretty quickly. I think it would be good to have it in the record if and when the plan comes up on the floor.

MR. BRINKLEY. We have no position on Plan No. 4, Mr. Chairman; our interest lies in Plan 3. We do think that—well, our thinking has changed, as we have indicated here. At first we did oppose the plan

and after thinking about it a great deal, discussing it a great deal, we have accepted the plan because we think that it does have advantages to offer to the public in general and we think it has advantages to offer to the industry that we represent.

Mr. ROSENTHAL. Originally, you had opposition to the plan and then at some point you asked that all pesticide functions be put into one division, and I am told under the proposed table of organization that is going to happen that way.

Mr. BRINKLEY. That is fine.

Mr. ROSENTHAL. So now you are not opposed to the plan?

Mr. BRINKLEY. That is right.

Mr. ROSENTHAL. In other words, you had some success with the efforts you made in structuring a new environmental protection agency.

Mr. BRINKLEY. We had some success, I guess, in our own minds in thinking it out and talking it out. I know of no effect we had on the structuring of the agency.

Mr. ROSENTHAL. Originally did they have all the pesticides within one division in EPA?

Mr. BRINKLEY. To the best of my knowledge and belief, yes, sir.

Mr. ROSENTHAL. What changed your initial opposition to the plan?

Mr. BRINKLEY. We originally objected to the thought of taking a single commodity such as pesticides and putting it into this new agency which was designed entirely to—or designed primarily, I should say—for the control of pollution. Our reaction was that pesticides were being considered strictly as pollutants of the environment rather than as an antipollutant force as well.

We think pesticides contribute a great deal more to cleaning the environment than they do to polluting the environment.

Mr. ROSENTHAL. There are some people who have a different view, I suspect.

Mr. BRINKLEY. I suspect so.

Mr. ROSENTHAL. I knew you were familiar—because I remember we met 6 or 8 years ago on the Agricultural Committee, and the enthusiasm at that time was about the same degree of support that we have now.

Mr. BRINKLEY. I am sorry. I did not understand that.

Mr. ROSENTHAL. It is not worth repeating.

Mr. BRINKLEY. I thought we had very good discussions at that time and, as you will remember, we supported the bill.

Mr. ROSENTHAL. Yes, I remember that well.

Let me be candid with you. You know, you read the papers and that is why you are here in platoon formation. You know the charge is made that pesticides are not all they are cracked up to be. The witness who represented the Audubon Society had a very good quote in his statement. He said that similarly, pesticide regulations can never really protect the health and welfare of the whole public while subservient to the more agricultural concept of bushels per acre.

In other words, maybe the negative value outweighed the positive value. Is there some truth to that contention?

Mr. BRINKLEY. There is truth to a contention that pesticides have both benefits and risk. This is the thing that I guess gave us some concern, that they were being put in an environmental pollution con-

trol group and we had the feeling that being put there, emphasis was being put on the risk rather than the benefits. We wanted to be real sure that it would be put on both the benefits and the risks and that they be weighed together.

Mr. ROSENTHAL. Did you get that assurance?

Mr. BRINKLEY. In our own mind, yes.

Mr. ROSENTHAL. Did anybody in the administration give you that assurance?

Mr. BRINKLEY. No.

Mr. ROSENTHAL. The point I was trying to make is: What is the industry doing? If there is some question of risk-benefit, what is the industry doing voluntarily to correct the risks or to eliminate them?

Mr. BRINKLEY. We are doing a great deal. As you know so well, we have to do a great deal of research and testing on a product before it is ever put on the market. It takes a longer period of time, you know, an average, according to a survey that was made last year, of 60 months. In many instances it runs considerably longer than that. An expenditure averaging about \$4 million to bring out a new product, and again the many—there are many instances in which the costs exceed this by a great deal.

Mr. ROSENTHAL. What is the annual cross volume of the industry?

Mr. BRINKLEY. I would guess \$8 or \$900 million at the manufacturing level. We put about 10 percent of that back into research which is one of the highest research-gross sale ratios of any industry.

Mr. ROSENTHAL. Are there three or four large companies that make up the industry like Gulf or Shell?

Mr. BRINKLEY. No, sir; it is not dominated by any one company. They are part of the industry. Our association has a membership of approximately 140 at the present time, all of which are not manufacturers of basic materials. There are probably 40 or so manufacturers of basic materials.

Mr. ROSENTHAL. Is it true that about four or five companies produce 40 or 50 percent of the gross volume?

Mr. BRINKLEY. No, sir; I do not believe that is right. I am really not that sure. There is no feeling in the industry that any one or three or four companies dominate the industry.

Mr. ROSENTHAL. I see in the pesticide division of EPA a transfer of people from USDA and HEW. Do you have any notion about how many people will be transferred from HEW or USDA?

Mr. BRINKLEY. I do not have the number; no, sir. They are planning to transfer in total the pesticide regulation division from the Department of Agriculture and transferring in total the pesticide tolerance setting provisions of the Food and Drug Administration.

Mr. ROSENTHAL. According to the proposal submitted by the administration, 272 people are being transferred from FDA and 435 from the Agricultural Research Service.

Mr. BRINKLEY. Yes, sir.

Mr. ROSENTHAL. I notice in the Interior Department they are transferring nine people from Label Review and 20 from the Gulf Breeze Laboratory. Do you think you will be able to live with this new agency?

Mr. BRINKLEY. We certainly hope so. If we don't, the food supply and the public health of this country is going to be in trouble.

Mr. ROSENTHAL. I would imagine my own guess is that your organization will be kept a little busier.

Mr. BRINKLEY. It will have to get larger, then, sir. We are fully utilized at the moment.

Mr. ROSENTHAL. You know seriously the climate has changed in this country; 20 years ago we were willing to accept pesticides because we felt there was a need to increase the food and fiber production. But the climate of the country is changed; people are as much interested in preserving the environment of this country. If we let you fellows run wild altogether there might not be a country in 20 years, so the extra food will not do any good.

Is there any truth to that serious accusation?

Mr. BRINKLEY. Let me call your attention to a statement in here on the bottom of page 2, that while many of these insect vectors and diseases are not a problem in this country because these insect vectors have been well controlled, it is still a tremendous problem in a lot of places and it could blow up in this country. I tell you that malaria is one of the great environmental contaminants, and I will tell you that in many of these cities, one of the greatest groups of environmental pollutants are rats and roaches and bedbugs and body lice and flies and mosquitoes and things of this sort.

Mr. ROSENTHAL. Are you talking about the United States?

Mr. BRINKLEY. Yes, sir, I am talking about the city of Washington or your city of New York and many of the others. Without the benefits of these pesticides to control these environmental contaminants, you would find the people of this country really breathing down your neck about the condition of the environment.

Yes, sir, for every unit that pesticides contribute to pollution, they contribute about a thousand units to cleaning up the environment. This is the thing that we are anxious that these new agencies understand and realize and really realize that they are taking upon themselves so much of the responsibility to the American public to help in the control of pests.

Mr. ROSENTHAL. Do you not doubt there has been a flow over from the agricultural use of pesticides to the rivers and streams in this country that create a problem?

Mr. BRINKLEY. There is no question in my mind that there has been some runoff of pesticide materials from time to time into the rivers and streams. Now, in most cases I think that these are insignificant and when weighed in the benefit-risk ratio, the benefits of the pesticides in their use far exceed the risks involved by the contamination of the waters.

Mr. ROSENTHAL. Who should have the decisionmaking power in finally deciding the benefit determinant, the industry that produces or the general public?

Mr. BRINKLEY. The general public.

Mr. ROSENTHAL. And presumably that will be the role of this new agency?

Mr. BRINKLEY. Yes, sir.

(The prepared statement of Mr. Brinkley follows:)

PREPARED STATEMENT OF PARKE C. BRINKLEY, PRESIDENT, NATIONAL
AGRICULTURAL CHEMICALS ASSOCIATION

My name is Parke C. Brinkley. I am president of the National Agricultural Chemicals Association, a nonprofit trade association which represents the agricultural pesticide industry in the United States.

We appreciate the opportunity to appear before this committee this morning to discuss the implications of Reorganization Plan No. 3. This plan, which establishes the Environmental Protection Agency, has as its principal goal the control of pollution in our environment. A number of existing programs related to environmental protection will be transferred to the new agency. The only complete regulatory and enforcement program for a particular class of commodity transferred to the new agency is the registration of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act and the establishment of permissible residues of pesticides on raw agricultural commodities under the Food, Drug, and Cosmetic Act. Enforcement of these residue limits remains with the Food and Drug Administration. Enforcement of pesticide registration moves to the new agency.

When this plan was first brought to our attention, our reaction was negative. After careful reflection, however, we accept the plan because we think it can bring benefits to the American public. We hope it will create a less emotionally charged atmosphere within which Government scientists can more objectively appraise the benefits and attendant risks in the use of pesticides.

I suppose we all mean by the word pollution, the despoiling and befouling of our environment—air, water, and soil—with resulting harm to human health and our wildlife resources. With this definition in mind, we say that though there have been instances where pesticides have contributed to environmental problems, pesticides have done far more to clean the environment than to despoil it.

To recite the accomplishment of pesticide use is no longer exciting and commands no space in the press because we accept these benefits as if they were a part of our life charter. The emotion stems from the discovery of pesticide residues in nontarget species but without regard to the benefits achieved when these calculated risks are taken. We are no longer concerned with malaria, yellow fever, and a host of insect-borne diseases because they are not a health factor in this country. They do remain a major health factor in other areas of the world, however. Dr. M. A. Farid, Director of Program Planning for the Malaria Eradication Section of the World Health Organization, advises that in 1936 there were 200,000,000 cases of malaria in India alone resulting in 2,000,000 deaths. In 1968, only 156,000 cases were reported in India with approximately 750 cases resulting in death.

Last month in New Mexico several cases of bubonic plague were reported. This is worthy of little attention as the disease is now readily controllable with penicillin. Yet these disease vectors are controlled only by pesticides. Flies, mosquitoes, rats, roaches, body lice—perhaps we can live with these environmental contaminants but we must not forget that they continue to spread a host of diseases including encephalitis, of which there have been three or four outbreaks in the last 15 years.

We will not make an effort this morning to review the pesticide record. We are aware of the criticism that has been leveled at the Federal agencies and their enforcement of pesticide programs. We feel that a careful objective review of the record will bear out the fact that these agencies have done an outstanding job with the few failures or inadequacies that have been reported testifying more to the dimension of the problem than to the failures of the dedicated personnel in these agencies. Transferring these programs may appear to reflect a lack of confidence in the ability of these agencies to do their job. We trust this is not so, and that the record will be clear that transferring these functions to EPA is to bring together the variety of disciplines necessary to regulate the sale and use of pesticides and to render more efficient this continuing effort.

We view optimistically the bringing together of all relevant scientific disciplines into one agency to improve interdisciplinary communication, evaluation of data and measurement of the significance of the information that is collected by Government and industry. Prior to sale a pesticide must be registered by the Department of Agriculture. The burden is upon the applicant to establish safety and efficacy. No agricultural use is permitted until a tolerance for any

residue of the pesticide on raw foods is established. Preregistration review includes the Departments of the Interior and Health, Education, and Welfare. After registration each pesticide is subjected to a comprehensive monitoring program designed to point out unanticipated effects. As you know, the fish and wildlife resources of this country, including shellfish and our water and air resources are subject to careful monitoring, the results of which are reported regularly in the Federal Pesticide Monitoring Journal. USDI laboratories at Patuxent, Md., Gulf Breeze, Fla., Denver, Colo., and Columbia, Mo., report on studies of invertebrates, fish, and wildlife. Other agencies make important contributions—the community health profiles of the Public Health Service, the market basket surveys of the Food and Drug Administration—every phase of our environment is studied under the coordination of the Working Party, Subcommittee on Pesticides of the President's Cabinet Committee on the Environment. These programs provide a continuous source of data to measure the input of pesticides into our environment.

As more agencies became more involved in recent years with the regulation of pesticides, we faced a proliferation of regulators which ultimately required the development of the Interagency Review Agreement of January 29, 1970. This is perhaps the most elaborate interagency review program in the executive branch of the Government. One result, at least, was to add an indefinite amount of time to the evaluation of new products and new uses for old products. We found ourselves dealing with second- and third-hand information and experienced great frustration in attempting to locate the source of the information as problems arose. Thus we were extremely hampered in bringing to bear the implication of the scientific data relevant to the problem area.

We then look forward to the opportunity to deal principally with one agency where there will be an opportunity for prompt communication between the regulators and the regulated. We anticipate that this increased efficiency will result in more prompt and relevant responses, and a more effective and efficient handling and resolution of problem areas.

From the testimony already presented to this committee, we anticipate that there will be a unified division of pesticides in EPA, hopefully headed by a deputy director of the Agency. In this manner, the Agency can function most efficiently and, we believe, the benefits of this reorganization can be more fully realized.

The Agency must accept a premise that is not particularly popular at the moment and that is, that there is a desperate need to continue pesticide use for the protection of food, the protection of the public health, and for improvement in the quality of the environment.

Pesticides, like drugs, present a host of benefits but there are risks which can be calculated and measured, and accepted to achieve the benefits. The validity of the benefit-risk equation was soundly endorsed by Senator Ribicoff in Senate Report No. 1379, 89th Congress, 2d session, following a 3-year review of pesticides by the Subcommittee on Reorganization of the Committee on Government Operations.

Senator Ribicoff underscored the need to mitigate confusion and anxiety in the public mind and the need to evaluate pesticides in an objective atmosphere. The report points out:

The reservoir of apprehension in the public mind evolves from three signs of our time: (1) The lack of understanding of science leading to distrust and actual dislike; (2) nostalgia for a simpler life, the good old days, and the "peaceable kingdom;" and (3) a feeling of individual incompetence to avoid the threats of technological side effects (e.g., helplessness against community aerial spraying, unknown source of food stuffs, and total reliance on governmental control and regulation). This anxiety (amounting to fear) is a barrier to facts and presents a bad climate for decisionmaking (ibid., p. 59).

The results of the emotional approach to pesticides have been significant. The pesticide industry historically committed a relatively high percentage of gross sales to research. Recently, several chemical companies have completely abandoned their research and development programs on pesticides. Others have sharply reduced their efforts in insecticides while continuing to go forward with other types such as herbicides. The mounting cost of research and development, the marceptive mood of State and Federal regulators, and the extremely poor image of the industry in the public mind, were major contributing factors. Corporate executives find little comfort in outstanding achievements in the pesticide

field when they are constantly harangued and barraged by stockholders and others as despoilers of our environment through the development of effective insect control techniques.

We look forward then to the formation of the Environmental Protection Agency. We look forward to cooperating and working with this Agency to bring to the public the maximum benefits pesticides offer with the minimum risks attendant upon pest control programs. We look forward to a continuation of the elaborate Federal monitoring systems of pesticide residues in our environment, to the opportunity to work cooperatively to improve pesticide effectiveness and minimize the exposure of nontarget organisms to these materials.

We are not completely persuaded that establishing a new agency will result in better regulatory programs, except to the extent that they will be more efficient and thus more effective. This alone may be of sufficient value to justify the creation of the new Agency.

Reorganization Plan No. 3 does not deal with the structure of the Agency though the indications are that a Pesticide Division will be designed to put all pesticide activities in the new Agency under one top level executive who will have the ultimate authority and the concurrent responsibility for these programs.

An integrated pesticide program in one division of the Agency could be the key to an effective regulatory program.

Mr. ROSENTHAL. Thank you very much; your testimony has been very helpful and significant. Our next witness will be Dr. Spencer Smith, executive secretary, Citizens Committee for Natural Resources.

Mr. BLATNIK. Mr. Chairman, I would like to welcome an old friend of many years back. Dr. Spencer Smith, known throughout the country, is one of the great leaders of the conservation movement and one of the original early people who advocated an environmental program, called at that time the Water Pollution Control Act.

Dr. SMITH. Mr. Chairman, thank you very much.

