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# INTERIOR NOMINATIONS

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## HEARING BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

THE NOMINATIONS OF RUSSELL E. TRAIN, CHAIRMAN,  
ROBERT CAHN, AND GORDON JAMES FRASER MACDONALD  
TO THE COUNCIL ON ENVIRONMENTAL QUALITY

FEBRUARY 5, 1970

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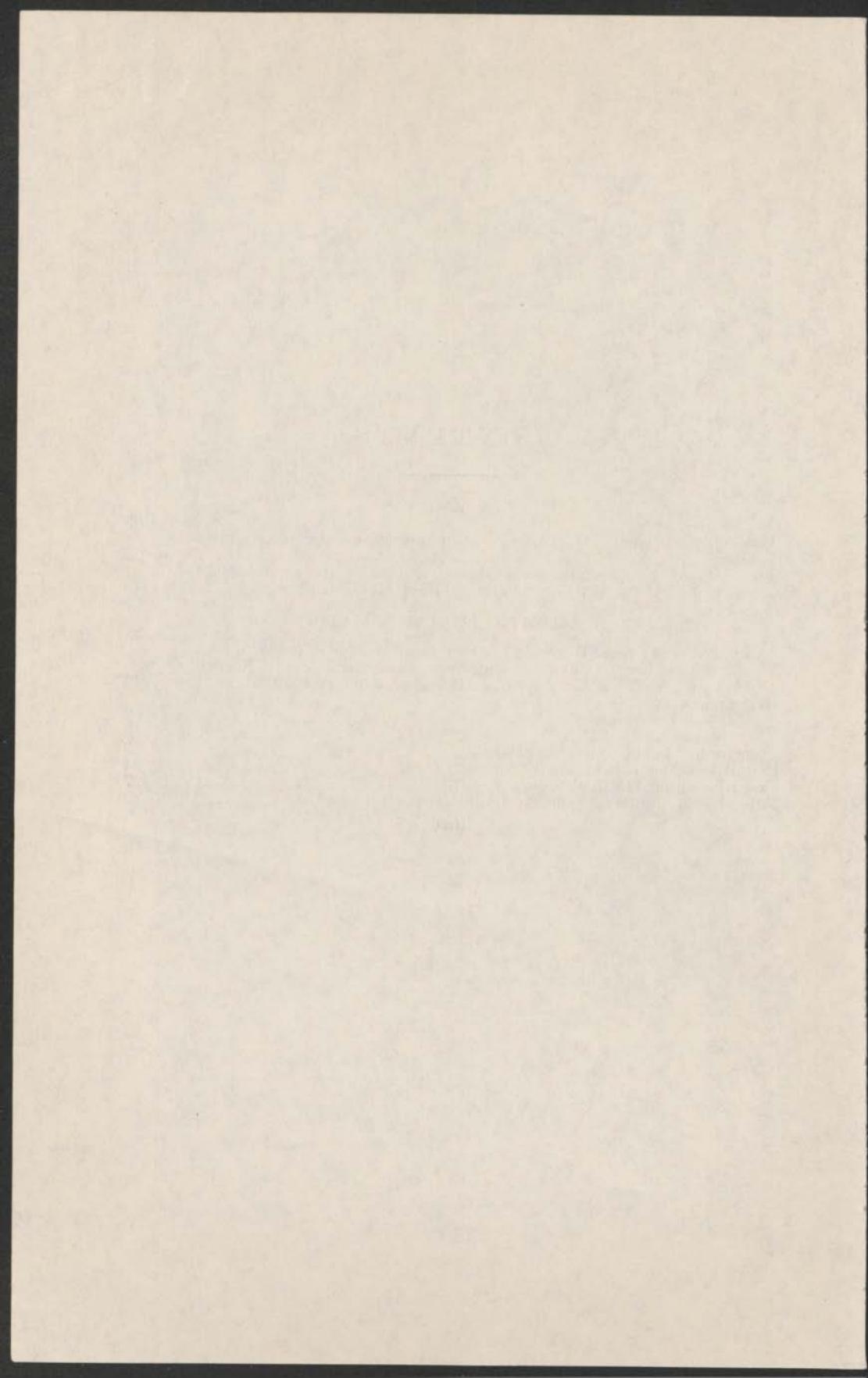
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NOMINATIONS OF RUSSELL E. TRAIN, CHAIRMAN,  
ROBERT CAHN, AND JAMES FRASER MacDONALD TO  
THE COUNCIL ON ENVIRONMENTAL QUALITY

THURSDAY, FEBRUARY 5, 1970

U.S. SENATE,  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The committee met, pursuant to call, at 10:10 a.m., in room 3110, Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson (Washington), Clinton P. Anderson (New Mexico), Alan Bible (Nevada), Quentin N. Burdick (North Dakota), Len B. Jordan (Idaho), Clifford P. Hansen (Wyoming), Ted Stevens (Alaska) and Henry Bellmon (Oklahoma).

Also present: Senators Warren G. Magnuson (Washington), Edmund S. Muskie (Maine) and Howard H. Baker, Jr. (Tennessee).

Also present: Jerry T. Verkler, staff director, William J. Van Ness, special counsel, Denny M. Miller and Daniel A. Dreyfus, professional staff members.

The CHAIRMAN. The committee will come to order.

This is an open public hearing by the Committee on Interior and Insular Affairs on the President's nomination for the Council on Environmental Quality which was established by title 2 of the National Environmental Policy Act.

The nominees are the Honorable Russell E. Train, Washington, D.C., who is presently Under-Secretary of the Department of the Interior, to be chairman of the council; Robert Cahn, Pulitzer Prize-winning correspondent of the Washington Bureau of the Christian Science Monitor; and Gordon James Fraser MacDonald, Vice Chancellor for Research and Graduate Affairs, University of California.

I am pleased that the President has moved with dispatch in placing these nominations before the Senate.

You are not being nominated as judges in a nationwide beauty contest or cheerleaders for an antilitter campaign or even as policemen of pollution. Your task is far more fundamental than that. You will be concerned with survival, the very lives of all men are threatened.

For more than two decades we have been confronted with the fact that man has invented weapons capable of destroying mankind. We are now aware that man has unwittingly set some environmental time bombs which could be equally capable of rendering mankind extinct. We have been using up or poisoning the very substances on which life depends.

That is the threat you gentlemen must help to contend with, a threat which is just as deadly as the threat of war. You must sit at the summit of decisionmaking and advise the President and the country on matters as crucial as keeping the peace. The Congress and the American people have high expectations that the Council's recommendations will assist us in developing policies, programs, and priorities necessary to meet the environmental crises we face. This is certainly a tremendous challenge.

Environmental policymaking must combine political, economical, ecological, and humanistic endeavors. Hard choices and difficult decisions will be required. The reconciliation of competing and conflicting interests will involve important questions concerning our institutions, our traditions, and our values as a people. Some of these questions have been ignored far too long.

The Chair will include in the record at this point a statement that I made at the time the nominations were announced by the President together with the biographical sketches of the three nominees.

(The material referred to follows:)

STATEMENT OF HON. HENRY M. JACKSON ON THE PRESIDENT'S NOMINATION OF THE  
FIRST MEMBERS OF THE COUNCIL ON ENVIRONMENTAL QUALITY

The President has nominated three able and experienced men to serve as the first members of the Council on Environmental Quality. They bring to the Council diverse professional backgrounds as lawyer, journalist and geophysicist but all share a common interest in bettering the quality of our life.

The Senate Interior Committee will consider these nominations in open session on February 5 at 10 a.m. The three nominees will be asked to testify at that time. Members of other Senate Committees concerned with environmental matters will be invited to participate.

The American people are rightly concerned about the sluggish response of government to the relentless degradation of our environment. We have started treating some of the symptoms—such as air and water pollution—but we have done little to cure the disease, which is our reckless disregard for the natural laws which govern this planet. The Council on Environmental Quality has a unique opportunity to foster new attitudes and shape new approaches to environmental problems, not only at the Federal level but throughout the country.

The Council was not designed to be an academic exercise. It can and should play an independent and aggressive role in defining the threat to our environment and developing programs to combat it. Congress will expect the Council to exercise aggressive leadership and the President's nominations, announced today, suggest that we will not be disappointed.

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BIOGRAPHICAL SKETCH OF RUSSELL E. TRAIN

Russell E. Train became Under Secretary of the Interior on February 7, 1969. 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 to accept appointment as Under Secretary of the Interior.

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.

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#### BIOGRAPHICAL SKETCH OF ROBERT CAHN

Robert Cahn, 52, is a Washington staff correspondent for The Christian Science Monitor. His series of 16 articles on present and future problems in the National Parks won for him the 1969 Pulitzer Prize for national reporting. For this series and other environmental coverage he was given a Department of the Interior Conservation Service Award, the National Literary Award of the National Recreation and Park Association, and a Distinguished Service Award from the National Wildlife Federation.

Cahn was born in Seattle, Wash., March 9, 1917. He received his B.A. from the University of Washington in 1939, majoring in journalism.

He was a sports reporter for the Seattle Star from 1939 until he joined the U.S. Army in 1942. He graduated from Armored Force Officer Candidate School at Fort Knox, Ky., in June 1943. He was awarded the Bronze Star Medal for meritorious service as Deputy Public Information Officer with the First U.S. Army in Belgium and Germany during 1944 and 1945.

He resumed his journalism career after the War as a general reporter for the Pasadena (Calif.) Star-News (1947-48). He joined the Los Angeles staff of Life Magazine as a correspondent in 1948 and moved to the Los Angeles Bureau of Collier's Magazine in 1951 as an Associate Editor. He became a Senior Editor of Collier's and Chief of the Los Angeles Bureau in 1955 and served in that capacity until Collier's ceased publication in December 1956.

Cahn spent the next four years as a freelance writer, making his home in the Washington, D.C., area, but ranging across the United States and Europe in search of article material. He contributed articles to The Reader's Digest and Air Force Magazine, plus a total of 20 during the period to The Saturday Evening Post.

Cahn joined the staff of The Saturday Evening Post in 1961 as its Midwest Editor.

He became White House reporter for the United States Information Agency's wire service in 1963, covering the activities of Presidents Kennedy and Johnson until he joined The Christian Science Monitor in February 1965.

Cahn's recent Monitor coverage has included a series on environmental law, the politics of the environment, nine articles on the environmental effects of oil exploration on Alaska's North Slope, extensive reporting on the Everglades jetport dispute, and other environmental issues.

Cahn is married to the former Patricia Lovelady, who is the editor of American Education Magazine for the U.S. Office of Education, Department of Health, Education, and Welfare. They live at 3416 O Street, N.W., Washington, D.C.

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#### BIOGRAPHICAL SKETCH OF GORDON JAMES FRASER MACDONALD\*

##### Biography/Bibliography

Date of birth: 30 July 1929

Birthplace: Mexico, D.F.

Education: A.B., Harvard University (1950)

A.M., Harvard University (1952)

Ph.D., Harvard University (1954)

Professional Appointments:

Vice Chancellor for Research and Graduate Affairs, University of California, Santa Barbara (1968—)

---

\* See also biography in "Science Year"—1966 World Book Series Annual, Field Enterprises, Chicago, pp. 398-413.

