DEPARTMENT of the INTERIOR

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REMARKS OF FRED J. RUSSELL, UNDER SECRETARY OF THE INTERIOR BEFORE THE WATER AND POWER COMMITTEE OF THE LOS ANGELES CHAMBER OF COMMERCE, LOS ANGELES, CALIFORNIA, MONDAY, NOVEMBER 16, 1970

It is a pleasure for me to have this chance to talk with my friends here in Southern California about some developments in Washington in Federal organization for environmental protection.

President Nixon has expressed extreme concern over our environment. He has made environmental quality 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 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 six months that followed, the President sent a series of environmental messages to the Congress proposing

-- a ten-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

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

So far, Congress has not seen fit to pass any of these proposals, and it appears doubtful that any of them will be passed this session.

The President's organization to attack the problems of maintaining environmental quality is taking shape as a four-sided pyramid. On one side is the Department of the Interior, which has responsibility for management of major natural resources, and has been in this role for many years. The other three sides are new.

The first of these three new structures is the Council on Environmental Quality, which reviews the entire field and advises and recommends policy to the President. Because new authorities were created, establishment of the Council on Environmental Quality required legislation, which was signed into law by President Nixon as his first official act of 1970.

The second of the new sides to the pyramid is the National Oceanographic and Atmospheric Administration (NOAA). Since no new authorities were created, the President accomplished this by submitting his reorganization plan to Congress. When Congress did not vote against it within 60 days, the reorganization automatically became effective. NOAA is now in being in the Department of Commerce. Ocean fisheries programs, marine minerals, and the mapping and study of coastal waters have been added to the Environmental Science Services Administration (including the Weather Bureau) to form NOAA.

The third of the new sides to the environmental - resource pyramid, like NOAA, does not encompass any new authorities. Accordingly, the President has created the Environmental Protection Agency (EPA) by submitting a plan to Congress, to which they did not object in the prescribed time period. However, the reorganization plan itself sets the effective date at December 3.

The Environmental Protection Agency (EPA) will be independent and will report directly to the President, and thus will be similar to NASA or the Atomic Energy Commission in this respect. EPA will be headed by an administrator, who will be compensated at a level comparable to the heads of NASA and AEC.

It will take over certain pollution control responsibilities now located in six different departments and agencies and will have primary responsibility for control of air and water pollution and solid wastes and for controlling the environmental effects of pesticides and radiation.

There were several deficiencies under previous Federal Government operation in dealing with pollution.

First, for many particular kinds of pollution, a number of different Federal agencies had overlapping or closely related responsibilities. Three Federal departments (Agriculture, HEW, and Interior) were directly involved in regulating pesticides; and similarly a number of agencies had some responsibility for radiation problems. Second, the organizational basis for controlling pollution was not consistent or adequate. The two largest agencies, the Federal Water Quality Administration and the National Air Pollution Control Administration were organized on the basis of the media (water or air) through which pollutants travel. The other pollution control programs, on the other hand, generally were organized on the basis of particular pollutants -- pesticides, radioactive materials, and solid wastes. Confusion exists 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 program 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 both air and water and on the land. Some pollution problems were not acted upon because of gaps in agency jurisdiction or because no one agency has clear lead responsibility.

Another problem of past Federal organization should be noted. Agencies which had responsibility for promoting a particular resource or activity also had responsibility for regulating the environmental affects of this activity. The two clear examples of this potential conflict of interest were 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 would do, the public increasingly questions the vesting of promotional and regulatory powers in the same agency. The Environmental Protection Agency, by assuming these regulatory functions, would help restore public confidence in our ability to control pollution from these sources.

Because of its particular importance in the control of pollution, let us now examine the Environmental Protection Agency, its programs and authorities, its functions, its organization, and advantages.

The following authorities and programs are being 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 of 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 of 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 pesticides 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 authorities 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;

-- 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.

Functions of the New Agency

As you know, a reorganization plan cannot create any new legal authorities or functions. Therefore, the functions of the Environmental Protection Agency will be the same as those of its constitutent parts. However, the new agency will be able to perform existing functions better, and will also be able to undertake new activities which were not easily done under the previous structures.

The key functions in pollution control are standard-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 water, but the magnitude of the problem is the sum total which comes from all sources. It has been very difficult to deal with this problem under the past fragmented organization. As the pollutants of primary concern to the government increasingly cut across media lines, the problem of setting standards becomes more acute.

Even in those areas where the government has been most 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 is facilitated by a consolidated Federal agency.

The enforcement function should 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 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 should also benefit from the more efficient relation 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 similarly will be 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 confirmed and has had an opportunity to weigh the various alternatives. (Incidentally, President Nixon has just nominated Mr. William Ruckelshaus, Assistant Attorney General, Civil Division, to the post.) 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 on-going pollution abatement programs. We are taking every step to assure that such disruption does not occur. The new agency will be acquiring a large number of experienced personnel, which will ease the problem of transition. 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.

The major agencies which would be transferred are enthusiastic about the reorganization plan. Their personnel know that the plan represents recognition of the critical importance of pollution control. I am confident that the reorganization will result in a substantial boost in morale. The independent Environmental Protection Agency will have a sense of purpose, of thrust, and of public commitment that is impossible to achieve otherwise.

With its broad responsibility for environmental pollution control, the Environmental Protection Agency should greatly improve our ability to recognize and to take action on pollution problems. 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.

The existence of a unified pollution control agency should also 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 at the State level.

Industry pollution control efforts should also benefit from the creation of EPA. A manager responsible for controlling pollution from his firm in the past had to go to several agencies to find out what action his firm must take.

The standards and enforcement actions to which he has been subjected were uncoordinated and sometimes conflicting. The air pollution agency told him how to control air pollution, and the water pollution agency told him how to control water pollution. But nobody was in a position to consider the entire range of environmental standards that 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, coordination can result in significantly lower costs to the firm and to society as a whole.

So, very soon now, we will have a single organization in the Federal Government in Washington with an annual budget of approximately $1.4 billion and 6,000 employees, devoted to controlling air, water, solid waste, radiation, and pesticide pollution wherever they are.

In the 70's, we're going to use water, but we will reuse it and ultimately return it free of contamination.

We're going to use air, but we will return it free of contaminants or in combinations which are compatible with nature.

We're going to generate solid wastes, but we will cycle the minerals and paper for reuse, and we will convert the remainder into elements which decompose to become elements which are compatible with nature.

I am confident that we, in the Department of the Interior . . . and you, representing sectors of the Nation which have -- since statehood -- made California a paradise . . . a beacon which continues to attract people from every part of the world -- will, through our continued joint efforts, keep this place, this home of ours, great.

Thank you for inviting me.

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