Mr. BLATNIK (presiding). Doctor, proceed at will.

STATEMENT OF DR. SPENCER SMITH, JR., SECRETARY, CITIZENS COMMITTEE ON NATURAL RESOURCES

Dr. SMITH. I will simply submit my statement for the record and speak briefly from it, because I know the committee is pressed for time.

I have received one rather interesting shock this morning; that is the information that the chemical industry had changed its position and now support EPA. If I had some reservations about EPA before, I must confess they are deepened a bit.

At the present time the basic problem facing the establishment of the Environmental Protection Agency is what functions do you include and what functions do you exclude and what is your criteria for doing either. The earlier discussion with the AEC was indicative of this. It occurs to me that there are many more problems that should concern us.

The legislative justification has indicated that certain agencies of Government have the responsibility of promoting a certain resource use and being responsible for regulating the environmental effects of such use. If these functions are incompatible and hence the reason for EPA, then it seems we have to go further than we have gone in carrying such reasoning to what appears to be a logical conclusion.

There is no greater impact upon environment than the construction of highways—their placement, the problem of beautification, safety, rivers, streams, air, noise, and a number of further effects.

I think one who crosses a bridge or who happens to be in Washington any length of time and peers up in the sky has to be aware of both

the noise and pollution caused by aircraft. Presumably, the function of air pollution control would be transferred to the new agency of EPA, but the noise pollution is not so transferred and I have heard previous witnesses indicate that the reason is that we do not know enough about it.

It is my understanding that EPA is to have a research capacity and in-house capability. If this is true, we ought to find out about it and find out what effect noise has on the society and the environment in general.

Another major consideration, and I say this, because of the knowledgeability of the chairman as to the Corps of Engineers, is the relation of the corps to EPA. Justification for corps projects, to my knowledge, put forth in great detail functions with an impact on the environment. Sometimes they are set down as costs, sometimes as benefits, but in any event it is usually evident in the benefit-cost ratio. It would be impossible to analyze completely the many agencies and bureaus that could be brought under EPA by using the same criteria that the administration suggested.

I think even the most eclectic recommendations have found that many scenic values have been excluded and probably because the bureaucracies have had too much muscle to negotiate the change.

It is also obvious to me that the establishment of EPA will cause considerable interruption of ongoing programs.

I recall many meetings with the chairman of this committee and his supporters in the early days of water pollution control and we could have held that meeting in a phone booth, to upgrade the administration of water pollution abatement. During that particular time many of us were in the vanguard in urging transfer of the Water Pollution Abatement Control Agency from HEW to the Department of Interior.

The chairman will well remember the arguments we made in behalf of this transfer and I was one of them that made them.

We had hoped to bring and elevate the whole status of water pollution control. It was finally transferred to the Interior Department under the most friendly terms. There was a Democratic Congress, a Democratic Executive and the Secretaries of HEW and Interior were quite good friends. It couldn't have been accomplished under better auspices.

I would say and this is a guess, I would put it at no more than that, that it took 18 months for this program to begin to really function again. At that time it was a far smaller organization than it is at the present time.

It disturbs me that if we are going to have the kind of administrative interruption in the ongoing programs that are transferred to EPA, then we had better do an awfully good job and make it count for something. We should not have this new organization as a delaying action where money isn't available, where the manpower isn't available, and where we haven't sorted out the internal operation and internal administrative workings of this organization.

These things concern me. If I hadn't been a former bureaucrat maybe they would concern me less.

Another major concern, Mr. Chairman, is that I hope we do not fall into the delusion that the Director of EPA would be similar to

that of NASA or the AEC. I have no doubt that we can write into the statute or into the Executive order that they would each receive the same money or each have the same rating in the executive hierarchy. But I think one would have to conclude that NASA was in a different climate and established for a different purpose. It was highly promotional, it had the unification of the country behind it, and it suffered an almost embarrassment of riches.

AEC was similar in character.

We are establishing EPA, however, in part, to confront and watchdog other agencies. I feel, therefore, the fact that this is going to be less than Cabinet rank is going to present a significant problem.

As much as I appreciate the fact that we are trying to gather together a number of these environmental agencies under one roof, the logical step would be to see them combined at the Cabinet level. At the present time it has been suggested that we have in the Department of the Interior good people but because of the many and detailed duties of the Secretary of Interior it is quite difficult for the Water Quality Agency to receive its just due. This may well be true but it is also going to be difficult in the new agency because they have a number of environmental problems.

There is one thing lacking, the lack of a Cabinet officer to come before the Congress, to present themselves to the President, and to be before the American people. I think the loss of Cabinet rank is significant. I am not suggesting that the program will be immutable, but I am suggesting that it could be more immutable than it is at the present time. It would be my hope that some of these other areas which could well be included in the area of EPA would also be included.

Mr. BLATNIK. Do you have any programs that you could suggest this morning?

Dr. SMITH. Yes. For example, the highway beautification program which is a restraining activity and following the criteria the administration set down, certainly qualifies to be in EPA.

It would seem that certain functions of the river basin planning would also qualify. The Corps could build the dam but also there would be other activities involved.

What about the ecology? The other program I suggested was noise abatement. Scientists have argued at great length to the effect that noise probably reduces our life anywhere from 5 to 10 years. In a town where much construction is going on, such as Washington, I am sure that will be accelerated by at least 25 percent. The noise aspect has not been transferred from the Department of Transportation, yet this fits the classic role that the administration has set down for either inclusion or exclusion into EPA. I think that the serious problem about EPA is not that its idea is incorrect or that trying to marshal the restraints and concern for environment is incorrect. I think that is highly admirable. The administration indicates this is a start. I would hope that the start would be a little more expanded. I would hope that it would be a Cabinet ranking department and I would hope that some of the details of internal administration would be spelled out more clearly than they are.

I will be very candid before this committee. I happen to be a witness who is extremely concerned about pesticides. I don't know that we will ever overcome the effects of DDT to the extent that we

think we might. If, under EPA, the internal management of the pesticides program is going to be again highly influenced by the industry that makes chemicals and pesticides, then I am going to be just as concerned as if they were in Agriculture. I have no objection to taking pesticide controls from Agriculture but in this transfer we want to make sure that the flies do not capture the flypaper again.

Despite our problems in establishing EPA, they are far less awesome than we feel will occur in NOAA. Mr. Chairman, I have detailed this in my statement, I don't want to go into it at length today, since this committee is primarily concentrating on EPA. We would hope that this committee would prevail upon the administration to withdraw NOAA or Reorganization Plan No. 4. If they don't withdraw it, we would hope the House will disapprove it.

It took us something like 28 years to get a good bit of the marine research out of the Department of Commerce. The reason we wanted to get it out of there is that it was in the hands of the promoters. The very thing people were being concerned about in the establishment of EPA was the reason why many of these functions were transferred from Commerce to Interior originally.

To turn around and put them back in Commerce makes no sense. If the criteria for the establishment of EPA is sound we shouldn't be plagued with NOAA and if it isn't we shouldn't have EPA. You can't have it both ways. You can't say you shouldn't have an agency with a regulatory and promotional aspect engendered within it and establish an organization such as EPA on that basis and do exactly the opposite in the establishment of another organization such as NOAA.

Mr. Chairman, if we could have our wishes fulfilled we would like to see a Department of Environment with full Cabinet rank, despite some skepticism at another major department. But, if environment is as important as we say it is, it is deserving of Cabinet rank.

In proposing such a Department, the Congress should have the opportunity to consider it and go through the usual legislative processes. I know compromises will be made and I know a lot of people say we can't take time for that. I think the mood of the public at the present time and the mood of the Congress is such that they would expeditiously render a judgment on a Cabinet level department for the environment.

Mr. Rosenthal, who preceded you this morning as acting chairman, indicated this to be the mood of the country and I think he properly stated it. I don't think we are going to achieve what we want to achieve by these reorganization plans. We might be able to live with EPA maybe better than a poke in the eye with a sharp stick, but I don't know how we are going to live with NOAA if we are going to say this is the realm of environmental preservation or environmental concern.

Mr. Chairman, I don't often have the opportunity to do this but I simply want to say in closing a lot of people think that pollution control, water pollution control, especially, started sometime in the mid-sixties and a lot of people forget the first Blatnik Act. I know you didn't think much of it in 1948, and this was a precursor to cleaning up the Nation's water. As I indicated that a number of us were concerned in the early fifties and one of the people who testified this morning, Mr. Callison, was one of those; he can testify further that there

were very few of us. But those who discovered the environmental crisis in the last few years are welcome, for it is superior to no discovery at all. We do wish to commend you for, however, your foresight in seeing this well over a decade ago.

I have kept one thing that I hope someday to put in the record and I didn't this morning; a bill that the chairman of this subcommittee wrote in the fifties which I think is a stronger and tougher bill than we have at this time. So I can testify further that you were interested in the environment and have been for a long period of time and we certainly want to commend you for it.

Mr. BLATNIK. As usual, Doctor, you put your finger on some of the main things that worry us.

We didn't quite understand why we should have a separate agency in the case of EPA. We are actually taking one major program out of Interior and adding parts of small programs around it.

In the other case, you take several programs and put them into a Cabinet department.

Perhaps we should have a separate oceanographic and atmospheric agency. That would be closer to the concept of NASA. We raised the question earlier that you now raise about why there are so many directly related environmental programs, intertwined and interwoven in this hodge-podge, and why they weren't extracted and placed into EPA.

We are having a list made up by the Bureau of Budget to see how many relevant programs were omitted and if they were omitted why they were omitted, and why they are not being included in EPA.

Dr. SMITH. I know, Mr. Chairman, some of these programs in EPA have been starved financially, but if you take the total number of programs that are there and figure up what the appropriations have been historically, the water pollution program amounts to 75 or 85 percent of the total amount. Therefore it would appear this is going to be either highly dominant or some enormous expenditure of money about which I don't feel too sanguine for some of the other programs.

Mr. BLATNIK. Your other recommendation or suggestion that we consider the possibility of a new Cabinet level department and call it the Environmental Resources Department or the National Resources and Environment Department is a very interesting one. We know a lot more than we have known before and we are going to give that very serious consideration. We are beginning to find out, as you point out, not only the importance of the program but more about mercury poisoning, which appears in large areas—regional, northeast and southwest—and it has also appeared in other countries.

Suddenly, we are acting like it happened 3 weeks ago, 8:30 on Monday morning. It has been in process for a long, long time. Mercury is one of the most easily identifiable and manageable of compounds. The same thing with the recent smog appearance that we just had. That didn't just happen and it is going to happen again on the entire east coast; and the industrial sprawl along the whole east coast, which was one great big mountainous ridge of stagnant air where the chemicals are trapped and contained and held there and the chemical processes continue to feed upon themselves.

We know a lot more now about where we come from and if we ever get back to the mid-fifties we would have all the data that is available

and much more. As we said last week, we can project what is going to be the environmental situation and the population situation of the United States 10 years from now, in 1980. It is quite clear. Concerning the water pollution program which is 15 years old, what is going to be the situation in the year 2000? I think these are quite measurable and much more predictable. So you do raise, as usual, some very valid points with great substance and merit.

We want to take a good hard look and come up with a proposition that is a good one. This business of saying the Environmental Protection Agency would be only a minimum protection, excludes practically all of solid waste. When we speak of the hydrogen bomb that would destroy a city like New York, we realize that all that is needed in New York to tie that city up is a big garbage strike for about 10 days; and that will bring the rats out, too.

I am shocked, as I said before, at the little attention we have paid to solid waste and how far behind we are in the poisoning of the atmosphere. I didn't mean to give any lecture and try to add anything to your testimony, Doctor.

We appreciate having you here and, as usual, we hope we can get our groups to exchange thinking, just as we did before, with industry groups, conservation groups, with responsible, knowledgeable leaders of local governmental subdivisions, particularly the cities and counties, and the State associations, to see if we can get all the thinking we can to combine the best judgment.

I am particularly going to ask for serious and independent consideration in order to come up with a new department, and make it visible, instead of submerging it for 2 years. We had no idea what was going on and suddenly this little program emerges. Let's come up with a good program and move it forward and make it subject to form, modification, alterations or additions. Having one head is a lot better than two.

Thank you again, Dr. Smith.

Dr. SMITH. Thank you.

(The prepared statement of Dr. Smith follows:)

PREPARED STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY, CITIZENS
COMMITTEE ON NATURAL RESOURCES

Mr. Chairman and members of the committee. I am Dr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C.

In considering these two programs for executive reorganization to enhance the environment, we should like first to invite the committee's attention to Presidential Order No. 3, establishing an Environmental Protection Agency. Briefly stated the functions of the proposed Environmental Protection Agency would be comprised by the transfer of the Federal Water Quality Administration from the Department of Interior; pesticides studies and related activities within the Department of Interior, HEW, and the Department of Agriculture; the National Air Pollution Control Administration in HEW; solid waste management, Bureau of Water Hygiene, certain functions of the Bureau of Radiological Health, from the Department of Health, Education, and Welfare; and the Resource Authority relative to ecological systems now contained in the Council on Environmental Quality.

The effort to improve our ability to deal with problems of the environment is evident to all. There are few who have any specific recommendations that would not encounter opposition. The basic problem facing the establishment of the Environmental Protection Agency is what functions do you include and what functions do you exclude and what is your criteria for doing either. The

legislation and its justification for the program have indicated that certain agencies of Government have the responsibility for promoting a particular resource use and concomitantly being held responsible for regulating the environmental effects of such activity. The proposal reasons therefore that the investing of promotional and regulatory functions regarding a particular resource use in the same agency is inappropriate, if the quality of the environment is to be enhanced.

Carrying such reasoning to what appears logical conclusions, a number of inquiries appears obvious. There is no greater confrontation over resource use and the quality of the environment that has manifested itself in recent years regarding the highways—their placement, the problem of beautification, safety, and the impact in general upon the environment. By the same token the Department of Transportation is directly involved in promoting highway construction and utilization yet at the same time it's charged with the responsibility of highway safety, scenic beauty, plus the coordination with other forms of transportation.

Another major consideration is that of the Corps of Engineers. Seldom is there put forth any justification for a Corps project that does not detail the consideration to be given to fish and wildlife, in fact the benefits account in some detail the enhancement to fish and wildlife, recreation, and other values as a result of the project.

It would not be possible to analyze completely the many agencies or bureaus that could be brought into an Environmental Protection Agency by using precisely the same criteria the administration has suggested for those that they now recommend to comprise this new Agency. Even the most eclectic recommendation finds scenic values excluded for apparently no other reason than particular bureaucracies have more political muscle in negotiating changes.

It also should be obvious that the establishment of the Environmental Protection Agency will cause considerable interruption in terms of ongoing programs. Mr. Chairman, we were in the vanguard of those who recommended a transfer of the Federal Water Quality Administration from the Department of HEW to the Department of Interior. I would like to offer the suggestion that the committee review the experiences of this transfer. The climate was one of cooperation. There was a Democratic Congress and a Democratic Executive. The agency was smaller than it is at the present time. The fact of the matter, however, is that the actual physical transfer, the realignment of responsibilities, the integration of administrative activity took, at a bare minimum, 18 months for the program to be fully effective. We are saying, therefore, that we understand that EPA is neither perfect nor immutable, but we are saying that we wish the program were more perfect and less immutable than the proposal the committee is now considering.

Another major concern, and it would occur to me a delusion, is that the director of EPA would be similar to NASA or the AEC. One would hope that this parallel would not be pursued to any degree, as a justification for the Agency. The NASA program had almost undivided support and as a consequence significant funds. In fact, there was almost an embarrassment of riches. This was not a regulatory organization but a promotional one. It was not one that spurred or encouraged conflict and confrontation but one that achieved cooperation readily because of general agreement upon goals and purposes. It is incorrect in our opinion to assume therefore that the director of EPA will have essentially the same prestige as the Director of NASA or the AEC has had in the past.