- Professor of Physics and Geophysics, University of California, Santa Barbara (1968—)
- Member, Board of Trustees, MITRE Corporation (1968—)
- Executive Vice President, Institute for Defense Analyses (1967-68)
- Vice President for Research, Institute for Defense Analyses (1966-67)
- Member, Board of Trustees, Institute for Defense Analyses (1966—)
- Chairman, Department of Planetary and Space Science, University of California, Los Angeles (1965-66)
- Associate Director, Institute of Geophysics and Planetary Physics, University of California, Los Angeles (1960-68)
- Director, Atmospheric Research Laboratory, University of California, Los Angeles (1960-66)
- Professor of Geophysics, University of California, Los Angeles (1958-68)
- Member, Corporation, Woods Hole Oceanographic Institution (1964—)
- Lecturer, Italian Physical Society Summer School on Space Physics, Varenna, Italy (1962)
- Fulbright Lecturer, Ecole d'Ete de Physique Theorique, Les Houches, France (1962)
- Staff Associates, Geophysical Laboratory, Carnegie Institution of Washington (1955-63)
- Associate Professor of Geophysics, Massachusetts Institute of Technology (1955-58)
- Assistant Professor of Geology and Geophysics, Massachusetts Institute of Technology (1954-55)
- Junior Fellow, Harvard (1952-54)
- Honors and Fellowships:
- Phi Beta Kappa
- A.B. Degree, Summa cum laude (1950)
- Society of Fellows, Harvard (1952-54)
- James B. Macelwane Award, American Geophysical Union (1965)
- Man of Science (1966)
- Editorship:
- Journal of Atmospheric Sciences (1964—)
- Reviews of Geophysics (1962—)
- Associate Editorship:
- Journal of Atmospheric Sciences (1962-64)
- Journal of Geophysical Research (1960—)
- Proceedings of the National Academy of Sciences (1963—)
- Science (1964-69)
- Space Science Reviews (1963—)
- Bollettino di Geofisica Teorica ed Applicata (1968—)
- Journal of Defense Research (1969—)
- Principal National Committee Memberships:
- Air Force Office of Scientific Research:
- Physics Research Evaluation Group (1964-66)
- American Association for the Advancement of Science
- Newcomb Cleveland Prize Committee (1966—)
- Public Understanding of Science (1962-65)
- Westinghouse Science Writing Awards Judging Committee (1967—)
- American Institute of Aeronautics and Astronautics
- Technical Committee on Astrodynamics (1963-64)
- Department of Commerce
- Technical Advisory Board (1964-66)
- Department of Defense
- Defense Science Board (1966—)
- Executive Committee (1966—)
- Task Force on Basic Research (1967-68)
- Task Force on Strategic Objectives (1968)
- Department of the Interior
- Special Study Group on Noise and the Sonic Boom in Relation to Man (1967-68)
- Department of State
- U.S.-Japan Committee on Scientific Cooperation (1965-67)
- Consultant (1967—)

- National Academy of Sciences  
 National Research Council  
 Committee on the John J. Carty Fund (1966—)  
 Division of Earth Sciences  
 Executive Committee (1966—)  
 Chairman-Designate (1968), Chairman (1969—)  
 Division of Physical Sciences  
 Committee on Atmospheric Sciences (1961—)  
 Panel on Weather and Climate Modification (1964—)  
 Geophysics Research Board, Section of Geophysics (1965—)  
 Space Science Board (1962—)  
 Chairman, Working Group on Planetary Interiors  
 Chairman, Working Group on Surfaces of the Moon and Planets  
 Chairman, Working Group on Chemistry of the Solar System  
 U.S. Committee for the Global Atmospheric Research Program (1968—)  
 Division of Engineering  
 Committee on Mineral Science and Technology (1966-69)  
 Environmental Studies Board, Vice-Chairman (1969) Chairman (1970—)  
 Class Membership Committee—Member-at-Large  
 Physical and Mathematical Sciences (1970—)
- National Aeronautics and Space Administration  
 Committee on Physics (1963-66)  
 Lunar and Planetary Missions Board (1967—)  
 (Sub) Venus Panel (1967—)  
 Planatology Committee (1959-67)  
 Chairman, Working Group on Selenodesy  
 Chairman, Task Group on Surveyor  
 Science Advisory Committee (1966—)  
 Science and Technology Advisory Committee for Manned Space Flight (1964—)
- National Science Foundation  
 Advisory Panel for Weather Modification (1964-67)
- President's Science Advisory Committee (1965-69)  
 Panel on Academic Science (1968—) Viet Nam Panel (1969—)  
 Panel on Atmospheric Sciences (1961-64) Strategic Panel (1969—)  
 Panel on ASW (1964-68)  
 Panel on Computers (1965-66)  
 Panel on Oceanography, Chairman (1965-66)  
 Naval Warfare Panel (1967—)  
 Space Science Panel (1965-66)  
 Space Science and Technology Panel (1966—)  
 Panel on the SST (1969)  
 Panel on Oil Spill (1969)  
 Panel on the Union Oil Lease (1969)
- USA Commission IV—URSI (1962—)
- U.S. Air Force Scientific Advisory Board  
 Committee on Infiltration Interdiction (ad hoc) (1968)  
 Geophysics Panel Working Group on Geodesy and Gravity (1967)
- Major National Reports of Committees under the Chairmanship of Dr. MacDonald:
- Scientific Problems of Weather Modification, NAS-NRC Publication 1236, Washington, D.C. (1964)  
 Space Research Direction for the Future: Planetary and Lunar Exploration, NAS-NRC Publication 1403, Washington, D.C. (1966)  
 Weather and Climate Modification, NAS-NRC Publication 1350, Washington, D.C. (1966)  
 Effective Use of the Sea, Report of the Panel on Oceanography of the President's Science Advisory Committee, U.S. Government Printing Office, Washington, D.C. (1966)  
 Planetary Exploration, NAS-NRC Publication, Washington, D.C. (1968)  
 Outer Solar System Science: A Program for Exploration, Report of the Study of the Physics of the Outer Planets, NAS-Space Science Board (1969)

Membership in Professional and Scientific Societies :

National Academy of Sciences  
 Council on Foreign Relations  
 American Academy of Arts and Sciences  
 American Philosophical Society  
 American Association for the Advancement of Science  
 American Astronomical Society  
 American Geophysical Union  
 American Mathematical Society  
 American Meteorological Society  
 American Mineralogical Society  
 Geochemical Society of America  
 Geological Society of America  
 New York Academy of Sciences  
 Royal Astronomical Society  
 Seismological Society of America  
 Sigma Xi  
 Society for Industrial and Applied Mathematics

The CHAIRMAN. I want to say that we are delighted to have participating with us in the hearing today Senator Magnuson, who is chairman of the Commerce Committee. The Commerce Committee has important responsibilities for environmental problems. Senator Muskie, representing the Public Works Committee is also here. His committee is equally involved, especially in matters relating to water and air pollution.

I am delighted, gentlemen, to welcome you to the committee.

Secretary Train, you are not a stranger before this committee. As a matter of fact, you played a very important part in setting up the first colloquium on environmental policy on Capitol Hill almost 2 years ago. We are delighted to welcome you.

Mr. Cahn, we are glad that you have moved over from the press table. I trust the witness table will not be a more difficult table.

Dr. MacDonald, you have been involved in so many areas of national concern that you are no stranger to Washington, D.C. We look forward to seeing more of you on Capitol Hill.

We are delighted to welcome all of you to the committee.

Senator Magnuson, would you wish to make a statement at this time?

Secretary Train has a formal statement which he will make and then we will call on the committee members for questions.

Senator Magnuson has a short statement which he will make at this time.

Senator MAGNUSON. Mr. Chairman, of course the State of Washington is honored by being the home State of one of the nominees, Mr. Robert Cahn. Mr. Cahn is familiar with our State and is a charter member of this Council on Environmental Quality.

The CHAIRMAN. Also a charter citizen of the State of Washington. Senator MAGNUSON. Yes.

Each of these appointments has fulfilled the promises of the Council's creation by bringing to it men with a lifelong commitment in the search for a sound environment and the expertise to fulfill that commitment.

I take some comfort in these appointments not only as a Senator, with perhaps a unique sensitivity to the quality of environment, but also, and more important, as chairman of the Commerce Committee

which must shoulder a significant portion of the legislative burden for defining the meaningful role of the Federal Government in protecting that environment.

There are danger signals flying for the 1970's and danger signals arising from the very growth pursued as goals of national policy—industrial growth, the tapping of natural resources, mechanization, and the blanketing network of fast, powerful and efficient air, land, and water transportation which is involved. We have awakened to the realization that the uninvited companion of some of this economic progress that we have pursued so diligently is too often an unseen environmental hazard or a poisonous byproduct.

Our national costs for evaluation of technological processes must be waived fully in the balance of the assault of that technology on our air, our water and our soil. Somehow we have got to arrive at that in-between. That is a very sensitive approach which of course not only means our air and our water and our soil, but the marring of our countryside and the brutalization of our tranquility in the 1970's.

The Commerce Committee is not a newcomer to the environmental quality field. I get a little nostalgic about reading many recent statements on this subject—I see too much of my own material in there. We have undertaken, of course, some priorities on the hazards and, where necessary, tried to balance the necessary growth of commerce against the essential preservation of the environment. The two have got to go hand in hand.

The Commerce Committee is delighted to be invited here today, along with Senator Muskie. I have held many joint hearings on some of these matters. We have a responsibility, too, of maintaining the economy in a sense where we can live with these things and still frankly, have the money to pay for them. That has got to happen, too. We cannot all go up to Walden Pond.

I do think that you people offer a very exciting fresh breeze in the effort to put these things together to make this a better country environmentalwise.

Thank you.

The CHAIRMAN. Thank you, Senator Magnuson.

I will now call on Senator Muskie for a comment.

Senator MUSKIE. I do not have a statement. I just want to make two points.

First of all, I do not know all the nominees equally well, but I do know Secretary Train very well. I think there could not have been a better choice for chairman of the Council. I know Mr. Cahn, and Dr. MacDonald by reputation. I think all three of you have unique backgrounds and perspectives and understanding to bring to this Council. Obviously it is going to be an important work that faces you and it is going to be difficult because you are going to be pioneers, you have to move beyond the rhetoric to achieve it. To meet rising public expectations in this respect is going to be a challenging responsibility. Your first task, of course, will be to develop understanding and depth, not only on your part but on the part of all of those who must implement the policy recommendations which you will be instrumental in developing.

I think that an important resource as you undertake this work, of course, is the rising tide of public concern and political concern. I hope that you're good surfboard riders because this rising tide is breaking out all over the place. I hope that the rhetorical competition at some point becomes competition for achievement.

You are in a unique position to exercise the most stimulating, exciting and challenging leadership role. I think you bring to that role impressive qualities, and I compliment you.

The CHAIRMAN. Thank you, Senator Muskie.

Senator Burdick.

Senator BURDICK. I do not have a statement but I have an explanation.

At this hour the Judiciary Committee is meeting on a matter that concerns the Supreme Court, and obviously I cannot be in two places at the same time. I just wanted to say, Mr. Chairman, that I know these gentlemen and their backgrounds, and I think their selections are excellent. I will be very happy to vote for the confirmation.

With that I would like to be excused.

The CHAIRMAN. Senator Jordan.

Senator JORDAN. Mr. Chairman, may I add my voice to yours and the voices of the others who have spoken in appreciation of the fact that we have moved swiftly to implement the legislation we passed by the nomination of three eminently qualified men to start off this all important program.

It is safe to say that the affairs of our environment are going to be the challenge of the 1970's. I am pleased that my good friend, Secretary Train, has been chosen to head this Council. I appreciate, too, the quality of the background of Dr. MacDonald and Mr. Cahn who have been nominated with him on this important assignment. I look forward to working with these gentlemen before this committee.

The CHAIRMAN. Thank you, Senator Jordan.

Senator Bible.

Senator BIBLE. I know each of these men reasonably well and the present Under Secretary of the Interior particularly well. I am delighted he is becoming chairman of this very, very important Council on Environmental Quality. I very much regret that you are leaving the Interior Department. This was the type of balance we needed there in the many, many problems we have there. So it is with regret that I see you leave that post and I hope they have an equally capable man with a philosophy similar to yours to take your place, and I hope that is forthcoming soon.

It has been a great pleasure to work with you rather closely, both on the legislative side and on the appropriations side. It always takes the dollars to make the language talk, and we found that particularly true right in this great area of pollution control where I thought the past Congress did extremely well in the Public Works Subcommittee, appropriating some \$800 million in this area. I am particularly happy that the President of the United States has now said he will spend this money because we all recognize the great needs. This is a big job; it takes tremendous sums of money, and great cooperation.

I have no questions to ask. I wish you well. I know you have got a great background in this field and I think you are ably surrounded

with the members that will give stature as well as advice to the "challenge of the seventies." I guess that is what everybody calls it. Everybody has hopped on the bandwagon and I hope they follow through. I hope this is not just a temporary thing. I hope they stay committed in this area with the dollars to get the job done.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Bible.

Senator Bellmon.

Senator BELLMON. Thank you, Mr. Chairman.

I would like to join my colleagues in congratulating the President on the choice of the gentlemen who are before the committee today. I have met with Dr. MacDonald. I certainly have the very highest opinion of Mr. Train and I am sure that the President has chosen wisely in all of these appointments.

The only comment I would like to make, Mr. Chairman, is this. We have talked a lot about environment. We talked mostly about our congested areas where pollution is a problem and where the quality of life has deteriorated. I come from an area where we have a lot of open space. I hope that this Council will figure out some way to disperse some of our future population into areas where we would like to have them. I hope to work with them along that line.

The CHAIRMAN. Thank you, Senator Bellmon.

Senator Baker, we are delighted to welcome you here representing the Commerce Committee.

Senator BAKER. And Public Works. I think I am the only one that overlaps jurisdiction.

Senator MAGNUSON. He wears two hats.

Senator BAKER. At least two.

Senator MUSKIE. Just be sure you get the right hat at the right time.

Senator BAKER. I am going to be in a fight between the Public Works and Interior chairmen.

The CHAIRMAN. Gentlemen, I am in the middle.

Senator BAKER. Mr. Chairman, thank you very much.

May I slightly burden the record that greeted these distinguished witnesses by saying that I applaud them and I applaud the President for their selection. The chairman had all the distinguished members in a joint session to conserve your time and ours so that we could have some insight and overview at the beginning of this important Council.

I think it is significant to note that there is one vital asset that we have in this crusade, that we must nourish and not permit to expire, and that is the support and enthusiasm of the people of this country. We can do anything we want to if this country determines to do it within reason. I think the country has determined to clean up its environment. So your charge is a very significant one; that is, to preserve the utilization and this enthusiasm and to that extent I intend to help.

Thank you.

The CHAIRMAN. Thank you, Senator Baker.

Secretary Train, we are delighted now to call upon you to make your statement and then I will call on your colleagues for any further remarks that they may wish to make.

STATEMENTS OF RUSSELL E. TRAIN, CHAIRMAN-DESIGNATE, COUNCIL ON ENVIRONMENTAL QUALITY, AND ROBERT CAHN AND GORDON JAMES FRASER MacDONALD

Mr. TRAIN. Mr. Chairman, Senator Jordan, Senator Magnuson, Senator Muskie, Senator Bible, Senator Baker, Senator Bellmon, it is a great privilege to be here before this committee once again. If I may start on a personal note in response to a very fine comment of Senator Bible, I, too, feel many regrets in leaving the Department of the Interior. It has been a tremendous opportunity for me personally, it has been a great year, it has been a year of great accomplishment and a great sense of satisfaction on my part, and not the least of which has been working with this committee. I am glad that the opportunity will continue.

While the National Environmental Policy Act of 1969 was initiated by this committee, a number of other committees of the Congress, both in the Senate and the House, have played significant roles in the development of this legislation as well as of related aspects of environmental policy. Thus, it is particularly gratifying that these other committees are represented here today.

Indeed, I can recall no other legislation which has been the subject of such broad sponsorship and interest. Nor can I recall any comparable legislation which has attracted such bipartisan support.

In signing into law on January 1 the legislation establishing the Council on Environmental Quality, President Nixon noted that this was his first official act of the decade of the seventies, thus giving dramatic emphasis to the commitment of his administration to protecting and restoring the American environment. The President has assured the new Council of his full support and backing.

My two colleagues on the Council, Mr. Robert Cahn and Dr. Gordon MacDonald, are men of great distinction in their fields who possess broad experience in environmental matters. All three of us have known and worked with each other. I am confident that we will constitute a close-knit, cooperative team.

The concept of a council of environmental advisors—occupying a position somewhat similar to that of the Council of Economic Advisors—is one that I personally proposed and supported as early as 1965. On at least one subsequent occasion I testified before this committee in favor of legislation establishing such a Council.

The Congress has given the Council a very broad mandate, and I understand that the President will promulgate shortly an executive order designed to spell out in greater detail its functions and authority in carrying out that mandate.

With your permission, I will summarize the more important responsibilities assigned to the Council and then comment briefly upon its role.

First, the Council is directed to study and report the condition of the Nation's environment. This responsibility will require a continuing process of monitoring, evaluation, and prediction. The results of this process will become a part of the President's annual Environmental Quality Report. The identification and measurement of environmental trends would seem to require the establishment of data baselines in atmospheric, terrestrial, aquatic, and marine environments, among others. Much of this fundamental data is not presently available at all.

It will be necessary to develop systems, some of which will be international in nature as in the case of atmospheric data. Wherever possible agencies with direct program responsibilities will be encouraged to undertake the necessary tasks. Finally, assuming that effective systems are established for procuring and measuring needed information, the Council will have the ultimate responsibility of synthesizing and interpreting this data so as to be useful in policy and decisionmaking.

Second, the Council will be the President's primary instrument in the development of new environmental programs and policies. For this purpose, the Council will monitor and evaluate all Federal environmental programs. Perhaps even more important, the Council will explore new problems for which present programs are either nonexistent or inadequate. In this connection, the President has spoken of the need to establish an environmental early-warning system. We must undertake advance planning to meet critical problems which may still lie below the horizon of public awareness.

Third, the Council will promote coordination of environmental programs scattered throughout the executive departments and agencies. In carrying out this coordinating function, the Council will keep existing organizational arrangements under continuous review and recommend organizational changes as appropriate.

Fourth, the Council will seek to insure that all the activities of the Federal Government take environmental considerations into account. Many Government activities—highway and airport development, dam construction, and public works generally, among others—can have important environmental effects. The President has directed the Council to review all such activities and to issue guidelines to ensure that they will be conducted in a way which does not degrade the environment.

Fifth, the Council will assist the President in preparing an annual Environmental Quality Report. The first report will be due this July 1. The report will identify major environmental problems, report on environmental conditions and trends, and make policy recommendations. It could help stimulate public understanding of environmental problems and guide Government decisionmaking. Plainly, in the brief space of time available to us before the first report is due, a fully comprehensive report will not be possible.

The responsibilities imposed on the Council by statute and by the mandate given it by the President are complex, far-reaching, and of great magnitude.

We are embarked on nothing less than a new experiment in Government—an experiment to determine whether we are wise enough to direct our affairs in a way which recognizes the essential interdependence of man and his environment.

Public anxiety over environmental deterioration has reached a high level, and rightly so. Yet the problems with which we must deal have been years in the making. They will not be cured overnight. It is important that the public, as well as Government agencies, understand that the road ahead will be long and hard. Even were we to eliminate all forms of environmental pollution, we would still not have guaranteed a high quality environment. Environmental quality is a far more complex, more subtle objective. It involves the development of new attitudes and new values. Thus, while we must make the investments and achieve the technological breakthroughs necessary to clean up our environment, we must at the same time develop a new perception of

man's relation to nature, learn to control our own numbers, develop effective land-use policies, and find new measures of public and private success which emphasize quality rather than mere quantity.

However, I assure you, Mr. Chairman, that while these broader concerns are of great importance, the new Council does not conceive of its role as simply a long-range, academic exercise. Many environmental problems have already been studied to death. In many areas, firm decisions should and can be made now. A case in point is the order issued by the President yesterday directing cleanup of air and water pollution by Federal agencies in their own activities, and I might add providing the financial muscle to see that this job can be done. The Council will keep progress by the agencies in this area under active review. Overall, we intend to recommend positive, action programs. In this connection, it is our desire to place emphasis not only on preventing and stopping environmental deterioration but also on positive efforts to repair, recreate, and enhance wherever possible.

While the Council necessarily will direct attention to current issues of national significance, I believe we must avoid becoming a sort of environmental fire brigade rushing from one brush fire to another. The temptation will be great on the part of committees of the Congress, Federal agencies, and perhaps the public at large to refer controversial environmental issues—often local in nature—to the Council for review and recommendation. The fact is that the Council is not equipped for such a role. It must be carefully selective in its choice of issues and, indeed, must exercise strict self-discipline in this matter because the temptation to respond will be great. It is my belief that the Council should deal with local issues only when they possess national significance. Mr. Chairman, we would particularly welcome the guidance of this committee in our approach to this aspect of our task.

The Council is conceived by the Congress and intended by the President to be the focal point for environmental policy development in the executive branch. At the same time, it is important to understand that neither the Council nor any other single mechanism should be expected to produce instant answers to our environmental problems. These are too complex, too deeply imbedded in the entire fabric of our society, to lend themselves to simplistic solutions. The task ahead must engage the cooperation and the dedicated effort of all elements of the Federal Government, of both parties, of State and local governments, of industry, of private organizations and, most important of all, of individual citizens and their families, young and old, all across the Nation.

In his state of the Union message, President Nixon declared the goal of the 1970's is to be "a new quality of life in America."

We are grateful to be given a part in that great task.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Secretary Train.

Mr. Cahn, would you like to make some comments at this time and then we will call on Dr. MacDonald.

Mr. CAHN. I have no statement, Mr. Chairman.

Looking back at my reporting on the Senate's environmental colloquium and on the development of the National Environmental Policy Act, I had no idea that eventually part of the responsibility of putting the Act into action would fall on me. I intend to have the same concern for the environment and try to keep the same objectivity that I hope I expressed in my reportorial work. I think, in great part, we have an

education job to do in alerting the public and helping them to understand the issues. I would hope to be of help in that educating process, along with my other work on the Council. I would also hope to be able to use whatever abilities I might have in making the annual report more readable and understandable to the public.

The CHAIRMAN. Thank you, Mr. MacDonald.

Mr. MACDONALD. I certainly have very little to add to my chairman's statement. I approach this new experiment in Government established by what I consider to be very wide-ranging legislation with a great deal of enthusiasm. I would just like to emphasize that I look at the environment not so much in terms of problems but in terms of opportunities. I think, to some extent, the negative aspects have been overemphasized. I would look forward to working with the Council to look at those positive actions that can be taken to in a very real sense improve the quality of life and achieve other national goals.

Thank you.

The CHAIRMAN. Thank you very much.

The Chair will ask three or four questions and then turn to my colleagues because of the time limitations here.