What is more likely to happen is that as these organizations withdraw from the various departments, they will have less muscle not more. For example, now that water pollution control is passed from the Department of Interior is it therefore the presumption that the Department of Interior will be less fettered or concerned in promoting the program of the Bureau of Reclamation? In short, the water pollution control program will have lost a sponsor of Cabinet rank and it has been our experience that irrespective of rhetoric involved in establishing new agencies with less than Cabinet rank, their prestige and political support is not the equivalent.

It is important, however, to commend the Executive for tackling this extremely difficult problem of environmental organization. It is suggested, however, that if the program is as viable as presented, then it would be even more so if a separate Department on the Environment with Cabinet rank would be established. If this were done additional responsibilities and functions could be assigned to it. It would have Cabinet status. It would achieve the kind of prestige

necessary and be on a comparable level with other departments of the Government in order to effect the necessary cooperation that control of certain activities will undoubtedly require. We would hope that the committee could discuss further with the administration the possibility of such an approach. It has been suggested that this is a start. If we are going to disrupt the continuity of our present programs in order to achieve a lasting and significant improvement, it would appear prudent to us to make the change more sweeping and to give the matter further consideration.

Mr. Chairman, while we have been concerned with some pitfalls regarding Reorganization Plan No. 3, we nevertheless have been sympathetic as to the aims and purposes involved. We cannot offer the same opinion of Reorganization Plan No. 4, however, which would create a National Oceanic and Atmospheric Administration.

Under the terms of Reorganization Plan No. 4, transfers of Environmental Science Services Administration from the Department of Commerce; important elements of the Bureau of Commercial Fisheries from the Department of Interior; the marine sport fish program of the Bureau of Sports Fisheries and Wildlife from the Department of Interior; the Marine Mineral Technology Center of Bureau of Mines from the Department of Interior; the Office of Sea Grant programs from the National Science Foundation; a portion of the U.S. Lake Survey with the Department of Army; and certain programs from the Navy, involving the National Oceanographic Data Center and the National Oceanographic Instrumentation Center and from the Department of Transportation the National Data Buoy project to the newly conceived NOAA would be effected.

The recommendation to place NOAA in the Department of Commerce would appear to us completely irrational and without justification by the administration's own criteria.

If the establishment of the Environmental Protection Agency is to be accomplished because of the lack of prudence in investing both the promotional and regulatory powers in the same agency, then such a criteria is completely vitiated in the establishment of NOAA. It is very difficult for conservationists to rationalize why the transfer of the Bureau of Commercial Fisheries and the marine sport fish program of the Bureau of Sport Fisheries and Wildlife from the Department of Interior to the tender mercies of the Department of Commerce. How is conservation to be enhanced by placing these restraints and research capabilities in the hands of the developers and promoters—and in the past, the exploiters? If this is to be the case, then the rationale for the organization of EPA is improper and should be withdrawn.

There has been a concerted effort in the protection of estuaries and coastal zones. The study and analyses, and hopefully the implementation of programs for effective coastal zone management as a means of improving the environment and saving these most fragile and precious areas, has been a serious undertaking. It would appear that ultimately this function would be transferred to NOAA. This observation we make is founded on both the functions described in the reorganization plan and the interpretation given it by Senator Hollings on July 9, 1970, page S 10963 of the Congressional Record for that date, in which he states:

"No mention is made in the Presidential message of coastal zone management, for that is new legislation and not subject to the reorganization. The administration has previously assigned that responsibility to the Department of Interior, and requested introduction of a bill amending the Federal Water Pollution Control Act to assist the States in developing coastal zone management plans and programs. Coastal zone management would more appropriately fit in the new NOAA, and I solicit support of the administration in placing that responsibility in the new NOAA."

Mr. Chairman, we sincerely hope that the administration will withdraw NOAA as a reorganization recommendation and give further considerations to it or failing this, that this committee will recommend against the adoption of this program.

Mr. Chairman, in further reflection, we want to compliment you and a number of your colleagues for the longtime interest that you have had in the environment. Few people remember the Tyee-Blatnik Act of 1948, which was the precursor to cleaning up the Nation's water. A few of us remember the early days of the fifties in which you and a number of your colleagues labored mightily to awaken the country to the necessity of a Federal program dealing with water

pollution control and abatement. I simply suggest to you there are those who have discovered the environmental crisis within the last few years, which is superior to no discovery at all, but we wish to commend you, Mr. Chairman, for your foresight and your understanding of it well over a decade ago.

We thank you for the opportunity of appearing before you today.

Mr. BLATNIK. We have with us Mr. John Kinney who also has testified as a private consultant. I am glad to see him this morning. I want the record to show that he was available here 2 weeks ago and we got caught in a bind between legislative action on the House floor which delayed our hearing testimony from all the scheduled witnesses. We appreciate the gentleman's patience and understanding as well as his coming back to be available at the convenience of the subcommittee.

Mr. Kinney, we have your statement. Do you want to proceed to read it or call attention to those aspects which have not been covered and which you want to direct your attention to?

STATEMENT OF JOHN E. KINNEY, SANITARY ENGINEERING CONSULTANT

Mr. KINNEY. I submitted it for the record 2 weeks ago when I had to leave. But I think a couple of points in there might summarize the concerns that I have listened to you and Mr. Holifield express.

Very frankly, I must publicly admit my admiration for your guts in being able to say that something offered in the name of environment might have a deficiency in it, because these days when the scare is on and any promise to help protect the environment has great public appeal, it takes nerve to suggest that it is not all it might be cracked up to be.

This is particularly so in an election year. But the points that you make in terms of the deficiencies in this proposal, I think, would be well summarized in the point you were just making; that is, by using the term "environment" it would seem to be all encompassing, when actually the proposal suggests that environment and pollution are interchangeable. They are not.

The adverse effects and various aspects of the physical environment is covered by pollution, but environment as a whole covers the whole gamut of all impact on man.

The other day when Mr. Ash and representatives of the Office of Management and Budget were talking, they were proposing that there should be an increased authority to this agency to establish standards; that the agency should have the responsibility for monitoring and then for policing.

The questions from the subcommittee in terms of what would be covered in these various areas were answered with a good many words such as "expect that," "would be surprised if," "would hope that."

It would seem as though there are many deficiencies in the proposal, many areas that have yet to be tied down, and once the agency is established the recommending crew would no longer be around. So I do not know how the tie-in would take place.

But I notice, in terms of the increased authority to set standards, it was mentioned as the highest significance and it really is, because while pollution is only part of the environmental picture the control over standards can really control the environment.

In reference to these 80 or so agency programs that you were referring to that have to do with environmental activity, you could find out that eight or nine that are in this group could be making decisions that would control them. The control may be right and it might be wrong. But in terms of the setup, there seems to be no basis by which we can in advance anticipate effects.

If monitoring is to be a total part of it, eventually the NOAA operation must be transferred over to the new agency, because this will be monitoring the atmosphere. So also must the U.S. Geological Survey be transferred over. Otherwise, the monitoring will not be total or noncompetitive with other agencies. By having this as a separate agency it could be in competition with each of them.

These concerns I raise because I think they should be anticipated before rather than to listen to a hassle afterward, because, to me, placing the environment in perspective soon is our most important project. If it is to be total, then it must not only be population distribution, availability of food from land and sea, availability of minerals from land and sea, but energy. All of those must be placed in perspective.

Now, in all of the discussion by the Government in proposing this, I heard no references to the existing faults that are occasioning the new proposal. Obviously, there must be some faults or there would not be a need for reorganization. But taking the existing agencies and putting them together under a new title seems to be a bit shortsighted. I doubt whether it will answer those deficiencies as they now exist.

Mr. HOLLIFIELD. I think the witnesses for the Government were stating the efficiency for the program is to eliminate fragmentation. I think they felt that putting those programs into one agency would make it more effective. That was the contention. They did not answer why they left so many other environmental programs out of the agency.

Mr. KINNEY. The integration of land, air, and water I totally concur with. Separating them into different facets, answering the one problem causes a new one. I think they should be together. But in terms of solving the individual problems, there must be some kind of a deficiency in there or we would not be making a proposal for some of the changes that are now being set up.

One of the concerns Mr. Hollifield raised I would like to use as an illustration. We can set a limit, as was proposed, for a 1° limit on the discharges and temperature in Lake Michigan. No discharge can be more than 1° above the existing water level.

It was proposed as a means for protecting the fishery. It sounded like a reasonable proposal. But we have no agency in Government that would suggest that maybe there might be some other consequences on the environment. The cities could not meet the 1° as well as the industries. That means all cities and industries must provide cooling towers and recycling.

In Lake Michigan we are pumping 5.7 billion gallons of water a day. To recycle that means 286 million gallons of water per day put into the atmosphere. Put that much up there continuously and we are not only going to have fogging and icing, but we could have weather modification. We could have more than that, though. That means 100 billion gallons of water a year taken out of Lake Michigan.

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This could mean a drop in water level. This could have international effects. We have a Supreme Court decree that prohibits this. We have cities inland short of water. Under a Supreme Court decree they could get the water. They could watch the water floating uselessly overhead. That water will not come down in the same area, the precipitation will not be there.

The reason I raise this is the necessity to have a separation of the fact-finding from the policing. If all of the monitoring and the standards and policing are placed in a single agency—if, as Mr. Train suggested, this new UEC and EPA are to be mutually supportive, I wonder how many proposals will be before the Congress for their review.

It would sound like we are going to have one proposal coming before you at a time and it is accepted or rejected just as this proposed reorganization is. We are not going to have two chances with some of these consequences with our growing population.

There is also the suggestion that under this program it is to provide for the conservation of natural resources. We do not have a basis for a definition, particularly in terms of pollution control.

Now, what would be missing, in addition to a lack of facts, is that it does not cover the whole environmental picture. You mentioned land. We have had great concern through the press over Lake Erie. Our big problem in western Lake Erie is algae. If we were to close off all the sewers we would still have the algae problem.

It reflects the land drainage, it reflects the fact that they used to drain this out and made this a swamp.

In my statement I have added support for this small lake up in the Rockies above Aspen, Colo., which is identically the same picture as Lake Erie. There are no sewers above it. It is simply the matter of the land. There it is the matter in which the land has been opened up for recreation.

One other concern that I have in the proposal as offered, and one of the questions that the subcommittee should ask for answers is the role of the Office of Management and Budget in the transfer of personnel.

While I do not argue about the necessity for maintaining a strong policing action in pollution control, I would object to having the FBI, with the authority to set all the rules and regulations all the way from traffic standards up to wiretapping or seize, search and what have you, doing the policing.

I think it is going to be pretty much the same thing here. I think it is going to depend an awful lot upon the individuals, the leadership, and it is going to depend even more than that. There will be no court of partial review—no place where the Congress can go and ask if there is an alternative. As time goes on I think we are going to need more and more of these alternatives.

We also need to answer such questions as you have raised as to the significance of the program in HUD and Agriculture that are not going to be transferred over. If the title of this agency were pollution policing I would have a lot less reluctance to accept it. But with the idea that it is environmental protection, I think perhaps it is suggesting things that just will not come to be.

If we are going to live in this hoped-for world, coming up with the facts to prove the point, I think we are going to be coming back to

Congress 2 years from now and saying that we need another reorganization. Rather than to suggest that the failure is on the part of Congress for having to provide appropriate legislation, could we have a third person group that could offer to the Congress the alternatives so we could determine the true role of the administration in the program? These are my concerns, Mr. Chairman, the environment, protecting it, designing the treatment facilities, and making them work.

It has been my business for 30 years, and I know from your history of activity in this field, the concerns that you raise really attest to your background and knowledge, and I am hoping mine are offered in the same spirit.

Mr. BLATNIK. You raise some good points and I will assure you that they will be given full consideration as we keep them in mind and review the additional testimony that we expect will be coming from the Ash Council and from the Office of Management and Budget.

There were some programs that were not included, and we have some questions regarding so many blank spots. This is just the beginning. We can do much better than start out with a poor beginning with the body of knowledge and experience that we have before us now, what has happened in the past, and what faces us in the immediate future.

The monumental proportions and complexities of this total thing -- it is just an enormous problem and that is the nibbling process as I see it.

Mr. KINNEY. I agree with you and I think with the emotional and political climate, undoubtedly this reorganization will go through as something which is a step in the right direction.

I am reminded of the old remark that if you do not know where you are going it does not make any difference which road you take. Sooner or later, I think, the definition of the route must be made, but we must know first where we are headed.

So it would seem to me with a number of congressional committees involved in substantive legislation, a number of appropriation subcommittees that will be involved and the resolution of those issues, unless they are resolved will mean instead of having one agency we will still have a number of other agencies all under one title.

It would appear then that the one group in the Congress to ride herd on this will be the Government Operations Committee, simply because this will continue to go across many lines and the one agency or congressional committee that would have that kind of responsibility would be yours.

Part of it is the concern over the lack of fully developing the program; the other part of it is the expressed hope that your committee will stay with it so we can try to coordinate these multiple choices.

Mr. BLATNIK. Thank you very much, Mr. Kinney.

The subcommittee has received for insertion in the record a statement by Congressman G. William Whitehurst, who was scheduled to testify in person but could not be with us today; and a statement by Congressman Rogers C. B. Morton. Without objection, these two statements will appear at this point in the record.

(The statements referred to follow:)

PREPARED STATEMENT OF HON. G. WILLIAM WHITEHURST, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. Chairman and members of the committee, I appreciate the opportunity you have given me to appear before you on a subject of such national importance as the fight against the pollution of our environment. I wish to indicate my support for the President's Environmental Protection Agency.

You would think from all the attention it is now receiving that the fight to preserve our ecology is new, and that we had just discovered the problems of pollution. The news media have devoted a great deal of time and space to the subject, time and space that I feel are long overdue. They have been joined by many groups across the Nation, and together they have called for some rather drastic and immediate action by the private sector of the economy. They have also called for action by the Federal Government and asked that we get into the thick of this fight to eliminate, or at least abate, the ever-increasing danger of pollution.

It occurs to me that the very fact that such a great deal is being asked of the Government is a sad commentary on the efforts that have been put forth for almost 15 years.

The Federal Government's efforts began in earnest during the 84th Congress, with the passage of air and water pollution control legislation. It is evident today that this effort has not been as successful as we had hoped, nor apparently as it was needed to be, for today the human race is faced with the dubious distinction of achieving what no other animal has been able to accomplish: destroying itself in its own waste.

At present, it is estimated that more than 80 Government agencies are involved in fighting pollution, and herein lies the problem. There is no doubt that pollution control is needed, and we all know the end results we want: clean air, clean water, clean landscape, control of our wastes, and a substantial reduction of all pollutants. The main item lacking in the pollution abatement effort is the machinery to direct the attack. It is not enough to pass new laws and appropriate more money in the scramble to find the right combination to end pollution.

Of course, in this time of inflation, high taxes, and tight spending, every dollar must accomplish the absolute maximum. All of this calls for leadership, planning, and coordination.

Under the present condition of pollution control agencies scattered across the Government, it is too easy for the left hand to not know what the right hand is doing, and inefficiencies in administration develop. This may be one reason why the pollution control effort has not been effective so far.

If we are to meet the President's concern as expressed in his special message to Congress on pollution, and if we are to develop an orderly system of doing business, a centralized agency must be established to lead the fight against pollution.

It is easy for me to support such an agency. I proposed in my bill, H.R. 15969, the Pollution Abatement Act of 1970, a centralized independent agency to head the pollution abatement program, fund research, and establish standards. This Agency and its operations are very similar to the administration's program, except that my bill would not have located the Agency in the Executive Office of the White House.

Mr. Chairman, concentrating the pollution control effort in one agency, whether independent or not, will enable more efficient use of tax dollars being spent to restore, renew, and reform the abatement program. Central management in one agency to solve problems and work with the States and public will speed the effort to eliminate this blight over our Nation. In our desire for quick action we must not waste the funds expended. A single agency would oversee the operations to eliminate the duplicated efforts now underway, and it would insure the largest return for the dollars spent.