Secretary Train, when the President announced your nomination as chairman of the Council you were quoted as saying that population growth and land-use planning were the priority environmental problems facing the Nation. What direction, in your judgment, should the country be moving in dealing with these problems?

Mr. TRAIN. The two questions, of course, are related. Land-use planning and population planning are essentially part of the same overall concern.

As to our own Council's role in these matters, I would assume that in all of our policy considerations we would take into account questions of population policy. The President has recommended, as you know, a national commission on population policy which has already passed the Senate and is awaiting action on the other side. I believe that has a 1- or 2-year life and it would be my assumption that that particular commission, which I certainly think could be established as rapidly as possible, will, in the first instance, be addressing itself to overall questions of national population policy.

As to land planning, I have long felt that this is one of the priority needs of this Nation. As the chairman himself has pointed out on more than one occasion, as recently in connection with the introduction of new legislation in this area, many decisions which are of far-reaching importance insofar as land use is concerned are made at the present time at an entirely local level with really no mechanism for expression of the broader State, regional, or national inference. I think we must develop ways and means of getting at that problem.

I believe that our new Council will address itself very early to this overall very high priority need.

The CHAIRMAN. Thank you, Mr. Secretary.

One other question. What plans have been made with respect to seeking appropriations and staffing for the Council? I must say that I think it is quite clear that we will need to enlarge the appropriation authorization; I intend to introduce legislation to that effect.

In conference committee, as you know, we had to agree to a cutback in the authorization for the staff and I feel very strongly that we should

move without delay on that if you are going to have the necessary tools to do the job, especially to provide for quality personnel. That is what you really need. You don't need a large staff, you need a highly qualitative staff.

Would you care to comment?

Mr. TRAIN. On that last point I certainly agree we must have, and we are presently seeking, the high-quality staff which you describe. We need people of excellence on this Council; the task deserves that. We also would seek to maintain a compact staff at the same time the problems of the environment cover a wide range of public concerns so that we should have a strongly interdisciplinary, multidisciplinary staff and this presupposes a fair size. This cannot be accomplished with two or three people.

Now as to our exact status with respect to the appropriation, at this juncture I do not know what subcommittee even of the Appropriations Committees our appropriations will be before. The authorization for the balance of 1970 is \$300,000 and in 1971, \$700,000, and this latter amount is included in the budget which has been transmitted to the Congress. A supplemental request is in the process of preparation for submission to the Congress with respect to the 1970 appropriation in the full amount of the authorization.

In the meantime, it is my understanding that the President will make available from his emergency funds sufficient moneys to get us started and to not make it necessary for us to await upon the completion of the appropriation process. Then at that time, of course, we would, with an appropriation, repay to the emergency fund the funds that would have been advanced. That is the situation as it stands now.

The CHAIRMAN. Mr. MacDonald, in your work at the University of California you have seen firsthand the eagerness of the college generation to become involved. Do you see some way we can usefully harness the youthful energy and interest to attack environmental problems?

Mr. MACDONALD. I think this is one of the great strengths that we have as we move along to work on the opportunities for the environment. I think that, for example, I would very much like to see this Council participate with a teachin that is scheduled for April. I think this is an activity where many of these problems can be discussed, wherein the public can become further educated into the opportunities that we have before us. I think we should make every possible effort not only to communicate with the students but to obtain their help in working on these environmental areas.

The CHAIRMAN. What about the need for appropriate courses that will cover the disciplines that should be involved, but at the same time provide for the kind of educational background to become a good generalist as well as specialists?

Mr. MACDONALD. I think there are two areas of interest, particularly in the universities. First is to develop a program which one might call general education with an emphasis, the emphasis in the environment covering the many disciplines that are involved ranging from economics, political science, science, and so on on down the line. I think that the students are very desirous of having that kind of opportunity, and there are a few universities that are headed positively in that direction.

There is also the need to develop more professionalism in this area. I must say that universities have not moved as rapidly as certainly I would like to see them.

The CHAIRMAN. I am sure you are going to run into this problem when you start looking for a staff. The number of people who are really qualified to assist in an important assignment such as you gentlemen have I am afraid are going to be rather limited. You will find the specialists, but if you can find the individual who is both a specialist and a generalist you will be moving in the right direction.

Mr. MACDONALD. I think one very important program sponsored by the National Science Foundation has been to develop curricula materials for both secondary and primary education. This, I think, is beginning to get at the long-range general education problem, beginning where we should begin in the lower grades.

The CHAIRMAN. Very good.

Mr. Secretary, did you want to add something?

Mr. TRAIN. Mr. Chairman, I was going to comment that the number of those who are really qualified professionally to assist in our work may be fairly limited, but from the volume of mail applications we have been receiving, the number of those who consider themselves uniquely qualified is very high.

The CHAIRMAN. I will turn over my file to you, too.

Mr. Cahn, as a journalist, you have done a great deal to educate the public on the critical environmental issues we face. I have been concerned for many years that the Federal Government has failed to give the American people an accurate, comprehensive assessment of the state of the Nation's environment. Can the annual report required by the law perform this function?

Mr. CAHN. I am not sure that the first annual report in the time given us by July 1 can adequately do that.

The CHAIRMAN. We do not expect you to just write essays for the first report. You certainly will not be in a position to make a full report by July 1. I think you have other responsibilities, housekeeping and otherwise, that will take precedence. I am referring now to once you are underway.

Mr. CAHN. Yes. I think we have to recognize that in this area we do not have set indices like the Council of Economic Advisers may have, certain standards or baselines. It may take a while to develop these baselines and then to see where we stand. It is not easy to accurately assess where we stand in the area of environment because of the connection of the social issues and physical conditions. I think this is a priority and I hope we can make a report that will be meaningful and will allow people to measure their progress as the years go on just as we measure economic progress.

The CHAIRMAN. As you know the annual report of the Council of Economic Advisers is a treasured document among the top economists in the country; it becomes a point of debate, it helps to provide for a national dialog that gives all the business editors something to write about, and private economists in the public sector something to discuss. I would like to see the annual document produced by the Council of Environmental Advisers have that same prestigious role in thought and discussion in America. I believe that it can play a very important

role in our own country and abroad as well. Some of us are looking to that document as being very provocative in this area. If we are going to solve these problems we have to bring the best minds in the country into the dialog of discussion if it is going to be effective. There are no simple answers.

Surely the need to reconcile our economic goals and objectives with quality life is a formidable task. I am convinced that it is not either/or, I think there is a conjunction in this. I think it is the word "and." I think we have to attain our economic goals and objectives. We must attain them if we are going to help the many who have been deprived economically and otherwise. At the same time, I believe we have the genius to provide for quality life. We are looking to you gentlemen for wise counsel.

Secretary Train.

Mr. TRAIN. Mr. Chairman, with respect to the annual report and its relevance to the responsibilities of the Council of Economic Advisers, I think we share with you your sense of the importance of the environmental quality report. At the same time I think it is a good juncture to emphasize some of the differences between this new Council and the Council of Economic Advisers. I would see the new Council as having many more action-related responsibilities in terms of work with Federal agencies, the development of legislative proposals, reorganization proposals than the Council of Economic Advisers has traditionally been involved with.

The CHAIRMAN. I want to say right there that I was referring only to the report side of the role and mission. I want to make it very clear, that one of the key responsibilities will be your advice and counsel to the President which will result in action-forcing solutions to these problems, both in the structure of government and in the results to be attained.

I agree with you completely—the second function is crucial and vital. At the same time the report can play a role similar to the role that the Council of Economic Advisers' Annual Report plays in the economic community. That is what I had in mind.

Mr. TRAIN. I have already had a chance to meet Dr. Paul McCracken, Chairman of the Economic Advisers, and we have agreed on our interest in the development for a joint study by our two councils on the economic aspects of the environment.

The CHAIRMAN. Very good.

Senator Bible has to leave right away.

Senator BIBLE. Mr. Chairman, I appreciate your indulgence. We have a meeting of the Small Business Committee at 11 o'clock. I know that some members of that committee are concerned with the impact of the environmental control and enforcement on the small businessman. So I wish you would take a look at that.

In other words, consider the small businessman who has a smokestack that pollutes the environment. He has to comply with pollution abatement standards, there is no doubt about that, but he may be under-financed and may have great difficulty in securing the means to comply for financial means. I wish you would look at that as you move along in your program. It is a realistic worry because it does bother the little guy and the small businessman.

Last, Mr. Chairman, as chairman of the Park Subcommittee of your full committee I commend for the attention of my fellow members, the fine series of articles by one of the nominees, Mr. Robert Cahn, on "Will Success Spoil the National Parks?" We are creating these national parks, we are under constant pressure to do so, and we have set a great record. But sometimes in creating the parks we fail to keep in the standards of the older parks. We want to do more in that area and I want to meet with you at some future date.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you. At the same time I wanted to call attention to my colleagues of the very fine report of the Environmental Study Group to the Environmental Studies Board of the National Academy of Sciences, National Academy of Engineering, part 1, which was cochaired by our distinguished nominee, Dr. MacDonald.

We assume everything in here is favorable.

Senator Magnuson.

Senator MAGNUSON. I just have two or three questions, Mr. Chairman.

What you often run into in Government is the lack of coordination of environmental responsibilities between the departments. My question is whether or not you consider yourself to be an independent agency or a pure executive agency giving advice only to the President. Now we will take advantage of what advice you give to the President, and we welcome it, but as I understand the bill—and the chairman can correct me—is that this is a purely executive department; is that correct?

The CHAIRMAN. That is right.

Senator MAGNUSON. So that you would merely confine yourself to giving the kind of wise advice which you think necessary to the President who in turn would have to take some action either with the Congress or with his departments, is that correct?

Mr. TRAIN. That is correct, sir. We are constituted as part of the Executive Office of the President so we are not an independent agency as such. Yet at the same time I think this is an important strength.

Senator MAGNUSON. I don't mean independent of thinking and thought, what I mean is independent in being able to act one way as against vis-a-vis being an executive department or being an executive in the executive department.

Mr. TRAIN. As the President's chief advisers on environmental policy I think we will have the strength and the influence with the executive agencies all across the board that that role carries with it. We will have the full backing and commitment of the President and I think this is the surest guarantee of success in our endeavors and the most important power that we have.

Senator MAGNUSON. Who in turn would issue Executive orders insofar as his authority goes in certain matters such as he did yesterday.

Mr. TRAIN. That is correct, sir.

Senator MAGNUSON. I do not know whether you read it, but I was quite fascinated by an article in this morning's Post by Alfred Friendly on the British environmental problem. They have instituted a Royal Commission on Environmental Pollution, a completely independent agency, subject to the pleasure of the Prime Minister or the

Queen which gives them some independence. Now we may have to consider that with you people as you move along.

Mr. TRAIN. I note that I have at least one very close friend on that Royal Commission, so I expect we will have a good working relationship.

Senator MAGNUSON. It points up what we have discussed here previously, that there has to be, as the chairman pointed out, this in-between. As Friendly says, "You cannot make cement without dust, or steel without fumes. You raise the price of both, whatever the mechanics of the economic arrangements, when you require a catchment of the dust and fumes. If you want milk minus the antibiotics fed to cows, the farmer's efficiency declines and the milk cost rises."

What they are pointing out is the problem of implementation. As all of us have to pay the cost of doing this job. I am pleased to hear you suggest we can do both. I think we can do both as we move along. I recommend this article.

I was planning to give you docket No. 1, but you boxed me in with your statement. You say that you should be concerned with Government activities—highways, airport development, dam construction, public works, and so forth, but then you go on to say that you are not going to be in an environmental fire brigade rushing from one brush fire to another. You say that too much of this is patchwork by local governments.

I was going to suggest that docket No. 1 be a real patchwork arrangement. I was going to send you some plans calling for an expansion of the Portland International Airport in the middle of the Columbia River. This plan has been approved by two Government agencies, the Army Engineers and the FAA. You say that these things have to be of some significance. I am hopeful that you might suggest that there must be a better place to build airports than in the middle of a great, free flowing river like the Columbia. It seems to me that would be part of your job and it would not be rushing around with little brush fires.

The CHAIRMAN. It is a major configuration.

There is one other question. It is a subject the chairman of the Interior Committee is very knowledgeable.

It is recognized that there is going to be a tremendous need for power. Our power demands are approximately doubling every 10 years. We have not completely run out of the hydro potential but we are getting close to it. This means more emphasis must be placed on other means of power generation, including gas, coal, and then to the nuclear power. Yet there is great concern about national environmental problems of generating power in this manner.

I hope that you will take a broad look at the environmental problems of power generation as against meeting the needs for power in this country. What does a nuclear plant do to the environment? I think there are some real arguments on both sides, and that is where you get the tough decisions.

Dr. MacDonald, I am pleased you are on this Commission because a great deal of your work is advising the President on the role of the United States in cooperating to solve international environmental

problems. You, Secretary Train and Mr. Cahn, will need to hold discussions and conferences with people on international environmental matters.

The whole weather picture is international and I am hopeful that you can make a recommendation that we pursue another International Geophysical Year, which was very productive, was it not?

Mr. MACDONALD. It certainly was. I believe in the global atmospheric research program and eventually in the world weather watch. We have two great opportunities to follow up and to perhaps duplicate or expand on what was accomplished in it.

Senator MAGNUSON. And the whole field of oceanography.

Mr. MACDONALD. That is right.

Senator MAGNUSON. I am glad you are thinking about that.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Magnuson.

Senator JORDAN.

Senator JORDAN. Thank you, Mr. Chairman.

It seems to me that the success of your effort is going to depend largely on the cooperation you are able to enlist from people who are the polluters of the environment. The No. 1 polluter would probably be the Federal Government itself. Before we can go to industry and lay down a hard line for cleaning up their part of the pollution that they are causing, must we not first lower the boom on Government agencies straight across the board? Would you agree to that?

Mr. TRAIN. I certainly do, sir. I think as you are aware, the President took a very strong step in that direction yesterday when he announced at the White House a new Executive order directing all Federal agencies in the operation and maintenance of their facilities to meet State air and water quality standards no later than December 31, 1972, and he is making available or ordering to be made available in fiscal year 1971 a total of \$92 million for that program and over the 3-year period 1971-73 a total of \$359 million just simply for that Federal program to clean up Federal pollution.

Senator MAGNUSON. Then coincidental with that, I hope that you can make yourselves available to the several Governors' conferences, municipal units and the lower units of government who have to prepare the bond issues for sewage treatment and water. It seems to me that you could render a great service by helping there. This subject calls for an evidence of good will on the part of the government at all levels. Would you not agree, Mr. MacDonald?

Mr. MACDONALD. I certainly do. I expect we will be participating in conferences with Governors. We are going out today to meet with four Governors in the Great Lakes area with the President.

Senator MAGNUSON. As you approach industry, it would seem to me that the proper method would be to enlist the support of all industry, straight across the board. Otherwise, some would be willing to cooperate, while others would not. This would only give the abstainers an advantage in the marketplace. Would you agree with that?

Mr. TRAIN. I do, sir. While we certainly want to encourage voluntary action wherever possible, we must also recognize the continuing need for firm across-the-board recognition. You cannot avoid it because without it you create the kind of competitive problems which you are against.

Mr. MACDONALD. Could I comment on that?

Senator MAGNUSON. Please do.

Mr. MACDONALD. I think there is a great opportunity in industry for improving the quality of its products by improving the processes by which they are developed. It should not only be thought of as setting of standards or of regulations, but there are opportunities, indeed I would say economic opportunities, for industry to improve their basic processes or develop new uses for some of the materials that are now considered waste products. I think there should be a continuing emphasis on the positive aspect of environmental opportunities.

Senator MAGNUSON. Carrying it just a little further, the right to use water and air should carry with it the responsibility to restore that water or air to a state that it can be used by the next user. It should be included as part of the cost of the products. Should they not restore the land, the air, and the water as nearly as possible to make it available for the next user as good as it came to the first man? Would you agree with that?

Mr. MACDONALD. Yes, sir.

Mr. TRAIN. Very definitely, sir.

Senator MAGNUSON. I think you will find industry willing to cooperate if everyone does it, but if some exceptions are made, then I think you invite problems because the fellow who does not comply is going to have an advantage. If he gets away with it then it is going to be difficult to enlist the support of well meaning people.

Mr. MACDONALD. I think the great opportunity is among those industries who not only comply and set their own standards but develop a technology that perhaps even leads to a lower cost product and they can attain the economic advantage. I think this is where the great opportunity lies.

Senator MAGNUSON. I am privileged to serve on the Joint Economic Committee. I have high regard for the Council of Economic Advisers after which your own organization is set up, and I believe you can render just as good a service in laying out guidelines if you do not get embroiled in too many of these brush fires about which you have spoken. With due respect to my good friend here, and I belong in that area, too, I want to see the right things done there, but you cannot be an expert on each controversy that comes up. You are just dissipating your energies when you need to be laying out broad guidelines. Would you agree with that?

Mr. TRAIN. Yes, sir, very definitely.

Senator MAGNUSON. Mr. Cahn, you have written a Pulitzer prize-winning series of articles on "Will Success Spoil the National Parks?" Do you anticipate the time will come when we have to ration the use of the national parks?

Mr. CAHN. I think in some parks we have already come to the time when we should have reservation systems in the parks that are overcrowded. And corollary to that we will need more funds for some of the operating costs. We are putting a lot of emphasis on acquisition in new park areas. When we do acquire new areas but do not increase the appropriations for their operation, the employees are spread too thinly

to be able to serve the public and adequately protect the parks. As the use grows we have to be willing to man these parks and see that they are protected. In the ones that are crowded like Yosemite and Yellowstone, I think we will have to find a way to restrict the uses of at least those campgrounds and other areas that are crowded.

Senator MAGNUSON. This is an interesting colloquy and we could go on and on but I cannot take any more time.

I am well pleased and will be happy to vote for your nomination.

The CHAIRMAN. Thank you, Senator Magnuson.

Senator Muskie.

Senator MUSKIE. I am afraid I will not have the time to get into all the areas that I would have been interested to get into, Mr. Secretary. I have got to leave in a few minutes.

I would like to touch on two or three points this morning. I am sure that in connection with all of the legislation that you will be considering in my subcommittee in this field that I will have plenty of opportunities to talk with you and your colleagues.

The first point I would like to make is in connection with your Council and its staffing. As you know, there is pending legislation we want to call the Water Quality Improvement Act, and a conference between the House and Senate that has the concept which the Congress intended to implement in connection with your Council. It is title 2 of that bill. The conferees, although they have not agreed to report out the entire bill as yet, have reached agreement on this title and I thought you might be interested in it, especially with the staffing requirement which you and Senator Jackson discussed earlier.

You indicated that you need additional staffing. Title 2 is intended to provide staffing for the Council, and you will be interested in the figures which the conferees have agreed upon.

Agreed upon not to exceed \$500,000 for the fiscal year ending June 30, 1970; not to exceed \$1 million for the fiscal year ending June 30, 1971; and not to exceed one and a quarter million dollars for the fiscal year ending June 30, 1972.

Now what we had in mind was providing you with staff resources comparable to those of the Council of Economic Advisers. We took into consideration the authorizations contained in Senator Jackson's bill and the present level of support for the Council of Economic Advisers. We did not take you quite up to that level with these figures but I think that they will be helpful.

In addition, to clarify, there seems to be a point of confusion as to the relationship of the Council on Environmental Quality and the Office of Environmental Quality. You would be interested in these provisions in title 2.

The purposes of this title are, and I am going to read the second one, to authorize an Office of Environmental Quality which, notwithstanding any other provision of law, shall provide the professional administrative staff for the Council on Environmental Quality established by Public Law 91-190.

In other words, it was our intent to make clear that we are not creating another agency or a competing agency but what it is our desire to do is to strengthen your agency. There are some other references in this language to make that point clear.

Without objection, Mr. Chairman, I think it might be helpful to have this language in the hearings at this point.

The CHAIRMAN. Without objection it will be included at this point in the record.

(The material referred to follows:)

## TITLE II—ENVIRONMENTAL QUALITY

### SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

### FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b) (1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council of Environmental Quality established by Public Law 91-190.

### OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203(a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91-190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91-190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91-190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and

activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality ;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources ;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man ;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality ;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government.

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

#### REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91-190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

#### AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated not to exceed \$500,000 for the fiscal year ending June 30, 1970, not to exceed \$750,000 for the fiscal year ending June 30, 1971, not to exceed \$1,250,000 for the fiscal year ending June 30, 1972, and not to exceed \$1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91-190.

Senator MUSKIE. Now the second point I would like to touch upon is the one covered by the President's Executive order of yesterday. Now, as you know, this has been an area of perhaps as great frustration in environmental problems as any. The objective of making the Federal Government measure up to the standards that we ask others to meet has been a frustration. Presidents have been reluctant to move, Secretaries have been reluctant to move, Congress has been reluctant to provide the money.

It is popular now to say that we cannot do the job without the money, but congressional committees have been reluctant to provide the money to clean up the Federal facilities. I know because on the Air and Water Pollution Subcommittee we have pressed for it; we have made this point in committee reports, we have included it in legislation. Somehow we were not able to get the point through to the appropriations committees of the Congress as they relate to the Defense Department facilities or any other facilities.

Now in 1962 finally, and I will say in all frankness with some reluctance, we got an Executive order after we could not get the Congress to act. That Executive order I think ought to be included in the record at this point, Mr. Chairman, to indicate the evolution of this frustrating policymaking process, and it was issued by President Johnson on July 2, 1966.

There is one provision in that Executive order which is not in the Executive order which the President issued yesterday and I wonder if you would clarify this point for me. There is this provision: "The heads of departments, agencies and establishments are encouraged to prescribe regulations covering loan, grant or contract practices designed to reduce water pollution."

Now what I have in mind, of course, are activities contracted by the Federal Government and supported by Federal loans which can contribute to pollution. Now it is the intent of President Johnson's Executive order to cover that which covers the private sector as well as direct Federal activities. Now that language is not contained in yesterday's Executive order, at least not explicitly, and I think it would be of interest to have a clarification on the point. You may not have it now. I don't conclude that it was not intended to cover this, but I bring it to your attention in the hope that that point may be clear.

Mr. TRAIN. The Executive order deals with all facilities. There is certainly no intent to convey any impression that the type of other concern is also not very much on the minds of the executive agencies. There is active study in consideration of that very problem of loans and contracts and so forth underway at the present time. I also feel that the authority contained in the National Environmental Policy Act, the directives both to the agencies and to the Council itself, includes very probably the authority to deal with this question.

Senator MUSKIE. I think it does.

Now another point of clarification that I would like is this.

The CHAIRMAN. Without objection, the Executive order of 1966 and the Executive order of yesterday will be included in the record at this point.