President Nixon stated in his Midwest meeting with several Governors investigating the pollution problem that a "total mobilization" of the Nation's resources is needed to fight pollution, and he called for reform of governmental institutions, bringing them up to date and into the 20th century. I believe a central agency such as the Environmental Protection Agency could most effectively and efficiently utilize the resources made available in the pollution fight. I support it.

Mr. Chairman, members of the committee, thank you for giving me this opportunity to appear before you.

Mr. Chairman, it is certainly a pleasure for me to have an opportunity to address my comments to this distinguished subcommittee of the Committee on Government Operations.

The subject under discussion here today--Reorganization Plan No. 3--is of great interest to me primarily because it marks a great step forward toward logical governmental organization and assignment of tasks. All of us here have long witnessed the organized confusion present in much of the executive branch structure. Now President Nixon has taken the initiative and has proposed the first necessary step if the Federal Government is effectively going to carry out its responsibility in the protection of our environment.

Reorganization Plan No. 3 will establish the Environmental Protection Agency (EPA) which will include the environmental authority and responsibilities now exercised by the Department of Health, Education, and Welfare, the Department of the Interior, the Department of Agriculture, the Federal Water Quality Administration, the Atomic Energy Commission, and the Food and Drug Administration. These many agencies are presently working separately for the achievement of one goal--environmental protection.

I know you are all aware that this Nation has finally become alerted to the scars of devastation which we have inflicted upon our environment and ourselves. With this expanded public attention, and with the spoiling of our environment which continues to increase, we, as responsible public servants, can no longer ignore this forthcoming issue.

Indeed, of our spoilage abounds. Streams and waterways are now thick with garbage and industrial wastes; roads are strewn with carelessly discarded beer cans and other trash, and are dotted with a disgusting panorama of billboarded our skies are darkened and made noxious from the exhaust of automobiles and the billowing smokestacks of our factories. The consequences of this tragedy which we have inflicted upon ourselves are paid not only by our fellow human being, but also by the fish and wildlife who are better conservationists than we.

At last, the citizens of our Nation have realized the acts which have been perpetrated upon our environment for too long. They have begun to seek ways to improve the situation. There are community action roadside litter cleanups, river cleanups, and the circulation of petitions to urge companies to apply pollution-preventive measures.

At present, our governmental agencies are diverse and often appear to overlap one another in their goals. It must be remembered that pollution generally is not the result of only one factor--but of many. Under the existing structure, a myriad of agencies have jurisdiction over their own individual areas but are unable to address themselves to the problem of pollution as a whole. That these varying spheres of authority and regulation overlap is not an incomprehensible result of the haphazard manner in which programs were developed to cope, and only cope, with the problems as they became apparent.

Contrary to the popular axiom that the whole is equal to the sum of all its parts, in this case, the whole will be greater than the sum of all its parts. The EPA, as outlined by President Nixon in his July 9 statement to the Congress of the United States, would effectively consolidate the agencies which are concerned with our environment and would provide the basis upon which a comprehensive environmental policy could be formulated to begin the arduous task of rectifying that which we have devastated.

The establishment of the EPA would also provide our Nation with a forum for the innovative concepts which are developing to assuage the problems of pollution. The standards which the EPA would establish and enforce with respect to environmental protection are essential if the world in which we live is to survive with any habitants. The world may exist long after the last human or wildlife creature has vanished if action is not taken now to end further spoilage.

EPA, as outlined and proposed, would transcend the bounds with which any one agency now in existence would be encumbered. By incorporating the many diverse agencies listed above and by retaining a contact with those agencies still related to the field, EPA will serve in a capacity long envisioned by conservationists. I can only urge that you give a favorable decision to this proposal and support its implementation in the immediate future.

Mr. BLATNIK. Are there any other witnesses or persons who wish to have statements placed in the record? The record will be open for at least 5 days.

Hearing no further questions or witnesses, the hearings are adjourned and the subcommittee is adjourned subject to the call of the Chair.

(Whereupon, at 12:35 p.m., the hearing was adjourned, subject to the call of the Chair.)

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APPENDIX

LETTERS, TELEGRAMS AND STATEMENTS RECEIVED BY THE SUBCOMMITTEE

COLORADO HEALTH AND ENVIRONMENTAL COUNCIL,
Boulder, Colo., April 3, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: The Colorado Health and Environmental Council of Local Health Departments and Boards of Health strongly recommends the establishment of a separate Federal Department of Health and Environment with Presidential Cabinet rank to properly coordinate all man's health and environmental activities.

Man's physical, mental and social health is directly related to his environment in the following aspects: air that he breathes; water that he drinks; food that he eats; alcohol and drugs that he uses or abuses; medical, hospital and home health care he receives; recreation facilities that he uses; housing conditions that he lives in; working conditions he is exposed to; and to social, psychological and economic influences of neighborhood, community and school activities.

Sincerely,

CHARLES H. DOWDING, Jr., M.D.,

Chairman of the Colorado Health and Environmental Council.

cc: Senator Gordon Allott; Senator Peter H. Dominick; Representative Byron G. Rogers; Representative Donald G. Brotzman; Representative Frank E. Evans; Representative Wayne N. Aspinall; Paul Cornely, M.D., president, American Public Health Association, Howard University Medical School, Washington, D.C.; Berwyn F. Mattison, M.D., executive director, American Public Health Association, New York, N.Y.

[Telegram]

BOULDER, COLO., May 15, 1970.

Representative DONALD G. BROTZMAN,
Cannon House Office Building,
Washington, D.C.:

On May 6, OUP, the Colorado Public Health Association and the Colorado Environmental Health Association took the following action:

"Therefore, favors the placing of all health and environmental programs under one agency at each appropriate governmental level, that is, Federal State, local; to be a focal point of action resulting in a total and maximum interdisciplinary coordinating effort to provide the optimum health and environment for all citizens."

The Colorado Health and Environmental Council took similar action this month.

The May 12, 1970, Denver Post "Health Care" issue presented the following headlines: "All encompassing health department foreseen." Mr. Glen E. Keller, Jr., president, State board of health states: envisions a "gigantic" health department in the not-so-distant future which would consolidate a number of "duplicitous services" now scattered among departments of health, institutions, social services, agriculture and natural resources.

A separate Federal department of health and environment committed to medical care, preventive community health, and cleaning our environment, could provide the most efficient method to lower the personal, medical and hospital cost while at the same time would provide a total community health service on the local level through a partnership between private medical practice and public health.

Also a separate Federal department of health and environment would provide the most effective method of preventing and controlling air pollution, water pollution, solid waste disposal, recreational sanitation, and all other environmental health problems. It would utilize all expertise of professional health and environmental fields, scientists and conservationists.

SUMMARY

1. Community, personal, and environmental health concerns presently are not receiving the attention they deserve at the Federal level because of the fragmentation of authority among many agencies.
2. Environmental health services are a vital component of a total health program.
3. Local health departments provide community, personal, and environmental health services and enforce State and local health laws, ordinances, standards, rules, and regulations pertaining to these services on the local level where people live.
4. As long as man's health and survival are dependent on improving personal health service as well as improving the conditions of the environment, we need a separate Federal agency primarily concerned with personal health environment to protect us from hazards that surround us in every setting today.

Sincerely,

CHARLES H. DOWDING, JR., M.D.

Chairman of the Colorado Health and Environmental Council.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 17, 1970.

HON. JOHN A. BLATNIK,
Chairman, Executive and Legislative Reorganization Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that your subcommittee plans to conduct hearings next week on Reorganization Plan No. 3 to create an Environmental Protective Agency.

For your consideration in connection with these hearings, I am enclosing a letter I have received from Mr. Robert B. Delano, president of the Virginia Farm Bureau Federation.

Any consideration you can give to the comments contained in Mr. Delano's letter will be greatly appreciated.

With kind regards.

Sincerely,

WILLIAM L. SCOTT, M.C.

VIRGINIA FARM BUREAU FEDERATION,
Richmond, Va., July 10, 1970.

Congressman WILLIAM L. SCOTT,
House Office Building,
Washington, D.C.

DEAR BILL: It is our understanding that in the proposed reorganization of the executive branch of the Government it has been recommended that the pesticide registration, now located in the U.S. Department of Agriculture, be transferred to the newly created Environmental Protective Agency.

This is to notify you of our opposition to such a transfer. We feel such a transfer would remove the regulation of these vital materials from administration by a department whose officials understand better than others, the importance of these chemicals as tools in a productive agriculture.

Farm Bureau policy for 1970 states: "We strongly recommend that the total responsibility for registration of agricultural chemicals be retained by the U.S. Department of Agriculture."

Trusting that this matter will receive your consideration, I am

Sincerely yours,

ROBERT B. DELANO,
President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 20, 1970."

HON. JOHN A. BLATNIK,
*Chairman, Subcommittee on Executive and Legislative Reorganization, U.S.
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Mr. George Doup, president, Indiana Farm Bureau, has requested that I bring his attached letter concerning responsibility for the registration of agricultural pesticides to your attention.

If you will include his letter in the record of your July 22 scheduled hearing on the President's proposed Reorganization Plan No. 3, I know Mr. Doup will be most appreciative.

Thank you again for your past consideration of my requests.

With warm regards.

Sincerely,

LEE H. HAMILTON, M.C.

INDIANA FARM BUREAU, INC.,
Indianapolis, Ind., July 15, 1970.

HON. LEE H. HAMILTON,
Cannon House Office Building,
Washington, D.C.

It is true the present abundance and reasonable cost of the food supply of our Nation could be very seriously threatened if the responsibility for the registration of (agricultural) pesticides is removed from the U.S. Department of Agriculture.

The Indiana Farm Bureau, Inc., with a current family farm and rural membership of 14,000, is joined by Farm Bureau members throughout the Nation in urging that "the total responsibility for registration of agricultural chemicals be retained by the U.S. Department of Agriculture."

The Ash Commission plan to reorganize certain executive agencies of the Federal Government and to create a new independent agency, to be known as the Environmental Protective Agency, has been submitted by the President to the Congress for their consideration.

Farm Bureau firmly believes that the present Federal interagency program for checking on the safety and use recommendations of pesticides is fully protecting the health of the people and the quality of the environment. These chemicals are basic production tools of agriculture and the U.S.D.A. has been operating efficiently in carrying out their responsibilities to agriculture and the public in this area.

Our Farm Bureau members would appreciate your placing these views before the appropriate legislative committees of the Congress that may be involved in considering such reorganization plans.

Cordially,

GEORGE DOUP, *President.*

COLORADO FARM BUREAU,
Denver, Colo., January 29, 1970.

HON. DONALD BROTZMAN,
U.S. Representative, Cannon House Office Building,
Washington, D.C.

DEAR DON: We understand that serious consideration is being given to reorganization proposals relative to the executive agencies of Government that relate to soil and water management, public lands, pesticides, farm chemicals, wildlife management, forest resources, and other areas that might be considered within the terms of conservation and environment.

Agencies such as the Soil Conservation Service whose objectives are better soil and water management, we feel should remain in the United States Department of Agriculture.

We feel, too, that the Pesticide Registration should not be removed from administration by the Department of Agriculture as recommended by the Ash Commission.

We also feel that responsibility for the registration of agricultural chemicals should be retained by the United States Department of Agriculture and not transferred to another agency as recommended by the Ash Commission. We

believe the officials in the Department of Agriculture understand, better than others, the importance of these chemicals as valuable to the production of food and fiber for our Nation.

Your consideration of these recommendations will be greatly appreciated.

Sincerely yours,

LLOYD SOMMERVILLE, *President.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1970.

HON. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed for your possible interest is a resolution passed by the Maryland Agricultural Commission in regard to a portion of the President's Reorganization Plan No. 3.

In connection with your present hearings on this proposal, Mr. Johnson and his associates would be pleased to appear before the committee to detail their concerns over this plan. If this is possible, Mr. Johnson may be contacted at the Maryland Agricultural Commission, Parole Officer Center, 2220 Somerville Road, Annapolis, Md., 21401, phone 267-6385.

Sincerely,

LARRY J. HOGAN,
Member of Congress.

Enclosure.

Whereas, The Pesticide Regulation Division of USDA is concerned with the regulation of pesticides used primarily in agriculture; and

Whereas, This Division benefits from association with other USDA agencies regarding technical information on agricultural production; and

Whereas, There is a need for proper and effective use of agricultural chemicals to produce the food and fiber needed by this country and the world; and

Whereas, The Pesticide Regulation Division recognizes the needs of Agriculture as well as the need for protecting our environment and has done an outstanding job to date; and

Whereas, Research relating to agricultural chemicals is conducted within USDA; now, therefore, be it

Resolved, That the Maryland Agricultural Commission encourages Members of Congress to oppose transferring the Pesticide Regulation Division to the proposed Environmental Protection Administration; and be it further

Resolved, That a copy of this resolution be sent to President Nixon and to each Member of Congress representing Maryland.

By The Maryland Agricultural Commission, July 16, 1970.

RONALD L. JOHNSON,
Executive Secretary.

STATE OF MINNESOTA,
DEPARTMENT OF AGRICULTURE,
St. Paul, Minn., July 14, 1970.

HON. L. H. FOUNTAIN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FOUNTAIN: The Minnesota Department of Agriculture recognizes the need for the strengthening of pesticide regulatory programs at all levels of government. The best and most practical manner by which this may be accomplished, is to build from the present program bases within the departments already knowledgeable and functioning in this area, rather than to create any new agency which would result, in our opinion, in expensive duplication of effort and which would decrease the effectiveness of the present programs.

For these reasons the Minnesota Department of Agriculture strongly supports and endorses the attached resolution adopted by the National Association of State Departments of Agriculture Board of Directors, and respectfully, but earnestly request your active support of this resolution.

Sincerely,

ROBERT W. CARLSON,
Commissioner.

Enclosure.

Whereas, for many years the U.S. Department of Agriculture and the State Departments of Agriculture have been intimately associated with regulatory programs that protect the environment while producing an abundance of high-quality food for the consuming public of this Nation and foreign countries; and

Whereas, the U.S. Department of Agriculture has the professional experience and expertise developed after years of experience in the registration of pesticides, the monitoring of their use, and the enforcement of regulations; and

Whereas, the tolerance of various pesticides have been developed after exhaustive research and study by the Department of Health, Education, and Welfare; and are now being continuously evaluated and re-established by that agency.

Now, therefore, be it resolved by the National Association of State Departments of Agriculture in its board of directors meeting, at Williamsburg, Va., June 16, 1970, urges the responsibility for the registration, enforcement, and monitoring of pesticides remain in the USDA, the agency of Government that possesses the laboratory facilities and technically trained personnel and which presently is responsible for pesticide use and regulatory programs and which is now providing adequate safeguards for the consuming public and their environment; and be it further

Resolved, That the National Association of State Departments of Agriculture also urges that the Department of Health, Education, and Welfare because of the professional experience and expertise in the establishment of pesticide tolerances retain this area of responsibility as well; and be it further

Resolved, That the National Association of State Departments of Agriculture recognizes the need for strengthening pesticide regulatory programs at the Federal and State level within these agencies now responsible for these activities so as not to create expensive duplication which would tend to proliferate and decrease the effectiveness of present pesticide management programs, and be it further

Resolved, That a copy of this resolution be forwarded to: The President of the United States, John D. Ehrlichman, Assistant to the President, Secretary Hardin, Secretary Richardson, Secretary Hickel, Senators George Aiken, Allen Bickerstaffe, Everett Jordan, and Sam Ervin, Representatives W. R. Poage, Page Belcher, John L. McClellan, William L. Dawson, Guy Vander Jagt, L. H. Fountain, Wilmer Mizell, Walter Jones.

NATIONAL COUNCIL OF FARMER COOPERATIVES,

Washington, D.C., July 16, 1970.

Hon. JOHN A. BLATNIK,

Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, U.S. House of Representatives, Washington, D.C.