(The material referred to follows:)

#### EXECUTIVE ORDER 11288

##### PREVENTION, CONTROL, AND ABATEMENT OF WATER POLLUTION BY FEDERAL ACTIVITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), and Reorganization Plan No. 2 of 1966 (31 F.R. 6857), it is ordered as follows:

SECTION 1. *Policy.* The heads of the departments, agencies, and establishments of the Executive Branch of the Government shall provide leadership in the nationwide effort to improve water quality through prevention, control, and abatement of water pollution from Federal Government activities in the United States. In order to achieve these objectives—

(1) Pollution from all existing Federal facilities and buildings shall be controlled in accordance with plans to be submitted to the Director of the Bureau of the Budget pursuant to Section 3 of this order;

(2) New Federal facilities and buildings shall be constructed so as to meet the pollution control standards prescribed by Section 4 of this order;

(3) Pollution caused by all other operations of the Federal Government, such as water resources projects and operations under Federal loans, grants, or contracts, shall be reduced to the lowest level practicable;

(4) Review and surveillance of all such activities shall be maintained to assure that pollution control standards are met on a continuing basis;

(5) The Secretary of the Interior shall, in administering the Federal Water Pollution Control Act, as amended, provide technical advice and assistance to the heads of other departments, agencies, and establishments in connection with their duties and responsibilities under this order;

(6) The head of each department, agency, and establishment shall ensure compliance with Section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466h), which, as modified by Reorganization Plan No. 2 of 1966 (31 F.R. 6857), declares it to be the intent of Congress that Federal departments and agencies shall, insofar as practicable and consistent with the interests of the United States and within available appropriations, cooperate with the Secretary of the Interior and with State and interstate agencies and municipalities, in preventing or controlling water pollution; and

(7) Water pollution control needs shall be considered in the initial stages of planning for each new installation or project, and the head of each department, agency, and establishment shall establish appropriate procedures for securing advice and for consulting with the Secretary of the Interior at the earliest feasible stage.

Sec. 2. *Procedures for new Federal facilities and buildings.* (a) A request for funds to defray the cost of designing and constructing new facilities and buildings in the United States shall be included in the annual budget estimates of a department, agency, or establishment only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility or building will meet the general standards prescribed by Section 4 of this order.

(b) Prior to any solicitation of bids for construction of any such new facility or building a description of the essential features of the water pollution control and treatment measures proposed for the project shall be submitted to the Secretary of the Interior for prompt review and advice as to the adequacy and effectiveness of the measures proposed and for advice as to any related operating procedures and continuing laboratory examinations deemed necessary to ensure effective plant operation.

Sec. 3. *Procedures for existing Federal facilities and buildings.* (a) In order to facilitate budgeting for corrective and preventive measures, the head of each department, agency, and establishment shall provide for an examination of all existing facilities and buildings under his jurisdiction in the United States and shall develop and present to the Director of the Bureau of the Budget, by July 1, 1966, a phased and orderly plan for installing such improvements as may be needed to prevent water pollution, or abate such water pollution as may exist, with respect to such buildings and facilities. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget. Future construction work at each such facility and the expected future use of the facility shall be considered in developing such a plan. Each such plan, and any revisions therein, shall be developed in consultation with the Secretary of the Interior in order to ensure that adoption of the measures proposed thereby will result in the prevention or abatement of water pollution in conformity with the general standards prescribed by Section 4 of this order.

(b) The head of each department, agency, and establishment shall present to the Director of the Bureau of the Budget, by July 1, 1967, and by the first of each fiscal year thereafter, an annual report describing the progress of his department, agency, or establishment in accomplishing the objectives of its pollution abatement plan.

Sec. 4. *General standards.* (a) Federal installations shall provide secondary treatment, or its equivalent, for all wastes except cooling water and fish hatchery effluents. Discharge of wastes into municipal sewerage systems maintaining adequate treatment is hereby declared to be the preferred method of disposal. However, whenever connection to such a system is not feasible, the department, agency, or establishment concerned shall be responsible for installing its own waste treatment system. Upon an application of the head of a department, agency, or establishment, a degree of treatment less than secondary may be approved with respect to an agency-installed system in an exceptional case if the Secretary of the Interior finds that a lesser degree of treatment is adequate to protect the quality of the receiving waters.

(b) If discharge of cooling water is expected to create problems by significantly increasing the temperature of the receiving waters, facilities shall be installed, or operating procedures shall be established, to maintain water temperatures within acceptable limits.

(c) Storage facilities for materials which are hazardous to health and welfare, and for oils, gases, fuels or other materials capable of causing water pollution, if accidentally discharged, shall be located so as to minimize or prevent any spillage

which might result in water pollution. Engineering measures to entrap spillage, such as catchment areas, relief vessels, or entrapment-dikes, shall be installed so as to prevent accidental pollution of water.

(d) No waste shall be discharged into waters if it contains any substances in concentrations which are hazardous to health.

(e) No waste shall be discharged into waters if it contains any substances in concentrations which will result in substantial harm to domestic animals, fish, shellfish, or wildlife, if methods of treatment or disposal are available that will remove or render harmless such pollutants. If such methods are not available, but can reasonably be developed, they will be developed and used at the earliest possible date. A determination that such methods are not available or cannot reasonably be developed will not be made without the concurrence of the Secretary of the Interior.

(f) The head of each department, agency, and establishment shall, with respect to each installation in the United States under his jurisdiction, make, or cause to be made, such surveys as may be necessary to ensure that discharges of waste effluents from activities concerned with radioactivity are in accord with the applicable rules, regulations, or requirements of the Atomic Energy Commission (10 CFR, Part 20) and the policies and guidance of the Federal Radiation Council as published in the FEDERAL REGISTER.

(g) Construction and operating plans for waste treatment facilities shall include space for the conduct of necessary laboratory analyses and for the maintenance of records of results thereof whenever the size and complexity of the system makes this necessary.

(h) Construction and operating plans for waste treatment facilities shall take into account water quality standards promulgated pursuant to the provisions of the Water Quality Act of 1965 (79 Stat. 903).

(i) Any waste treatment facilities installed by any department, agency, or establishment shall as far as practicable be constructed so as to conform with any areawide program, meeting criteria established by the Secretary of Housing and Urban Development for a unified or officially coordinated areawide sewer facilities system as part of the comprehensively planned development of the area pursuant to Section 702(c) of the Housing and Urban Development Act of 1965, that may have been adopted with respect to the area concerned.

SEC. 5. *Modification of standards.* The standards prescribed by paragraphs (a) through (e) and (g) through (i) of Section 4 of this order may be supplemented or modified by the Secretary of the Interior, after consultation with the Director of the Bureau of the Budget. All such changes shall be published in the FEDERAL REGISTER.

SEC. 6. *Procedures for Federal water resources projects.* (a) The Secretaries of Agriculture and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall present for the consideration of the Secretary of the Interior any plans that they propose to recommend with respect to the authorization or construction of any Federal water resource development project in the United States. Such plans must be consistent with the general standards prescribed by Section 4 of this order to the fullest extent practicable. The Secretary of the Interior shall review such plans and supporting data relating to water quality, and shall prepare a report to the head of the responsible department, agency, or establishment describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary with respect to the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany any report proposing authorization or construction of such a water resource development project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the department, agency, or establishment concerned may propose authorization or construction of the project without such an accompanying report. In any such case, the head of the department, agency, or establishment concerned shall explicitly state in his report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

SEC. 7. *Review of facilities or operations supported by Federal loans, grants, or contracts.* (a) The head of each department, agency, and establishment shall conduct a review of the loan, grant, and contract practices of his organization to determine the extent to which water pollution control standards similar to those

set forth in this order for direct Federal operations should be adhered to by borrowers, grantees, or contractors with respect to their operations in the United States. The head of each department, agency, and establishment shall review all such activities for which there is a significant potential for reduction of water pollution and develop appropriate recommendations for accomplishing such reduction. In conducting this review, necessary technical assistance should be sought from the Secretary of the Interior and the heads of other appropriate Federal agencies. A report on the results of this review shall be submitted to the Director of the Bureau of the Budget by July 1, 1966.

(b) The heads of departments, agencies, and establishments are encouraged to prescribe regulations covering loan, grant, or contract practices designed to reduce water pollution.

SEC. 8. *Study of water pollution from vessel operations.* The Secretary of the Interior shall make a comprehensive study of the problem of water pollution within the United States caused by the operation of vessels, and shall develop such recommendations for corrective or preventive action as may be appropriate, including recommendations with respect to vessels operated by any department, agency, or establishment of the Federal Government. The results of the study and recommendations shall be transmitted to the President by January 1, 1967. The study and report thereon shall be prepared in consultation with, and with the advice and assistance of, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare.

SEC. 9. *Prior Executive order superseded.* Executive Order No. 11258 of November 17, 1965, is hereby superseded.

LYNDON B. JOHNSON.

THE WHITE HOUSE,  
July 2, 1966.

[F.R. Doc. 66-7460; Filed, July 5, 1966; 4:46 p.m.]

#### EXECUTIVE ORDER 11507

##### PREVENTION, CONTROL, AND ABATEMENT OF AIR AND WATER POLLUTION AT FEDERAL FACILITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Clean Air Act, as amended (42 U.S.C. 1857), the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), and the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), is ordered as follows:

Section 1. *Policy.* It is the intent of this order that the Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources.

Sec. 2. *Definitions.* As used in this order:

(a) The term "respective Secretary" shall mean the Secretary of Health, Education, and Welfare in matters pertaining to air pollution control and the Secretary of the Interior in matters pertaining to water pollution control.

(b) The term "agencies" shall mean the departments, agencies, and establishments of the executive branch.

(c) The term "facilities" shall mean the buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed or manufactured for the purpose of leasing to the Federal Government.

(d) The term "air and water quality standards" shall mean respectively the quality standards and related plans of implementation, including emission standards, adopted pursuant to the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended, or as prescribed pursuant to section 4(b) of this order.

(e) The term "performance specifications" shall mean permissible limits of emissions, discharges, or other values applicable to a particular Federal facility that would, as a minimum, provide for conformance with air and water quality standards as defined herein.

(f) The term "United States" shall mean the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

Sec. 3. *Responsibilities.* (a) Heads of agencies shall, with regard to all facilities under their jurisdiction:

(1) Maintain review and surveillance to ensure that the standards set forth in section 4 of this order are met on a continuing basis.

(2) Direct particular attention to identifying potential air and water quality problems associated with the use and production of new materials and make provisions for their prevention and control.

(3) Consult with the respective Secretary concerning the best techniques and methods available for the protection and enhancement of air and water quality.

(4) Develop and publish procedures, within six months of the date of this order, to ensure that the facilities under their jurisdiction are in conformity with this order. In the preparation of such procedures there shall be timely and appropriate consultation with the respective Secretary.

(b) The respective Secretary shall provide leadership in implementing this order, including the provision of technical advice and assistance to the heads of agencies in connection with their duties and responsibilities under this order.

(c) The Council on Environmental Quality shall maintain continuing review of the implementation of this order and shall, from time to time, report to the President thereon.

Sec. 4. *Standards.* (a) Heads of agencies shall ensure that all facilities under their jurisdiction are designed, operated, and maintained so as to meet the following requirements:

(1) Facilities shall conform to air and water quality standards as defined in section 2(d) of this order. In those cases where no such air or water quality standards are in force for a particular geographical area, Federal facilities in that area shall conform to the standards established pursuant to subsection (b) of this section. Federal facilities shall also conform to the performance specifications provided for in this order.