DEAR MR. BLATNIK: We wish to comment on the proposal, under the Reorganization Act, which would establish an Environmental Protection Administration. We understand that included in the proposal is a recommendation to transfer to this new agency the pesticide registration and regulation activities from the U.S. Department of Agriculture and the pesticide standard-setting programs from the Food and Drug Administration.

We favor establishing programs which will improve our environment. Nevertheless, we believe it is essential to determine the policy direction and the emphasis pesticides will receive under this new agency.

There are several questions we have concerning pesticides and hope a legislative record may be built on them. The questions are as follows:

1. Does placing pesticides registration and standard-setting activities under the Environmental Protection Administration classify pesticides as principally "pollutants of the environment" rather than "tools in the production of food?"
2. Do the proponents of the Environmental Protection Administration visualize the termination of the use of pesticides in the control of rodents, fungi, insects, and weeds? If the answer to this question is "yes," what proposed substitutes do they see available currently which would control such pests, or do those who propose the new Agency consider rodents, insects, fungi, and weeds as pests in food production?

3. What impact on the production of food do the proponents of the reorganization plan believe will occur if the use of pesticides is terminated?

4. Do the proponents of reorganization believe that food imported from other countries should meet the same tolerance standards on pesticide residues as those produced in this country?

We respectfully request this letter be made part of the record on the hearings on the proposed Environmental Protection Administration.

Sincerely,

RICHARD T. O'CONNELL,
Secretary.

SPORT FISHING INSTITUTE,
Washington, D.C., July 20, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, House Office Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: This will advise that the Sport Fishing Institute supports President Nixon's Executive Reorganization Plan No. 3 of 1970 (H. Doc. 91-364) to establish an Environmental Protection Agency.

We believe that the gravity of environmental degradation and the related urgency for concentrated coordination of Government efforts to abate pollution of all kinds are so great as to override all counter considerations.

At the same time, we firmly believe that Reorganization Plan No. 3 will come to naught, and prove to have been useless paper shuffling, unless substantial new funds are also pumped into the pollution abatement programs after they are collected together in the new agency.

It will be appreciated if you will include this letter in support of plan No. 3 in the record of public hearings. Thank you.

Sincerely yours,

RICHARD H. STROUD,
Executive Vice President.

THE UNIVERSITY OF NORTH CAROLINA,
WATER RESOURCES RESEARCH INSTITUTE,
July 22, 1970.

Hon. JOHN A. BLATNIK,
House of Representatives,
Washington, D.C.

DEAR MR. BLATNIK: I understand that the Subcommittee on Executive and Legislative Reorganization of the Committee on Government Operations will hold hearings on the President's reorganization plan pertaining to Environmental Protection Administration starting July 22. I am very concerned about one area of major deficiency which I would like to call to your attention. This deals with the need for a greatly accelerated effort in the realm of public water supplies.

While the public water supply agencies and utilities in the United States have done quite well in meeting rapidly expanding water needs, there are many deficiencies which need to be openly discussed. These are multifaceted in nature encompassing important institutional, economic, and technical as well as health considerations.

The very fact that we have an American Water Works Association representing public water supplies on the one hand and a Water Pollution Control Federation representing the used water systems on the other is a case in point. We have a single system which should be dealt with as such. Even the most casual observation of municipal water and waste schedules amply demonstrates the interdependency of these two phases of the same system. One of the most difficult problems is the proliferation of thousands of small water and sewage systems throughout the countryside—aided and abetted, of course, by such Federal agencies as the Farmers Home Administration. We must look to areawide water-waste systems in order to make best use of available ground and surface water resources. We are rapidly entering a period in which water supply and waste disposal as separate entities are no longer valid concepts. We need to be increasingly concerned with management of the overall hydrologic system so as to recycle used waters in such a way as to assure an adequate supply of good quality for all beneficial purposes. Our principal deficiency in this area is lack of comprehensive planning and the institutional means to encourage areawide or regional systems.

I sincerely hope that you will consider the advantages of bringing together in this new administration all Federal grant and aid programs dealing with public water supply and sewerage systems. This is an important omission in the President's proposal.

Our methodology for prediction of future water needs is primitive at best and simply extends current experience into the future. For generations, the water resources agencies and utilities have been preaching the gospel of "cheap" water. The fact is that water pricing (this carries the same implications for the waste end of the system) has been such as to encourage waste and discourage the efficient utilization of the water supply. Our plumbing systems and household appliances were developed without regard to water use. While pricing offers a very effective means for extending the available supply and internalizing the adverse effects of waste waters, there is very little interest among the water works people in this alternative. This is a serious mistake. Economic incentives are our most powerful potential tool for management of urban water--waste systems.

While water borne disease outbreaks have been comparatively infrequent in this country, we still experience them and there is no basis for complacency. Our conventional water treatment technology is not nearly as good as is often implied. In general, it does not remove dissolved organics and inorganics to say nothing of its questionable effectiveness for the removal of virus. There is a strong parallel between a citizen consuming dissolved materials of unknown toxicity over a prolonged period of time and the much-cited oyster concentrating dilute amounts of toxic materials from its aquatic environment until debilitating levels are reached. This is a vast submerged iceberg of potential peril to the public health. The fact that our epidemiological techniques are inadequate to define the problem is no indication that it does not exist. Nothing can be done about cumulative hazards of this type once demonstrated, except to take steps to prevent similar damage to the previously unexposed population.

The attention being given to public water supply problems in this country is totally inadequate. Our major problem is the false sense of security borne out of past experience in a far less troubled environment. Crisis planning is no proper basis for dealing with this matter. I strongly urge increased support of the operating and research programs administered by the Bureau of Water Hygiene, Public Health Service, and a strong relative position for this mission of this Bureau in the new administration.

Sincerely yours,

DAVID H. HOWELLS,
Director.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., July 24, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, House
Committee on Government Operations, House Office Building, Washington,
D.C.

DEAR CONGRESSMAN BLATNIK: While the institute raises no serious objections to the proposed reorganization, we do believe that the new agency's effectiveness will depend largely on the coordination maintained with existing agencies having responsibility for allied environmental components--fish, wildlife, forests, parks, and so forth. We believe it is important to obtain answers to the following questions from administration spokesmen:

1. What lines of consultation and communication are planned between EPA and conservation, fish, and wildlife agencies?
2. What mechanisms are contemplated to permit an input to EPA from conservation, fish and wildlife organizations?

We also are concerned about the individuals who may be appointed to head the new agency. From your personal involvement, you will recall that the Federal water pollution control program was transferred from the Department of Health, Education, and Welfare because of the inability of the medical profession to view water pollution in anything but a public health context. The broader environmental ramifications of the problem were lost upon them.

We now are beginning to see a resurgence of the medical profession in the environmental field, manifested most lately by the new health and environ-

ment office established in the Department of Defense. We are apprehensive that the men chosen to head EPA might reflect and continue this unfortunate trend.

We believe, of course, that public health considerations have a logical place in the new agency, but we strongly believe that the responsibility for directing the program should be trusted to individuals who possess a deep understanding of (1) the interlocking environmental aspects of the programs that are proposed to be grouped in EPA, and (2) the many other environmentally related programs administered in other agencies of the State and Federal Governments.

I would appreciate having this letter made a part of the hearing record.

Sincerely,

DANIEL A. POOLE,
President.

FOTH & VAN DYKE AND ASSOCIATES, INC.,
July 27, 1970.

Congressman JOHN A. BLATNIK,
Rayburn House Office Building,
Washington, D.C.

DEAR JOHN: I saw in the Green Bay paper the other night that you are holding hearings in connection with the proposed administration EPA organization. You were quoted as saying that the proposal was not of great merit as it was doing only the job in a partial way.

I am enclosing a copy of an editorial from the July 16th Engineering News-Record which bears out your contention. In fact, the proposal would not accomplish as much as H.R. 2133, which at least would place all of the responsibility for liquid waste handling into FWQA.

From the information that I have been able to get, the new proposal would not do anything for the small communities in northern Minnesota and Wisconsin, as many of those, who have no water system as well as sewers, would be in the same boat as before. In our State, the FWA still insists that, unless the community agrees to construct a lagoon or aerated lagoon, even though the State and FWQA have approved plans for a high grade treatment plant, they refuse to provide not even a loan to the community. For this reason, we hope that, whatever legislation passes, it will contain provisions for the Federal Government to purchase the needed revenue bonds from the municipalities, who are unable to sell them otherwise.

Hoping that you and your family are well and can take the Washington summer heat once again, I remain

Sincerely yours,

HERBERT S. FOTH.

Enclosure.

HALF A STEP

The idea of consolidating all Federal environmental programs in one agency is an old one and a good one. Too often these fragmented programs have been lost within large departments, and all too frequently the parent departments' role as a developer of resources has been in direct conflict with environmental questions.

Also, the bewildering array of overlapping, duplicating, and occasionally competing programs for pollution control has always been a time consuming and frustrating puzzle to the applicant for Federal aid who isn't sure what Federal agency to approach with hat in hand.

Consolidation would solve all that. But in announcing his plan to reorganize the Federal environment effort (see p. 15), President Nixon has taken only a half step.

Almost all Federal agencies these days have environmental programs. To put them all into the new Environmental Protection Agency (EPA) would create a monster agency that would probably strangle on its own complexity. But the President's decision to bow to congressional pressure and leave three of the four major water pollution control programs out of EPA is a mistake.

The water pollution control grant programs of the Department of Housing and Urban Development, the Agriculture Department and the Department of Commerce should be in EPA with the Federal Water Quality Administration. To leave them in their present departments does nothing to solve the problems the reorganization was supposed to solve.

The decision is not a final one. The Council on Executive Reorganization, which advised the Nixon administration on the consolidation, will consider it again. When it does, it should keep in mind the goals of reorganization and recommend that the HUD, Agriculture and Commerce programs be moved to EPA where they belong.

MIDLAND COOPERATIVES, INC.,
July 28, 1970.

Representative JOHN A. BLATNIK,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. BLATNIK: The President's Advisory Council on Executive Organization has recommended the establishment of the "Environmental Protection Administration," which will assume jurisdiction over the registration, labeling, and efficacy of pesticides.

It is our concern that this would not be in the best interests of the farmer in that the use of pesticides would be regulated by people who are not knowledgeable in the field of agriculture. In view of this situation, we would urge you to have the Environmental Protection Administration brought up for a vote and pesticides left in the Department of Agriculture.

We certainly feel that all pesticides should be used only in a manner that is safe to the general public and to our environment. The present method of pesticide registration review by USDA, FDA, and the Department of Interior gives more than adequate consumer and environmental protection.

Sincerely,

DAVID O. ALBERG,
Merchandiser-Buyer, Agricultural Chemicals.

OHIO WATER DEVELOPMENT AGENCY,
Columbus, Ohio, July 29, 1970.

Hon. JOHN A. BLATNIK,
U.S. Congressman,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: I noticed in a news letter that you were holding public hearings on President Nixon's Reorganization Plan No. 3. While the President's plan on EPA certainly is a step in the right direction, it is disappointing to note that the funding capacities of HUD, FHA, FBA and other Federal agencies are not included in the new organization.

It would ease the burden of the States considerably if they could deal with one agency on the financing of sewer collections and sewage treatment rather than to continue to deal with a number of Federal agencies.

We realize that the larger Federal agencies can exert considerable influence when it comes to giving up parts of their organization, but it does not appear too feasible to have FWQA, which finances the sewage treatment plants, in the new organization and not include the rest of the agencies involved in the same or similar types of financing. If they cannot be included in the original transfer, it is certainly hoped that they might be added at some later date.

We greatly appreciate the help you have given us in the past with Federal legislation and I am sure you will give serious consideration to the above.

Sincerely,

NED E. WILLIAMS,
Executive Director.

THE AMERICAN PUBLIC HEALTH ASSOCIATION, INC.,
Harrisburg, Pa., July 30, 1970.

Hon. JOHN BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, House Government Operations Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. BLATNIK: In connection with the President's reorganization proposal for the establishment of the Environmental Protection Administration to administer the Federal Government's pollution control and related activities, I

wish to urge your support of this important step. As chairman of the Committee on Environment of the American Public Health Association, I know that you will be interested to know that this group has long advocated such a move and specifically recommended consolidation and coordination of antipollution activities of the Federal Government.

In addition to the backing and endorsement of APHA's Committee on Environment, I feel, as an administrator of the environmental protection program in Pennsylvania, that the reorganization plan will improve Federal-State cooperation by establishing the framework for more uniform policies and elimination of gaps and overlaps.

I sincerely hope that your committee will approve the EPA reorganization plan.

Sincerely yours,

WESLEY E. GILBERTSON, P.E.,
Chairman, Committee on Environment.

NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION, INC.

Denver, Colo., July 31, 1970.

Congressman JOHN A. BLATNIK,

Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: At a recent meeting, the board of directors of the National Environmental Health Association reviewed "Reorganization Plan No. 3 of 1970," prepared by the President and transmitted to the Senate and the House of Representatives in Congress establishing the Environmental Protection Agency.

The board agrees that with the 80 odd Federal agencies that now share in the management of the American environment, nobody really manages the environment, or shall we say perhaps everybody. While everyone has his finger in the pie, no one is really managing the environment in the true sense from the standpoint of overall protection of it and of those who must live in it.

We must also agree that each agency or unit is bulging with instant jealousy of its right to take independent action.

Much of the inefficiency, ineffectiveness, and cost of many programs of environmental management and consumer protection at all levels of Government have been related to:

(1) fragmentation of responsibility and activities among a number of agencies, and

(2) the fact that many such programs and organizations are not basically oriented to a mission of consumer protection and public service, but, rather, owe their allegiance to a specific industry having a vested interest in the program.

We feel that this new agency is making only the first step toward establishing a total organization for environmental management and consumer protection at the Federal level. The Environmental Protection Administration is pulling together into one agency a variety of research, monitoring, standard setting and enforcement activities now scattered through several departments and agencies; however the activities are primarily pollution control and are not total environment oriented as presently planned.

We believe the reorganization should include noise control activities now being handled in the Federal Aeronautics Administration, sewer and water grants now being administered by Housing and Urban Development and the Farmers Home Administration, environmental health activities of the Atomic Energy Commission, and possibly other activities for total environmental management.

Speaking for the largest environmental health association in the Nation, we endorse Reorganization Plan No. 3 of 1970 and urge its expansion to include all Federal environmental activities.

If this office can be of any help to your subcommittee at any time, please feel free to call us.

Sincerely,

NICHOLAS POHLIT, M.P.H., R.S.,
Executive Director.

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: The National Grange is quite concerned over the Reorganization Act, which would establish an Environmental Protection Administration. It is our understanding that the act would include a transfer to this new agency the pesticide registration and regulation activities from the U.S. Department of Agriculture and the pesticide standard-setting programs from the Food and Drug Administration.

It is also our understanding that Congress has 60 days either to accept or reject the President's recommendations on establishing the new Environmental Protection Administration, which is our primary concern. We understand that you cannot amend the President's recommendations, but we would like to offer the following suggestion: that your committee send the plan back to the executive branch along with this recommendation.

The main function of the Environmental Protection Administration is, as the name implies, the protection of the environment. We therefore recommend that only that portion of the pesticide program that protects the environment be transferred to the new agency. At the present time this portion of the Pesticide Registration Act is administered by the Food and Drug Administration, under the agency that administers the pesticide research and setting of standards program. It is this portion of the pesticide program that protects the environment and therefore we can see the logic in transferring this agency's functions.

However, the pesticide registration and licensing of pesticides should remain in the Department of Agriculture, for it is only here that the importance of pesticide chemicals as essential tools of production can be judged. This must be high on the list of priority in determining what chemical can be used on what crops and in what dilution.

We believe that the Department of Agriculture has managed its responsibilities in the pesticide chemical field well. Leaving the pesticide registration program in the Department would permit producers, formulators and manufacturers to maintain their relationship with USDA and the USDA then, in turn, would deal directly with the EPA, the same as they now do with FDA.

Our primary concern can best be summed up by this question: Who will have control over agricultural production—a high level, integrated superagency, easily influenced by public opinion through the various news media, or the Department of Agriculture that has a mandate from Congress to see to the efficient production of food and fiber and control over the inputs to bring about such production?

It was because we feel so strongly that pesticides, their use and control are so important to the economic production of the food and fiber for our great Nation that the National Grange, at its 103d Annual Session, held in Daytona Beach, Fla., adopted the following resolution:

AGRICULTURAL CHEMICALS

"Because of the vital importance of insecticides, pesticides, herbicides and other similar chemicals to the efficient production of agricultural products, the regulation and control of these substances for the protection of the public should be continued in the Department of Agriculture and the Department should be provided with any additional authority and funds required to carry on the necessary research for the safe and effective use of these substances."

Pesticides are often considered as entirely unnecessary, pollutants, food toxicants, or an economic crutch for farmers. It should be obvious to all that by the nature of statements expressed in opposition that they are too often based on happenstance or conjecture, not on existing scientific information, and all too often arise in emotional concern—by scientists and lay groups alike—for special interests.

The new Interdepartmental Agreement for Protection of the Public Health and the Quality of the Environment in Relation to Pesticides provides for a sound, scientific review of pesticide registration and regulation, assuring that none of the three Departments can ignore the needs and responsibilities of the others.

The National Grange cannot, after serious consideration of the proposal, see

any benefit in changing the triple responsibility of the Departments of Agriculture, Health, Education, and Welfare, and Interior for the monolithic administration of a single agency. In fact, in our judgment, the single agency will be subject to so much pressure from public opinion that it will be unable to function properly, either in the interest of the public or the producers.

However, we could support such an agency if the interest of pesticides as a tool of production is protected by having the pesticide registration remain in the Department of Agriculture as we have suggested.

We respectfully request that this letter be made a part of the hearings on the proposed Environmental Protection Administration.

Sincerely,

JOHN W. SCOTT, *Master.*

WASHINGTON, D.C., August 2, 1970.

Hon. JOHN A. BLATNIK,
*House of Representatives,
Rayburn Office Building, Washington, D.C.*

DEAR REPRESENTATIVE BLATNIK: With my penchant for consolidation in order to ease the inappropriate and needed communications, research, action, and evaluation I would, as others might (but admittedly do not have enough facts about these activities), if it might not be desirable for the proposed National Oceanic and Atmospheric Administration and the proposed Environmental Protection Agency to be combined in some meaningful and effective way.

Enclosed you will find further correspondence which states some of my basic attitudes and thoughts about ecological balance, and environmental control and health matters; describes about how far I have gotten; and raises a number of questions other than those previously asked. Also enclosed is a piece titled, "A clarification," which is self-explanatory and which I felt in all fairness should be part of any file of our correspondence.

I still feel a need exists to pull together into some sort of a loose confederation of a super umbrella voluntary organization the representatives of the appropriate Government agencies, industry groups, labor unions, ecological action organizations, wildlife and conservation people, voluntary health agencies, population control groups, scientific bodies, civic and service organizations, youth groups, as well as others—so that differences can be more directly and rapidly discussed and appropriate and needed research and action can be taken and evaluated.

Whether it is feasible or not, my feeling is that it is worth a try.

At this stage, I need and welcome feedback to these ideas from every possible source, at whatever level of discussion, and about whatever aspects—so, again, whatever comments, suggestions, information, or advice, you or your colleagues may choose to give now or in the future shall be gratefully received and most appreciated.

Thank you for whatever help you can give in these matters, and best wishes.

Sincerely yours,

SELWYN M. WAINGROW.

WASHINGTON, D.C., July 16, 1970.

Mr. RUSSELL TRAIN,
*Chairman, Council on Environmental Quality,
Washington, D.C.*

DEAR MR. TRAIN: A number of people that I have written to in a wide variety of organizations in our society, including Members of Congress, have suggested I write to you. Enclosed you will find correspondence which gives partial answers to the questions of who I am, what I am trying to do, why, and where it is now.

The creation of a new Environmental Protection Agency within government is to be applauded. In my opinion, however, another kind of structure will be needed to bring together for more effective planning and cooperative action the broad spectrum of our society that has both a legitimate interest and responsibility in these areas. And to be done without any member giving up its autonomy as an organization, with all that this implies. Such an organization, in short, has to go way beyond but include Government agencies and industry involvement. In my opinion, we are dealing with that kind of problem.

There are many questions to be raised revolving around such issues as the

advantages of centralization versus decentralization; unification versus plurality of effort; recruitment and caliber of leadership, membership composition, obligations, and rights, substructures and their functions and interrelationships, channels and frequency of communications, and, of course, funding and staffing, as well as others. But these are secondary to the main issues of whether something needed and unique would be contributed by any new super volunteer umbrella organization.

My bias is obvious. If "form follows function" then it is also probably true that function is facilitated by form or foiled by it. There are many other factors, too. I have no illusions about the enormous complexity and difficulty that forming such an organization entails but, again, it is the kind of problem that needs a structure that can reflect the inherent difficulties involved and synthesize the complexities into a more manageable form. All of us are both consumers and producers.

Certain problems in our society, indeed the world, are above politics—or should be—and this is one of them. There will be no winners and losers in this game—only winners or losers. If we do not solve the problem of ecological balance and environmental control it is possible that we shall have ironically and tragically found the solution to all other human problems. And if the only solutions offered are those that are in practical or not possible politically then it is my private concern, head-banging preoccupation, and slightly sardonic fear that—if and when the world awakes it will do so with a roar—but with a rationalization. I think we can do it.

Whether comments, suggestions, information, or advice you would care to give on these matters—now or in the future—would be gratefully received and appreciated.

Sincerely yours,

SELWYN N. WAINGROW.
WASHINGTON, D.C., July 8, 1970.

Dr. LEOBEL L. TELBY,
Vice President for Medical Affairs,
University of Pennsylvania,
Philadelphia, Pa.

DEAR DR. TELBY: Enclosed you will find material I have been mailing out for a number of weeks to a wide variety of organizations throughout the Nation, including Members of Congress, and counselors to the President.

In the latter case, one of the mailings was at the suggestion of the chairman of the national committee of one of the major political parties.

This effort is both a reflection of deep concern and an attempt on my part as a private citizen to offer what, hopefully, will be considered and actually become some constructive suggestions with regard to a rather complex, difficult, and increasingly threatening problem area—ecology and environmental health.

The action I have taken is currently a one-man embryonic effort to extend some of the pertinent notions implicit in the Horn-Waingrow model of behavior change in cigarette smoking to this wider arena.

In doing so, the case of the National Interagency Council on Smoking and Health has been cited as a positive example of how diverse organizations with different mandates can join together for a common goal and achieve constructive results which they might not have achieved even if they had all acted individually.

Since there is this reference, and the inclusion of an old copy of a brochure about the NIC, you and the other members of that organization may be getting inquiries as to what role, if any, the NIC has or will have in all of this, as well as inquiries about who I am and my motives.

You answer, of course, as you see fit.

It is obvious from the enclosed material that my bias is that a total systems approach is as necessary in this area of ecology and environmental health as it is in smoking and health, perhaps even more so, and that some sort of organizational structure that reflects that function is vital.

It should also be obvious that another bias, and indeed another hope, is that even in a competitive society we learn to, at some level and for certain problems, cooperate and effectively mobilize the individuals as well as the institutions (indeed, in the latter case, create new ones if necessary), within that society.

The challenge is to keep the competitiveness and the diversity stimulating, creative, and constructive without letting it become self, institutionally, or socially destructive.

It has been my hope that a constructive facing and solution of the cigarette smoking and health problem would have served in some small way as a paradigm for the facing and solution of a wide variety of other problems that have and will beset our society now and in the future.

The format and style of presentation of the proposals in the enclosures are somewhat crude, if not impertinent, but I do believe, and again hope, that some of the substantive suggestions relating to the main topic, ecology and environmental health, are worth people's time and attention even if they do not accurately reflect my personal concern or professional expertise.

There is a fine line between a far-out and a far-ahead concept. As you well know, there is an even greater gap between such a concept and its actualization.

My immediate interest at this early and critical stage is that men of integrity, skill, and dedication will get together from a wide spectrum of our society and either form such an organization as is suggested in the enclosure or otherwise fulfill its function.

If you have the interest and the time I would, of course, be delighted to receive your thoughts as a private individual on the questions that I raised.

Thank you for whatever thoughts you may wish to express or help you may wish to give on these matters.

Sincerely yours,

SELWYN M. WAINGROW.

Enclosures.

A CLARIFICATION

In further view of the correspondence I have sent out it seems to me that a clarification is in order in terms of the tone and implications of my June 4 and May 20 letters to Mr. Denis Hayes of Environmental Action.

I have already (July 11) apologized to Mr. Hayes for the slightly flippant tone of the former letter and the somewhat strident tone of the latter listed one, which does, however, contain a number of points I wanted to make about a number of things.

The criticisms in the May 20 letter are still valid, in my opinion, for that particular speech, on the night mentioned, before that audience; but what my letter did not make clear enough was that it was Mr. Hayes' excellent, informative, and wide-ranging but well-integrated talk that galvanized me into action (and, hopefully, others who were there, too).

Before, like many people, I had been aware of the problem and had some notion of its seriousness; but, like many, I was too busy, I thought, with my own professional and personal life to get directly involved.

Besides, there were, it seemed to me, plenty of experts in the field and, since I was not one, I did not quite see what I had to offer that others could not do, and indeed were not doing, better.

Listening to Mr. Hayes, however, moved me and got me moving. As he talked, and as I thought things, later, certain ideas began to fall into place within my own mind and I felt that as an individual citizen and as a social scientist that there was, indeed, something constructive that I might be able to offer formally or informally, for consideration.

In that sense, the talk given by Mr. Hayes was truly inspirational and I would like and appreciate it if this were kept in mind as one reads my June 4 and May 20 letters to him.

SELWYN M. WAINGROW.

CONFERENCE OF LOCAL ENVIRONMENTAL HEALTH ADMINISTRATORS,

August 3, 1970.

Representative JOHN BLATNIK,

Chairman, Subcommittee on Executive and Legislative Reorganization, House Committee on Government Operations, House Office Building, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: Our conference, whose members are engaged in the direct delivery of environmental quality services, to well over one-third of this Nation's population, is deeply concerned over the apparent tug of war going on now relative to the Federal environmental quality control programs.

We are deeply concerned over the possible additional fragmentation of the

attack on our environment and feel most strongly that further splintering of Federal activities is bound to slow down pollution control. We believe that the environment must be seen as a system because each segment of our environment contributes to the degradation of each other segment. Fighting a segmented war on pollution is like fighting a military war allowing only Army to fight Army, Air Force to fight Air Force, and Navy to fight Navy.

We believe that the control of our air, water, land, shelter, food, and transportation environments must be coordinated, with health aspects of man being the chief priority. As experienced governmental administrators, we do not believe that the coordination of effort necessary for a successful war on environmental degradation can come through the scattering of functions in a myriad of agencies. Intracommunity coordination is difficult enough, interdepartmental coordination is apparently impossible.

We most strongly urge that reorganization of Federal Government environmental control activities take into account the need for single agency coordination of all environmental quality control programs. We also urge that any such agency be so organized and oriented that human health will be the chief concern of the agency.

Very truly yours,

DAVID E. BARRY,
Chairman.

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL,

Chapel Hill, August 5, 1970.

DR. JOHN A. BLATNIK,

*Chairman, Executive and Legislative Reorganization Subcommittee, Rogers
Committee, Washington, D.C.*

DR. JOHN A. BLATNIK: As an engineer who has spent his entire professional life, some 33 years, in dealing with problems of the environment, I have a considerable interest in the proposal to create an Environmental Protection Administration as an independent agency concerned with management of the environment. I have been head of the department of environmental sciences and engineering at the University of North Carolina since 1955, and have also served as director for the Institute for Environmental Health Studies at the University of North Carolina since its creation some 6 years ago. In addition, this year I am serving as president of the American Academy of Environmental Engineers. Testimony on behalf of the academy is being provided separately by Mr. James G. Terrell, Jr., executive director.

I, and many of my colleagues in the educational field, support the creation of an independent agency to deal with the environment. For too long, problems of the environment have been fragmented throughout government with the result that only special interests have been served. As an educator, I am particularly conscious of the fact that these separate agencies establish separate constituencies with the result that resources have not been available for education or research on problems that affect the environment as a whole. Programs have existed in water pollution control, in air pollution control, in the management of solid wastes, problems of radiation, etc., but the interrelationships among these environmental problems, and the fact that contaminants may move from one sphere to another, have left large gaps in environmental research and in the recruiting and education of engineers and scientists for environmental management. The Environmental Protection Administration can be an important beginning, particularly if it receives authorization and appropriations for programs in the environment which will permit it to encourage educational institutions and their faculty and students to examine the larger problems of the environment.

WATER SUPPLY

While the greatest impact of the EPA can be in establishing a holistic view of the environment, it also has an opportunity to address some grievous omissions in dealing with current problems. One in particular is the virtual absence of support for activities in the field of water supply. We have had a long and proud history in the creation of safe water supplies in the United States, with the public health drinking water standards providing the guidelines for water supply enterprises throughout the world. However, support for this activity has

not kept pace with the problems of water supply created by burgeoning populations, the increased pressures of urbanization, and the decreasing volumes of pure waters from which to draw our water supplies.

More than half of the population that utilize public water supply systems draw from systems that are contaminated with wastewaters from municipalities and industries. Neither wastewater treatment systems nor water purification plants remove many of the toxic substances that now find their way into our water resources, such as heavy metals like mercury, synthetic organic chemicals such as pesticides and detergents, as well as many esoteric chemicals whose significance for public health has not yet been established. It has been well demonstrated that small community systems do not have the resources in funds or manpower to deal with this type of problem, with the result that many small systems have gross deficiencies in the quality of water made available to their customers.

In addition, more than 50 million people, about 25 percent of our citizenry, have no access to public water supply systems, which means that the quality of their supplies is suspect as well as that the utilitarian values of water are not available to them.

Considerable research needs to be done to assess the significance of our deteriorating water supplies and to come up with methods that will assure safe water supplies for all communities over the next decades. In addition, our State regulatory agencies need guidance from the Federal Government as to approaches that might be used to improve water supply service. There need to be incentives toward rationalization to help us get away from the thousands of small suppliers that provide inadequate water service.

Among the units to be brought into the Environmental Protection Administration, the Bureau of Water Hygiene needs strong categorical support. Its identification within the superstructure of EPA is vital if it is to be permitted to meet its proper obligations in helping provide safe water for communities throughout the United States.

Sincerely yours,

DANIEL A. OKUN,
Professor of Environmental Engineering, Head.

AMERICAN ACADEMY OF ENVIRONMENTAL ENGINEERS.

August 5, 1970.

Hon. JOHN A. BLATNIK,
*Chairman of the Subcommittee on Executive and Legislative Reorganization,
Rayburn Office Building, Washington, D.C.*

DEAR REPRESENTATIVE BLATNIK: I am writing at this time to support the principal concepts in the President's plan of July 9, 1970, to reorganize Federal activities related to the environment and to emphasize the need to give special attention to public water supplies.

The American Academy of Environmental Engineers is an organization of licensed professional engineers who have been selected by examination for their competence in environmental engineering. During the past few years many of our leaders have been giving special attention to public water supply needs because it has seemed that this basic environmental program had been given a low priority, largely through reliance upon the low level of detectable waterborne disease.

Until the turn of the century when the understanding of bacteriology developed, the water treatment for the cities and towns of this country were plagued with recurrent epidemics of typhoid, cholera, and dysentery. By the 1930's, the state-of-the-art in municipal drinking water treatment advanced to a point where waterborne infectious disease was difficult to identify. During ensuing decades, particularly 1950's and 1960's, Federal and State and local program emphasis shifted from stressing the treatment and protection of drinking water systems to reducing the discharge of degradable organic pollutants at the source.