(2) Actions shall be taken to avoid or minimize wastes created through the complete cycle of operations of each facility.

(3) The use of municipal or regional waste collection or disposal systems shall be the preferred method of disposal of wastes from Federal facilities. Whenever use of such a system is not feasible or appropriate, the heads of agencies concerned shall take necessary measures for the satisfactory disposal of such wastes, including:

(A) When appropriate, the installation and operation of their own waste treatment and disposal facilities in a manner consistent with this section.

(B) The provision of trained manpower, laboratory and other supporting facilities as appropriate to meet the requirements of this section.

(C) The establishment of requirements that operators of Federal pollution control facilities meet levels of proficiency consistent with the operator certification requirements of the State in which the facility is located. In the absence of such State requirements the respective Secretary may issue guidelines, pertaining to operator qualifications and performance, for the use of heads of agencies.

(4) The use, storage, and handling of all materials, including but not limited to, solid fuels, ashes, petroleum products, and other chemical and biological agents, shall be carried out so as to avoid or minimize the possibilities for water and air pollution. When appropriate, preventive measures shall be taken to entrap spillage or discharge or otherwise to prevent accidental pollution. Each agency, in consultation with the respective Secretary, shall establish appropriate emergency plans and procedures for dealing with accidental pollution.

(5) No waste shall be disposed of or discharged in such a manner as could result in the pollution of ground water which would endanger the health or welfare of the public.

(6) Discharges of radioactivity shall be in accordance with the applicable rules, regulations, or requirements of the Atomic Energy Commission and with the policies and guidance of the Federal Radiation Council as published in the Federal Register.

(b) In those cases where there are no air or water quality standards as defined in section 2(d) of this order in force for a particular geographic area or in those cases where more stringent requirements are deemed advisable for Federal facilities, the respective Secretary, in consultation with appropriate Federal, State, interstate and local agencies, may issue regulations establishing air or water quality standards for the purpose of this order, including related schedules for implementation.

(c) The heads of agencies, in consultation with the respective Secretary, may from time to time identify facilities or uses thereof which are to be exempted, including temporary relief, from provisions of this order in the interest of national security or in extraordinary cases where it is in the national interest. Such exemptions shall be reviewed periodically by the respective Secretary and the heads of the agencies concerned. A report on exemptions granted shall be submitted to the Council on Environmental Quality periodically.

*Sec. 5. Procedures for abatement of air and water pollution at existing Federal facilities.* (a) Actions necessary to meet the requirements of subsections (a) (1) and (b) of section 4 of this order pertaining to air and water pollution at existing facilities are to be completed or under way no later than December 31, 1972. In cases where an enforcement conference called pursuant to law or air and water quality standards require earlier actions, the earlier date shall be applicable.

(b) In order to ensure full compliance with the requirements of section 5(a) and to facilitate budgeting for necessary corrective and preventive measures, heads of agencies shall present to the Director of the Bureau of the Budget by June 30, 1970, a plan to provide for such improvements as may be necessary to meet the required date. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility to meet the requirements of subsections 4(a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements, he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) As may be found necessary, heads of agencies may submit requests to the Director of the Bureau of the Budget for extensions of time for a project beyond the time specified in section 5(a). The Director, in consultation with the respective Secretary, may approve such request if the Director deems that such project is not technically feasible or immediately necessary to meet the requirements of subsections 4(a) and (b). Full justification as to the extraordinary circumstances necessitating any such extension shall be required.

(e) Heads of agencies shall not use for any other purpose any of the amounts appropriated and apportioned for corrective and preventive measures necessary to meet the requirements of subsection (a) for the fiscal year ending June 30, 1971, and for any subsequent fiscal year.

*Sec. 6. Procedures for new Facilities.* (a) Heads of agencies shall ensure that the requirements of section 4 of this order are considered at the earliest possible stage of planning for new facilities.

(b) A request for funds to defray the cost of designing and constructing new facilities in the United States shall be included in the annual budget estimates of an agency only if such request includes funds to defray the cost of such measures as may be necessary to assure that the new facility will meet the requirements of section of this order.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility when action is necessary to meet the requirements of subsections 4(a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) Heads of agencies shall give due consideration to the quality of air and water resources when facilities are constructed or operated outside the United States.

*Sec. 7. Procedures for Federal water resources projects.* (a) All water resources projects of the Departments of Agriculture, the Interior, and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall be consistent with the requirements of section 4 of this order. In addition, all such projects shall be presented for the consideration of the Secretary of the Interior at the earliest feasible stage if they involve proposals or recommendations with respect to the authorization or construction of any Federal water resources project in the United States. The Secretary of the Interior shall review plans and supporting data for all such projects relating to water quality, and shall prepare a report to the head of the responsible agency describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary in connection with the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany at the earliest practicable stage any report proposing authorization or construction, or a request for funding, of such a water resource project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the agency concerned may propose authorization, construction, or funding of the project without such an accompanying report. In such a case, the head of the agency concerned shall explicitly state in his request or report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

Sec. 8. *Saving provisions.* Except to the extent that they are inconsistent with this order, all outstanding rules, regulations, orders, delegations, or other forms of administrative action issued, made, or otherwise taken under the orders superseded by section 9 hereof or relating to the subject of this order shall remain in full force and effect until amended, modified, or terminated by proper authority.

Sec. 9. *Orders superseded.* Executive Order No. 11282 of May 26, 1966, and Executive Order No. 11288 of July 2, 1966, are hereby superseded.

THE WHITE HOUSE, February 4, 1970.

RICHARD NIXON.

[F.R. Doc. 70-1566; Filed, Feb. 4, 1970; 12:33 p.m.]

Senator MUSKIE. Now following President Johnson's Executive order on March 30, 1967, the Bureau of the Budget issued a directive implementing the Executive order. It was directed to executive agencies and it contained this amendment:

The agency plan should provide for compliance with the Executive order at all installations by the end of fiscal year 1972.

Yesterday's Executive order, as you indicated, states that would have been July 1, 1972. Yesterday's Executive order says that actions necessary to meet the requirements of subsections 1A and B of section 4 of this order pertaining to air and water pollution at existing facilities are to be completed or underway no later than December 31, 1972.

Now that would appear to be, if the language itself is correct, a delay beyond the date for full compliance set by the budget circular of 1967. Do you know whether that is so?

Mr. TRAIN. I would not say it is a delay beyond that date. The dates are certainly correct as you state, Senator Muskie. The fact is that the program for the abatement of pollution, air and water, and by Federal facilities has been allowed to slip so far that the June 30, 1972 completion date is absolutely impractical at this time. It is simply one of those unrealistic targets and we feel that the December 31, 1972, date which would be only 6 months later does represent a realistic target which we will be aiming for.

As made clear, our council, Mr. Chairman, will have a continuing review function with respect to the performance of Federal agencies under this order and we would be expecting to keep your particular subcommittee informed on this matter.

Senator MUSKIE. I agree with you. I think that the need to postpone this date or to delay it is reflective of the fact, that in the past we have talked tougher than we have acted. This has been true in executive departments, it has been true in the Congress, it has been true at the State and local levels, it has been true at local industry. This is another evidence, that the tough talk of the past has not measured up, and I have raised it now in order to try to stiffen our backs with respect to the future. I was going to ask you a question which I think you have answered at this point, but I would like to emphasize it if I may.

Yesterday, in the Executive order, the President's objective was clear in this respect, that there must be a compliance by Federal agencies, and that this has a higher order of priority than it has ever had before, but it does not provide a procedure for the adjudication of differences between environmental impact agencies and environmental control agencies on control procedures, timetables, and results.

Now you have implied I think quite clearly in what you have just said that this is a role that your council is going to play. Is that clear?

Mr. TRAIN. I would expect that would be the case, yes, sir.

Senator MUSKIE. I am happy to hear that.

Mr. TRAIN. If I may refer to one additional aspect of the Executive Order issued yesterday which I think has much practical significance, there is a provision in that order which prohibits reprogramming of funds by Federal agencies which have been appropriated for pollution abatement. This has been one of the most serious problems, as the committee is aware, in the past. Funds would be requested, funds would be appropriated, but then in the actual fact some other project would come along that would seem more attractive to the program agency and we would discover that the pollution funds inevitably were the first candidate for reprogramming. Now the President has specifically ordered that this will not happen again.

Senator MUSKIE. I am delighted with those provisions. I am delighted that you are going to stay on top of this. The Executive Order was not there. You have got to have a head knocking authority to make these environmental values stick.

There is one other thing with respect to the pending legislation, the Water Quality Improvement Act, so-called, section 16 as it was referred to in the Senate version and you are familiar with it. Section 16(a) in numbering will be different in the conference report. Section 16(a) backs up this kind of thing. Section 16(b) covers, I think, as effectively as the Senate version the activities which are licensed or permitted by Federal agencies of one kind or another. This would cover the Atomic Energy Commission, for example, the licensing of nuclear powerplants; it would cover the Corps of Engineers and the licensing of dredging operations and so on. I think that this is one of the critical areas of direct control which can be exercised.

Now we have written language into the Water Quality Improvement Act; it is a tool for you to use and I am looking forward to your using it. I think you are going to find as much resistance in this area as in any other area of direct responsibility that you are given, so I call it to your attention in this area and emphasize it in order to indicate our hopes that your Council can be of assistance in this respect.

Mr. TRAIN. Thank you, Mr. Chairman.

Senator MUSKIE. I would like to question you further but I have to catch the plane in 25 minutes. Thank you very much.

The CHAIRMAN. Thank you, Senator Muskier.

Senator Hansen.

Senator HANSEN. Thank you very much, Mr. Chairman.

Let me compliment you, Mr. Train, on your very excellent statement. I do have a question or two that I think would probably logically follow those asked by Senator Jordan of Idaho.

As I recall, during the press conference on January 20 you made the statement that the people of this country want a cleaner environment

and they are ready to pay for it as necessary. You indicated that these costs associated with the cleaner environment are proper costs of doing business. I would agree with that statement but I think that it does pose an economic question. In light of the Trade Expansion Act and especially the GATT tariff negotiations whose purpose is to reduce or eliminate tariff or trade barriers, do you feel the U.S. industry could be placed at an unfair competitive disadvantage as a result of environmental requirements?

Mr. TRAIN. This is quite possible, Senator Hansen. Just as in a wide variety of regulatory social welfare requirements and social security and things of this sort expected of American business, these additions to the cost of doing business do create or can create competitive problems with respect to foreign produced goods not subject to the same costs. I think there is a very real problem and I think it is one that we should address ourselves to. We have not had an opportunity to discuss this particular question within the Council. I see both my colleagues nodding.

I would think that this is one area that our Council should get into very early and have early discussions with the Department of Commerce, and the State Department, to explore the possibility of international bilateral and multilateral negotiations of the trade area to see whether this problem can't be met, because the environmental problems are problems being faced by all nations, particularly our largest commercial competitors, Japan and Western Europe. The environmental problems are growing at a tremendous rate and they, too, have this same concern. So I think the time has come, the time is very largely ripe, to build this particular consideration into our trade discussions.

Senator HANSEN. I am pleased with your response, I think it indicates your complete grasp of the problem that we face not alone as Americans but as inhabitants of one world. Certainly we cannot hope to do the job here, oblivious to what takes place in other countries.

When the President spoke of the need to establish an environmental early warning system he touched upon a subject that has been of interest and concern to me for some time. As I have watched some of the things that have taken place within our national park system, the dangerous lowering of fresh water levels in the Everglades, the attendant threat to depose all kinds of aquatic life down there, as I have watched the confrontation between people and the grizzlies in Yellowstone, I am more concerned about the ability of the bear to survive than the ability of the people to survive there.