A recent Public Health Service report notes that significant numbers of Americans are not getting high quality drinking water today. Further, the report notes that many Americans are drinking potentially dangerous water containing bacterial indicators of waterborne disease.

The summary report highlights the future needs for research, planning, technical assistance and modernized surveillance if our society is to continue to be blessed with the benefit of adequate quantities of safe drinking water.

It should be noted that a 1967 General Counsel's opinion has held that inclusion of chemical criteria in the drinking water standards since 1925 is illegal since the authorizing legislation only sanctions constituents involved in communicable disease. This, at a time when industrial technology currently uses over 10,000 potentially dangerous chemicals, is developing 500 new compounds each year and includes pesticides specifically developed to adversely affect target organisms. This is complicated by:

(1) The population of this country is expected to increase to 300 million people by the year 2000.

(2) Numerous point sources of human waste will not be checked for years to come.

(3) Chemical wastes can be expected to increase faster than the population.

(4) Uncontrolled runoff from our forests and farm lands will undoubtedly continue with an increasing quantity of manmade contaminants.

while our water resource remains essentially fixed.

Possibly much of the backsliding in local, county, State, and Federal water hygiene programs can be traced to lack of balanced Federal leadership. Aided and abetted by quiet public health professionals who also saw the compelling need to begin to identify, gain support, and to start correcting the pollution of our air, water, and land, the public has been led to believe that water pollution control efforts are a panacea which will not only restore and enhance the quality of our lakes, streams, and coasts to the benefit of fish and aquatic life and recreational pursuits but also guarantee delivery of healthful quantities of safe drinking water to the consumer's tap. As beneficial as these efforts are, present technology will require a joint waste treatment and water treatment program to provide adequate supplies of potable drinking water.

The proposed consolidation provides a new opportunity to look at the environment as a system and then launch coordinated and integrated attack.

It should assist State and local programs both to fulfill their responsibilities and to call attention of Congress to the voids in current Federal programs. While public health officials have been among the staunchest advocates of water pollution control, they have not clearly identified certain basic technical principles involved:

(1) Water pollution control efforts can assist, but only assist, the delivery of safe water to the consumer's tap. A cleanup of our ground and surface waters will improve the efficiency and dependability of community water supply efforts, but the community drinking water supply must be treated in any event.

(2) Both naturally pure water, and the polluted waters in many segments of the country, can be collected, treated and delivered to individual homes and through community water systems, only by well planned, constructed, and operated systems under the close scrutiny of competent local, State, and Federal programs.

(3) These programs must receive the needed resources to conduct necessary planning and research to provide drinking waters free of infectious organisms with a proper chemical balance, and virtually free of hazardous chemicals. Training and technical assistance must be provided to assure full application of existing technology and to conduct active, constructive surveillance, and enforcement programs.

A program of this type does not exist today. This reorganization provides the opportunity to both highlight and rectify past mistakes and to begin planning and implementing the necessary action program.

Accordingly, it is recommended that the Congress study comprehensive legislation, including authorizations and appropriations warranted by this vitally important environment program. Furthermore, within the scope of these hearings on reorganization, we strongly recommend that the establishment of a suitably visible organizational entity within EPA to be charged with responsibility for the principal legitimate water use--adequate quantities of safe drinking water for all Americans now and in the future. This unit should have sufficient stature so the multibillion dollar organization which supplies water to the public can relate effectively to the Federal Government.

A definite congressional position on this issue is necessary to strengthen the will of the Government to create an organizational entity within the EPA with sufficient resources to assure proper development of water supplies.

On behalf of the president of the academy, Prof. Daniel A. Okun, and the officers and directors of the academy, I wish to thank you for this opportunity to bring this important matter to your attention.

Sincerely yours,

JAMES G. TERRILL, Jr.,
Executive Director.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 31, 1970.

HON. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, House Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR JOHN: In connection with your subcommittee's current consideration of the President's Reorganization Plan No. 3, I thought that you might be interested in seeing the enclosed telegram on this subject which I have just received. You will note that Dr. Myers, Alabama State Health Officer, directs his comments to the proposed transfer of certain functions of the Bureau of Radiological Health (HEW) to the new Environmental Protection Agency.

With kindest regards,

Sincerely,

JOHN H. BUCHANAN, Jr.,
Member of Congress.

[Telegram]

MONTGOMERY, ALA., July 28, 1970.

Representative JOHN BUCHANAN,
House Office Building, Washington, D.C.:

Under President Nixon's Reorganization Plan No. 3 of 1970, certain functions of the Bureau of Radiological Health of the Department of Health, Education, and Welfare are being transferred to the Environmental Protection Agency. We have no objection to the proposed transfer under Plan No. 3, however we are concerned that the functions of the Bureau of Radiological Health which remain in the Department of Health, Education, and Welfare might lose their identity. We strongly recommend that the Bureau of Radiological Health retain an identity in Health, Education, and Welfare so problems relating to radiation from consumer products, radiation used in the healing arts, occupational exposures to radiation and technical assistance in these areas might have a common focus.

C. L. MYERS, M.D.,
State Health Officer, Alabama Department of Health.

AMERICAN PAPER INSTITUTE,
New York, N.Y., August 6, 1970.

HON. WILLIAM L. DAWSON,
Chairman of House Government Operations Committee, Washington, D.C.

MY DEAR MR. DAWSON: The American Paper Institute, which represents some 200 member companies, comprising 90 percent of the pulp, paper and paperboard industry, fully supports Government Reorganization Plan No. 3 to create an Environmental Protection Agency.

The country has long needed a fully coordinated attack on environmental problems. The fragmentation of executive powers in this field, on both Federal and State levels, is today a serious obstacle to the vigorous progress that our national situation requires. As a case in point, industrial enterprises must deal with a number of agencies, depending upon the nature of their pollution problems, and commonly find themselves up against conflicting, inconsistent or uncoordinated decisions. Pollution in one media can often be cured at the expense of causing pollution in another, and yet the vital interests of society call for the improvement of the total environment. Only through the consistent and coordinated development and enforcement of quality standards can we expect to achieve the results required.

Many of the States are in a comparable position to that of the Federal Government, with a multiplicity of departments working piecemeal on environmental problems. We believe that the establishment of the new Environmental Protection Agency will encourage those States which have not yet done so to emulate the Federal Government in creating a single organization where all key aspects of waste disposal and pollution will be handled.

Although President Nixon's message of July 9 to the Congress states the overall case for the new agency with great clarity and effectiveness, we stand ready, if your committee so desires, to testify in favor of Plan No. 3 from the point of view of the benefits we believe it will bring to the paper industry's long and steadily growing efforts to improve the environment.

Most sincerely,

EDWIN A. LOCKE, Jr.,

President.

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., August 11, 1970.

HON. JOHN A. BLATNIK,

Chairman, Subcommittee on Executive and Legislative Reorganization, House Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BLATNIK: The American Farm Bureau Federation is very much interested in Reorganization Plan No. 3 submitted to Congress by President Nixon under date of July 9, 1970, a plan which proposes to establish an Environmental Protection Agency.

While we are interested in all aspects of this proposed new Agency, our particular concern relates to the transfer of functions relating to the U.S. Department of Agriculture. The Federal Insecticide, Fungicide, and Rodenticide Act was established by law June 25, 1947, to regulate the marketing of these products and related devices. This act was amended in 1959 and in 1964. Congress placed this act under the administration of the Secretary of Agriculture and it has effectively been administered by that office since enactment.

The elected voting delegates of the member State Farm Bureaus to the 51st annual meeting of the American Farm Bureau Federation in Washington, D.C., in December 1969, adopted the following policy concerning agricultural chemicals:

"Agricultural chemicals

"The continued use of agricultural chemicals is important to both farmers and consumers. Any curtailment of the safe and proper use of these products would result in higher food prices to consumers.

"Modern agriculture cannot provide adequate quantities of high-quality food and fiber without the continued safe use of agricultural chemicals.

"However, consumers do have a vital interest in being certain that their health and welfare are protected by the safe use of these products. A continuing educational program among all users, with emphasis on the reading of labels and proper usage of chemicals is essential.

"In recent months there has been a stepped-up campaign against the use of many agricultural chemicals. We believe that every effort must be made to inform the general public that usage of agricultural chemicals is subject to stringent Federal and State regulation and that farmers are using these chemicals in accordance with Federal and State laws.

"We strongly recommend that the total responsibility for registration of agricultural chemicals be retained by the U.S. Department of Agriculture. We urge the Secretary of Agriculture to emphasize to the general public the importance of the continued use of these products to farmers and consumers in providing adequate high quality food and fiber.

"We oppose a complete ban on the use of any agricultural chemical and recommend that continued use be determined on a product-by-product and use-by-use basis. The continued use of these products should be based on a careful scientific data. The fact that some of these products may be considered to not have a sufficient reason for rejecting their continued use.

"We recognize that there may be problems in the use of agricultural chemicals as they relate to our environment. However, we strongly urge that their importance to food production and human nutrition be given proper recognition and consideration.

"The U.S. Department of Agriculture, the Cooperative Extension Service, and the State departments of agriculture should assist farmers and the public in obtaining a better understanding of the role of agricultural chemicals and the laws and regulations covering their usage.

"Farm Bureau should increase its leadership in this area so that the interests of farmers and the general public are adequately protected.

"We recommend that imported agricultural products be subject to the same restrictions on the use of agricultural chemicals and other standards as those which apply to domestically produced commodities.

"We support expanded biological pest control research to determine where biological pest control measures can be used as a practical and feasible substitute for chemical controls."

I call your attention particularly to the following paragraph in this policy statement: "We strongly recommend that the total responsibility for registration of agricultural chemicals be retained by the U.S. Department of Agriculture."

Reorganization Plan No. 3 proposed to transfer registration responsibility to the Environmental Protection Agency. The Federal Insecticide, Fungicide, and Rodenticide Act prohibits the shipment in interstate commerce of products which are not registered, or are adulterated or misbranded. Under the act, no pesticide chemical may be legally shipped in interstate commerce for general use until it is shown to be safe when used as directed and effective for the purpose claimed on the label. All labeling must be approved and any residues that may remain on food or feed must not exceed the safe tolerance level established by the Food and Drug Administration.

During the period that Reorganization Plan No. 3 was under study and development by the executive staff at the White House the policy position of Farm Bureau was presented to them in conferences and by written communication.

Farm Bureau members and farmers generally have a long and commendable record in soil and water conservation, wildlife, and other practices that protect the environment. The question in the proposed reorganization plan, particularly as it relates to farm chemicals, is not one of who favors the protection of the environment but how Federal agencies can best be related one to the other for administering existing law in the best interest of all concerned, including a knowledgeable relationship with a modern productive agriculture increasingly important as the food and fiber demands are equated to the 21st century both at home and abroad.

The Secretaries of Agriculture; Health, Education, and Welfare; and Interior each have responsibilities under law that relate to the use of materials used to control insects, fungi, rodents, plant and animal diseases, and for vegetable control, and each has extensive and competent research for scientific guidance in making decisions. The incumbent Secretaries have established an interagency agreement to effect cooperative decisions developed by close coordination of information from competent scientists including the National Academy of Science. We believe this has been a sound approach to constructive decisions avoiding unilateral action as experienced in the past. In regard to farm chemical registration the interagency agreement will be eliminated under Reorganization Plan No. 3 and we have sincere reservations that a more constructive procedure will take its place.

We are concerned also relative to the viewpoint that will be taken under the reorganization as to the importance of agricultural chemicals as a vital productive tool in modern agriculture. Farmers and ranchers have long had relationship with scientists, extension educators, and others in USDA. This experience has led both to have confidence in each other and a mutual understanding of the essential need of pest, fungus, weed and disease control, and the need for care in use of the materials. There is also an understanding of the importance of the manufacturer of these materials and a realization that the American consumer cannot be served unless effective materials are available.

Reorganization Plan No. 3 proposes to bring together numerous existing agencies. We have serious concern that agricultural chemicals will be viewed by those responsible for decisions in the new Environmental Protection Agency as pollutants with a low concern for these materials as tools in a productive agriculture. Unwise decisions can greatly restrict the ability of farmers and ranchers to continue a safe, abundant supply of high quality food and fiber.

In consideration of Reorganization Plan No. 3 of 1970 we trust you will give careful study to the interest and concern of farmers and ranchers in removing

the authority of the Department of Agriculture to administer the registration of agricultural chemicals and place this authority into hands that have far less knowledge and interest in a productive agriculture.

We would appreciate your making this letter a part of the hearing record of your committee.

Sincerely,

MARVIN L. McLAIN,
Legislative Director.

[Telegram]

WASHINGTON, D.C., July 23, 1970.

Hon. JOHN A. BLATNIK,
Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, House of Representatives, Washington, D.C.:

There is no problem among the many confronting the American people today which is greater or in such desperate need of solution as that of environmental pollution. The magnitude of the problem demands that the currently fragmented and scattered pollution control activities within the Government be brought together at the earliest moment into one agency in order that a concerted attack may be made on our immense pollution problems. The General Federation of Women's Clubs strongly urges your subcommittee on Executive and Legislative Reorganization to approve and recommend to the House the President's plan for establishing an Environmental Protection Agency.

MRS. EARLE A. BROWN,
President, General Federation of Women's Clubs.

STATEMENT OF LOUIS S. CLAPPER ON BEHALF OF THE NATIONAL WILDLIFE
FEDERATION

Mr. Chairman, I am Louis S. Clapper, director of conservation for the National Wildlife Federation which has its national headquarters at 1412 16th Street, NW., here in Washington, D.C.

Ours is a private organization which seeks to attain conservation goals through educational means. The Federation has independent affiliates in all 50 States and the Virgin Islands. These affiliates, in turn, are made up of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation number an estimated 2½ million persons.

We welcome the invitation and opportunity to comment upon proposed Reorganization Plan No. 3 of 1970, providing for the establishment of an Environmental Protection Agency (H. Doc. 91-364). I regret that a conflict is preventing our executive director, Thomas L. Kimball, from being here personally to accept the invitation to submit testimony on this proposed reorganization. We are hopeful, however, that he will return in time to testify upon proposed Reorganization Plan No. 4 (H. Doc. 91-365).

Mr. Chairman, we support the principles outlined in Reorganization Plan No. 3, even though it has deficiencies which we hope can be corrected at an early date. We believe it is in accord with current law and will "promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business." We also feel it will "increase the efficiency of the operations of the Government to the fullest extent practicable," even though we would recommend other changes as well.

We support Reorganization Plan No. 3 because it hopefully will correct one major problem of long and deep concern to us. For years now, we have called attention to conflicts of interest within the Federal Government wherein agencies are charged with both the promotion and regulation of programs.

This difficulty, perhaps, is best illustrated with chemical pesticides. The Department of Agriculture has been involved with improving the quality and quantity of foodstuffs and fibers produced on American farms. And, the American farmer, aided by Federal and State agencies, has chalked up a production record which is the envy of the entire world. At least part of this success can be at-

tributed to the efficiency of pesticide poisons, which have eliminated or curtailed losses from a wide variety of pests. As a consequence, USDA has been promoting the use of pesticides. However, we also now know that some pesticide chemicals can have harmful side effects, not only on fish and wildlife but on the entire ecology as well, including man himself.

Now, Mr. Chairman, we do not think it is wise for the same agency of Government that is promoting the use of pesticides to also have the responsibility for regulating this use. Refusal of the Secretary of Agriculture to prohibit the use of DDT, even though the Secretaries of the Interior and Defense have taken this action, and some other chemicals leads us to conclude that regulations on registration of pesticides should be promulgated and enforced by some other agency. Further, we long have felt that pest control can be achieved through means less harmful than some of the lethal and long-lasting chemicals now in use and we doubt if these efforts are being given the proper emphasis as long as the research program remains in USDA.

We believe the same principle also should apply to other units of government. Consequently, we are pleased that the functions relating to radiation criteria should be diverted from the Atomic Energy Commission and the Federal Radiation Council. As things now stand, the AEC and FRC consider themselves as the only agencies with sufficient expertise to determine the safe limits on radiation, even though some States want zero tolerances. Again, it is a case of an agency both promoting and regulating, in this instance the peaceful uses of nuclear energy developed with tax moneys contributed by taxpayers. Again, we do not think it is wise for one agency to have such a monopoly and, therefore, we agree on the desirability and advisability of incorporating this function into the proposed new Environmental Protection Agency.

There are other valid reasons why EPA should be created. To put it most charitably, the Federal approach to environmental pollution has been fragmented. Harmful gases and poisons emitted into the air or spread upon the ground may become pollutants of surface waters. Owners or operators of power generating plants may make plans to avoid thermal pollution of water only to contaminate the air instead. Solid wastes, including garbage, may result in accelerated eutrophication of water or pollution of the air by foul odors. In all, many problems are interrelated and the solutions to them can be most easily approached through one agency.

Other similarities exist. Local governments and States could go to one Federal agency for financial grants and technical assistance in the areas of water pollution, air pollution, and solid waste disposal. Industries can look to one agency for enforcement of water and air pollution standards. We hope that EPA can provide a point of focus for all pollution-related activities of the Federal Government.

Some of us can recall when the Federal water pollution control effort was located in the "seventh subbasement" as a branch within a division within a bureau within a service within the Department of Health, Education, and Welfare. At that time the agency did not even rate line items in the budget and funds secured for the program were diverted into other activities. We certainly hope that this move will constitute an "upgrading" for water pollution control, as executive branch spokesmen contend, and that the separate budget items will be continued.

Early in this statement I qualified our approval of Reorganization Plan No. 3 by observing that it has deficiencies. Frankly, we believe that EPA also should contain the program in Housing and Urban Development relating to basic water and sewer facilities as well as the grants of rural water and waste disposal under the Farmers Home Administration in USDA. We also feel that EPA should include the Federal efforts to curb noise pollution.

While we realize that the scope of the subcommittee's consideration is limited, it can be pointed out that we urge the adoption of a reorganization plan to combine water development construction agencies—Corps of Engineers, Bureau of Reclamation, the small watershed program in USDA, and TVA—with the responsibility for planning projects and for developing benefit-cost ratio evaluations lodged elsewhere in the Federal Establishment. We also think that the Federal effort would be more efficient and effective if the public land management agencies—Forest Service, Bureau of Land Management, Park Service, and Bureau of Sport Fisheries and Wildlife—were pulled together into one unit.

To conclude, Mr. Chairman, we hope the subcommittee will not take action to disapprove of the proposed Reorganization Plan No. 3. I make this expression as a staff member of the National Wildlife Federation and not as a member of the Federal Water Pollution Control Advisory Board, which would also be disapproved.

Thank you again for the opportunity of making these remarks.

STATEMENT OF EDGAR M. CLEAVER, M.D., DIRECTOR, WELD COUNTY HEALTH DEPARTMENT, AND MEMBER, COLORADO HEALTH AND ENVIRONMENTAL COUNCIL; AND ANDREW GUETNER, CHAIRMAN, WELD COUNTY BOARD OF HEALTH, AND MEMBER, COLORADO HEALTH AND ENVIRONMENTAL COUNCIL

We would like to express our appreciation for the opportunity of having a statement placed in the records of the hearings regarding Reorganization Plan No. 3.

We represent a local governmental agency and a statewide health and environmental organization. We are vitally concerned about the implementation of health and environmental control measures at the State and local level. While it is with trepidation that we go on record as opposing policies recommended by both the President of the United States and his advisers and policies recommended by a leading political figure of the Senate majority; namely, Senator Muskie of Maine, we nevertheless feel that our position of strategic importance in implementing environmental health measures at the local level allows us to reasonably proceed with critical remarks and alternative suggestions.

Frankly, we feel that Reorganization Plan No. 3, while it does pull together a number of environmental concerns into a more coordinated agency, nevertheless, does not pull all concerns together and does fragment what we conceive to be the vital health aspects of the environment even further. This occurs in that the largest reorganizational change perhaps comes in the removal of a number of important functions from the Department of Health, Education, and Welfare. We feel that the President was more nearly right in his first inclination of not forming additional administrative agencies, but of consolidating programs under existing agencies. Many of us here in Colorado feel that the only answer to both the pressing personal health problems with their economic implications and our environmental health crisis (and it is a health crisis as well as an environmental crisis) is the development of a comprehensive department of health at the Cabinet level.

Conversely, we feel that it would have been more appropriate to have placed the environmental functions of other agencies in the Department of HEW. If a new department of health were not to be formed. We feel that much of the concern about the environment today is entirely justified. However, there is an element of radicalism, extremism and political exploitation involved. We hate to see Members of Congress from either party or the President responding to these extremist elements, rather than to the attitudes of experienced men from schools of public health and State and local health departments. I would refer you to two additional sources as representing attitudes which should not be overlooked by those considering health and environmental reorganization or legislation. One source is that of the article "The Rise of Antiecology," noted on page 42 of the August 3, 1970, issue of Time magazine. The second source is that of Issue Paper No. 4 on ecology and administration published by Community Health, Inc., of New York.

Our interpretation of Reorganization Plan No. 3 is that while attempting to provide better standard setting and control of the entire environmental problem, there is indeed a definite possibility that health aspects of the environment per se will be given less attention. If there is truly an environmental crisis this cannot be allowed to happen. We from Colorado would strongly recommend that a resolution be introduced in the Congress to postpone the adoption of Reorganization Plan No. 3 until alternative possibilities of environmental coordination and reorganization can be considered. We would suggest that among these alternate possibilities is the development of a Cabinet level department of health, with a division of environmental protection. We would recommend the retention of the Council on Environmental Quality as an advisory and coordinating body. We would also suggest the formation of a joint legislative council to coordinate legislative action on environmental programing.

We feel that these measures would give the environmental health effort the attention that it needs at this time without fragmenting and disorganizing Federal, State and local relationships necessary for cooperative action in enforcing laws, rules and regulations for environmental control and improvement. We greatly fear that we on the local level will have too many agencies and commissions to relate to, and that we ourselves will be eventually fragmented and will be unable to coordinate our own efforts because of the need to communicate with and receive directives and information from a myriad of agencies and commissions above us. In short, increasing the number of administrative agencies and personnel at higher levels of Government is not the answer to more effective elimination of environmental hazards at the local level.

We appreciate the attention of congressional committees to the point of view of local people working in the field of environmental health as we attempt to protect the American people at the vital local level.

STATEMENT OF THE COLORADO HEALTH AND ENVIRONMENTAL COUNCIL, BOULDER, COLO.

Immediate modification of Reorganization Plan No. 3 of 1970, 91st Congress, 2d session, is strongly recommended by Colorado and many other State and local health and environmental officials.

On August 4, 1970, a Colorado delegation presented this modification to all Colorado Congressmen, which consists of the establishment of a separate Federal Department of Health with Presidential Cabinet rank encompassing a strong environmental component.

The delegation consisted of: Glen E. Keller, Jr., of Lakewood, president of the Colorado Board of Health; Andrew Gurtner, of Greeley, president of the Weld County Board of Health; and Dr. Edgar M. Cleaver, director of the Weld County Health Department, and myself as chairman of the Colorado Health and Environmental Council.

Health of the Nation is facing two major crises: (1) Pollution of air and water, as well as radiation and noise pollution; (2) soaring cost of health care, leading to bankruptcy, because of lack of any overall health policy and bureaucratic fragmentation of health programs.

We applaud the recent statement of the American Medical Association that a Federal Health Department should be established. Other organizations supporting a separate Federal Department of Health are as follows: American Public Health Association, Community Health Inc., State and Territorial Health Officers Association, American Association of Public Health Physicians, and many others.

The Colorado's 5x5 plan toward comprehensive health has been adopted by the Governor's appointed 40-member comprehensive health planning council according to Public Law 80-749. The Denver Area-wide Health Planning Organization has also adopted the 5x5 plan with task forces for each of the components--prevention, environment, education, chronic care, and acute care. All five components are closely interrelated and should not be separated.

A telegram sent to President Nixon from Colorado Health and Environmental Council states: "Man's physical, mental and social health is directly related to his environment in the following aspects: Air that he breathes; water that he drinks; food that he eats; alcohol and drugs that he uses or abuses; medical, hospital and home health care he receives; recreation facilities that he uses; housing conditions that he lives in; working conditions he is exposed to; and to social, psychological, and economic influences of neighborhood, community, and school activities."

American Public Health Association conducted a statewide study of State and local health services in Colorado during 1969 and 1970. The study was conducted by Malcolm H. Merrill, M.D., M.P.H.

The study recommends the following scope of local community public health services:

Objectives of study.—(1) Delivery of local community health service statewide in a more effective and efficient manner, at a lower cost; (2) Coordinating local community health services statewide; (3) Developing local comparable health services statewide; (4) Eliminating duplication of health services; (5) Full utilization of health manpower; (6) Uniform enforcement of health laws, standards, rules, and regulations statewide.

I. PERSONAL HEALTH SERVICES

These services embrace those directed toward promotion of positive good health, prevention of contagious and chronic debilitating diseases, early detection of diseases; home health care of acute and chronic illnesses; as well as physical, mental, and social rehabilitation. Program encompasses: Communicable disease control; tuberculosis control; venereal disease control; alcohol and drug dependence control; chronic disease control; nutritional services; dental health services; multiphasic screening program; and other services as medical care, mental health, mental retardation, and rehabilitation as may be assigned to the department.

The public health nurse is a keymember of the community health team providing services in the above programs as well as in the following fields: Bedside home nursing care; maternal and child health services; handicapped and crippled children's program; prevention of congenital defects; evaluation services for delayed development; family planning; school health; cooperative aftercare services for mental health; migratory labor health services; vision and hearing conservation program; well-oldster clinic service.

II. ENVIRONMENTAL HEALTH SERVICES

Optimum health can be fostered by prospective planning and management of comprehensive environmental health services. Man's physical, mental, and social health is directly related to the air that he breathes; water that he drinks; trash and garbage he accumulates; food that he eats; recreational facilities that he uses; housing conditions that he lives in; and working conditions he is exposed to. The 125 registered environmentalists, sanitarians in the 13 organized local health departments, as key members of the community health team, encompass the following programs: Water pollution control; air pollution control; solid waste disposal; drinking water quality surveillance; restaurant inspection; food sanitation and consumer protection; milk sanitation; rabies control; occupational health; radiological health; noise control; accident prevention; housing sanitation; vector control; and swimming pool sanitation.

III. SUPPORTIVE HEALTH SERVICE

- A. Public health laboratory.
- B. Health education.
- C. Vital statistics.
- D. Business administration.

At present the above services through 13 organized local health departments serving 85 percent of the State population; utilizing 10 local health departments' laboratories; physicians, 150 registered environmentalists; sanitarians, engineers, chemists, and microbiologists, and 450 community nurses in the field of public health, school health, home health care, and clinic services.

Local community providers and consumers of health care feel that Government should preserve and strengthen the voluntary aspect of our health care provider system while placing top priority on developing neighborhood clinics for the poor, group practice, and home health care services as a substitute for some hospital care.

Over two-thirds of the 2,300 home health care agencies in the United States are either in local health departments or a combination of visiting nurse association and local health department services. Most home health care services report less than 1 percent of hospital admission are referred for home health care, while recent studies reveal that between 3 and 5 percent of hospital admission can benefit from early hospital discharge to home health care. Also home health care prevents hospital and nursing home admission and readmissions, as well as providing a continuity of health care from hospital to home which greatly enhances recovery. The average referral to home health care results in the saving of 10 to 20 hospital days.

Local health departments have the trained personnel and capability of providing neighborhood health clinic services for the purpose of preventing disease and disability; as well as providing personal health care for the poor. Home visitation by the community public health nurse represents the liaison personal contact between the home and the neighborhood clinic services. This represents family health care to the poor.

Three Colorado health officials on July 7, 1970 sent to all 535 Congressmen a signed letter of appeal under the auspices of the Colorado Health and Environmental Council (CHEC), asking the support of the creation of a separate Federal Department of Health, with Presidential Cabinet rank, encompassing a strong environmental component. The letter states: "More than 50 Federal agencies presently are delegated the authority for community and personal health programs. This has resulted in the duplication and overlapping of health services, a lack of coordination of health programs, continued soaring costs in health care, failure to meet the health needs of the medically indigent, and rivalry for personnel and programs. The only solution to these problems is the creation of a separate Federal Department of Health with Presidential Cabinet rank."

"Separating the control of the environment from its traditional relationship to health cannot be done except at the cost of man's physical, mental, and social well-being and at the risk of continuing the administratively costly overlapping that presently exists."

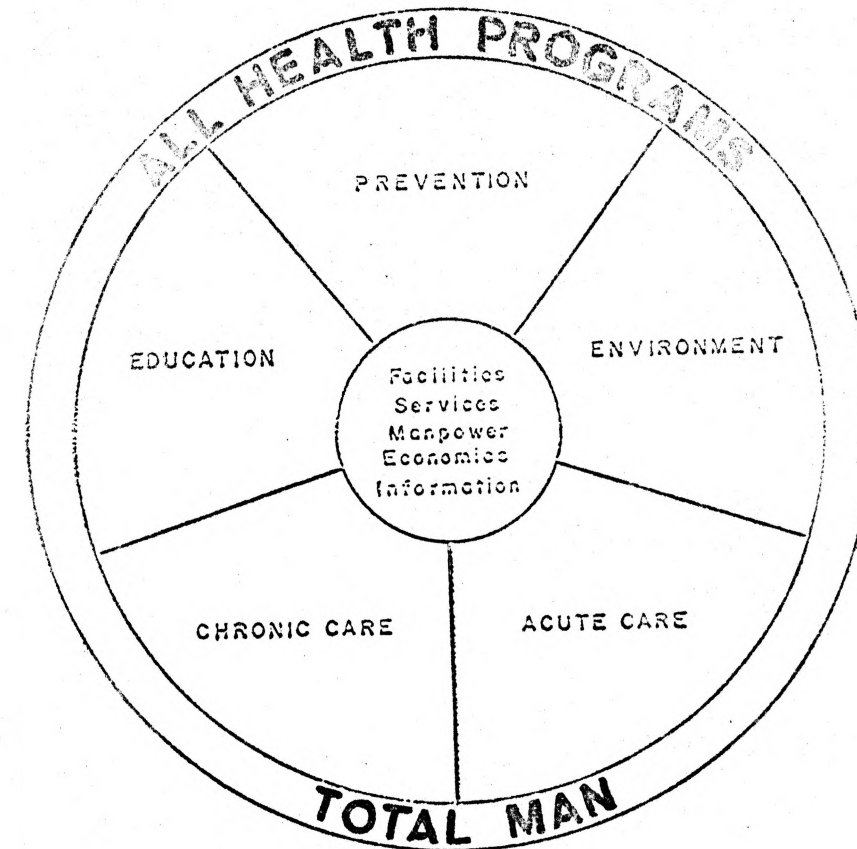
"If health is extricated from education and welfare and all programs of health significance are consolidated in a Federal Department of Health, the result should be a viable, manageable agency capable of providing for all Americans the concerned sort of attention their personal and environmental health demands."

A separate Federal Department of Health committed to medical care; prevention and early detection of disease and handicapping conditions; environmental health; home health care; outpatient care; community health education; full utilization of all community health service; medical group practice; health insurance; community health centers would provide the most effective method of delivery of health service at a lower cost through a partnership between private practice and public health.

CHARLES H. DOWDING, Jr., M.D., M.P.H.,
Chairman, Colorado Health and Environmental Council.

CONCEPTUAL

FRAMEWORK FOR HEALTH PLANNING



COLORADO'S 5 X 5 PLAN TOWARDS COMPREHENSIVE HEALTH