I just wonder if you would share my belief that there would be merit in the establishment of an on-going research program that might hopefully identify some of the problems that have not yet surfaced to the degree that people generally would be aware of. I introduced some legislation, as a matter of fact, which would have established a scientific research team whose project would be to review all of the things that may take place anywhere within our national park system. I should anticipate that if such legislation were some day approved, as I hope indeed it will be, that the things that they would find out would have some applicability in other areas as well. Does this approach seem to be a valid one to you?

Mr. TRAIN. It sounds very valid. I think we will give a very early priority to the development of early warning systems of various kinds.

I am not ready at this stage to say what would be the best way of getting at this, it is a very difficult and complex problem involving economic questions as well as obviously environmental questions. I think both my colleagues are very knowledgeable in this area and doubtless would like to comment.

Senator HANSEN. Yes.

Mr. MACDONALD. If I may, I think you have touched on an extremely significant and important issue that quite clearly the Council will devote a great deal of attention to. In the past we have to a very large extent relied on citizens groups, conservation groups, a variety of inputs to identify the problems of them when they have developed to the crisis stage. We have to do much better in the future because of the tremendous increase in complexity of society. It is a problem, of course, that goes way beyond national parks. It is a question of identifying the problems sufficiently far in advance in whatever area so that we can get the program started with an understanding of what might happen if proper actions can be taken.

Mr. CAHN. I think that is an excellent idea about the parks. This Nation is the father of the concept of the national park. Many other nations have done much more than we have in using them for research. There was a scientific study group a few years ago that made a number of suggestions that have not been carried out adequately. They recommended such things as studying ways to restore primitive conditions in parks where they no longer exist and eradicating some of the unnatural things that have been allowed to come in. There are many areas in which greater use can be made. We should be a leader and we should be using these great areas for scientific study. Just as our parks are used for recreation, they should also be used for scientific study.

Senator HANSEN. I am going to be very interested, Mr. Cahn, in reading the series printed from the Christian Science Monitor which I have not yet had the privilege to do completely. It occurs to me in the past oftentimes we have done things within our national park system that seem to be responsive to the most obvious and pressing needs of people with little or no consideration being given at all to what we might do to the other very fragile values that the parks indeed were established to protect and to maintain. I should think that by having in mind that concern we might be able to obviate some of the pickles we have gotten ourselves into by having competent people, interested people, dedicated people look ahead and perhaps advise and give some suggestions to those other agencies of the Government whose purposes are primarily not of major concern to the economy.

In this respect we have before the Congress our proposals to establish certain trails, one of which is the Continental Divide trail, a trail that I must say left me with mixed emotions when it was first proposed. I was one who suggested that before that trail be established that we put up a red flag and make a study of it. Despite the great admiration that I am certain I share with many here today for the beauty of the Continental Divide, I am not sure at all that I want to see a trail established that would justify such a name if it were to go through the sort of country that I suspect it would have to in order to qualify as a Continental Divide trail. I think this is great country. I don't think that to project the national historic trail concept into this part of the country is

something that I would go for at the present time at all. I think we have a lot of values there that we better look at very carefully.

I would invite any comments you have to make.

Mr. CAHN. I am not familiar enough with the problems of that particular trail.

Senator HANSEN. Of course it is a figment of man's imagination, there ain't no such thing.

Mr. CAHN. I think there are a lot of other things that have a great deal more priority and we should study this more before making any recommendations.

Mr. TRAIN. Again like Mr. Cahn I am not familiar with the details of this proposal but in a general way I think trails, roads, when going into previously unopen country should be considered very, very carefully because it is really an irreversible act. With a road, with a highway, or even with a trail other things come with it and you are forever really changing the character of that particular environment. In some cases this is desirable but it requires very careful weighing of what you are doing. It is not just a matter of making recreation available for a few people, it is basically changing permanently a significant area of the natural environment.

Senator HANSEN. Just one last question, Mr. Chairman.

I note, Dr. MacDonald, that among the many duties you have had has been that of serving as a member of a special study group on noise and the sonic boom in relation to man. Let me say here again you pinpoint a problem that is of real concern to me. In western Wyoming a physician and surgeon out there and a man who earlier was trained as a forester is convinced that sonic booms may be disturbing nature to a far greater degree than we had ever suspected. His observations were made over the last 2 years when supersonic planes have overflown that area, being one of the less populated areas—and not everyone in Wyoming is too eager to change that, either.

The indications are that a great number of avalanches, snowslides, have been triggered by these sonic booms. He thinks not less than, if I recall the figures correctly, 3,000 acres of timber have been removed from the steeper slopes of mountains. His closer inspection reveals that some of the trees that have been swept away by avalanches have been growing for 300 and 400 years.

I would certainly hope that you might give further close attention to this problem while there is yet time to halt it. Not only timber has been swept away from the sides of mountains but the resultant blocking of streams has practically killed every fish in some of the finest smaller fishing streams in western Wyoming.

I simply want to close, Mr. Chairman, by complimenting you for this assignment. I wish you well and I will be very much interested in what that study discloses.

Mr. MACDONALD. Thank you.

Senator HANSEN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Hansen.

Senator ANDERSON.

Senator ANDERSON. I know Mr. Train, I have had a very pleasant relationship with him for a number of years. I am very happy that he is here and his associates are here.

The CHAIRMAN. Thank you, Senator Anderson.

Senator Burdick.

Senator BURDICK. Mr. Chairman, I do not have to repeat what a monumental job we have in this country to attack this problem from all angles. I have listened to Senator Magnuson talk about the Columbia River, I have listened to Senator Hansen talk about his trails, and we know about the pollution of the Great Lakes.

It may come as a surprise to many people that out in the wide open land I come from, the land of the skyblue water, the fresh water lakes are also dying. This gives you some idea of what the Nation is facing.

Now from time to time you have used the word "priority." I know that the air around the big industrial cities is being polluted, areas of water pollution are rampant. Do you have a priority in your mind? What do we attack first?

Mr. TRAIN. That is a very proper question, Senator, and in view of the fact that our Council has really not met yet I would not want to speak with any finality. I tend to feel that there is such a complex range of needs that it would be a mistake to single out one need ahead of all others. I think there are several areas in which we must move ahead very positively, very early. The current problems of water pollution and air pollution I think are very high on the public agenda at this time.

I think the performance by Federal agencies in this respect and the overall pollution abatement program—Federal, State and private levels—are a matter of very high priority that we should look at very quickly. The activities of the Federal Government are so clearly set forth in the statute for us to evaluate, monitor, as they affect the environment I feel that we must move forward with that right away. I have said from time to time that I consider a national population policy a matter of high priority and I am sure that our Council will be lending its weight to the development of such a policy from the very beginning.

The matter of more effective land use planning all across the Nation involving the highly dramatic situations of airports, highways, dams, oil refineries, power generating facilities and also some of the less dramatic situations such as real estate development, these things are reducing the American landscape at an almost frightening rate. I think we all realize that there are practically no guidelines—not even regional, State or local let alone Federal—to assist in the rational planning of this sort of land use. So we would put this very high on our agenda.

Now let me ask my colleagues.

Senator BURDICK. I am going to ask your flankers.

Mr. Cahn.

Mr. CAHN. I don't think I could add to or change that. Certainly the interrelationship of things is such that you cannot speak about water pollution without speaking about the land use that contributes to the water pollution. In planning for new communities certainly we should have some possible way to move people or encourage people, let us say, and to do the planning necessary, and give them an opportunity to go to less crowded places, possibly North Dakota, and change some of the imbalances that now exist. As you fly across the Nation you see that there are many areas that are wonderful places to live, yet there are few people.

Certainly air pollution will get priority attention because of the potential health problem it poses. We must know what is going into the air and what some of the dangers are. With water pollution, we can stay away if we don't want to swim or if the water smells bad. But you cannot move away from air that might have toxic quantities in it. So I would think that as a matter of health the air pollution problem deserves the utmost research possible and the best controls that can be put in.

Senator BURDICK. Of course I realize that all these problems are equal to the departments handling them. Just to use the cliché I wonder if you gentlemen thought one was more equal as to another in importance.

Mr. MACDONALD. Could I comment?

Senator BURDICK. Yes.

Mr. MACDONALD. In order to develop guidelines for environmental policy, and I think this is really the most important task before the Council, we will have to find out what the environment is, what we mean by quality of environment. The facts are we do not know what is the environment. How to define it, or even how is it changing? So one of the elements of highest priority is to monitor the environment, determine what we have today, how it is changing.

The second aspect of the problem is that we have, I am afraid, been accustomed to think of it—and I will return once again to what I have said earlier—in terms of negative options. We are going to stop this, stop that. I think we really have to develop a new way of approaching environmental problems. I think we don't know what these new ways may be but I would hope that a good deal of emphasis in our discussions, our own thinking would be to break away from some of the established modes, the modes that say the way to keep the environment at its present level is to stop doing this or that. Perhaps we should be doing other things. I think this development of new ways of handling or dealing with environmental opportunities is really in the long term our highest priority.

Senator BURDICK. Thank you very much.

The CHAIRMAN. Senator Stevens.

Senator STEVENS. Thank you.

I am delighted to have heard the question Senator Hansen asked. As one of the cosponsors of the bill that created your panel, thanks to the chairman's indulgence, I am happy to see the three of you here. I just have three short questions.

Mr. Secretary, how do you view the problems that you are going to deal with in terms of national standards on environmental quality with the particular problems that we have had, that you have been familiar with in my State. What I am seeking is, do you think that in setting these national standards and looking at the national problem, the total problem of the environment for the country, that there are going to be variations for my area as opposed to New England, Florida, or to New Mexico?

Mr. TRAIN. Oh, very definitely. I have not suggested that what we necessarily need are national guidelines drawn up designed here in Washington and enforced from Washington covering all the areas of the country and all aspects of land use, not at all, because there are far too many local variations, local differences, to make that desirably practical.

What I think that we do need is the encouragement by the Federal Government of a better job of land use planning by the appropriate levels of Government, and there may be cases where Federal guidelines are desirable. They actually are evolving at the present time.

Going back to an earlier question by Senator Magnuson with respect to airport locations, at the time when the President announced the agreement on the Everglades Jetport at the White House he at the same time expressed his concern that problems of really national significance should not be left entirely to local adjudication, local initiative, and directed the Secretary of Transportation to develop recommendations with respect to the planning of regional airport facilities which would more adequately represent the national interest in such facilities than exist at the present time. So there are things being done.

With respect to problems such as you and I are familiar with, particularly in connection with Alaska, let's say the pipelines specifically, I don't think that specific standards promulgated by a department in Washington are so much the need as a new standard of performance in planning and the execution of plans. This is what is really needed, not the A B C's of what we need but the very fact that in this sort of cooperative fashion between industry, State, Federal Government we have for really the first time in history sat down and tried to build into the planning process from the very beginning environmental and community values. I think this is the essential need. I would call those new standards of performance.

Mr. STEVENS. I know, Mr. Cahn, that your series of articles in "The Christian Science Monitor" and our oil development up there have attracted a great deal of attention. Do you feel that the Council will have a role in developing the approach to new areas such as this, to new challenges such as the pipeline in Alaska?

Mr. CAHN. I think that this certainly should be one of the things that we would hope to consider in the matter of policy and in the matter of looking at all of the needs of land use and not trying to supersede a State but trying to work with it to get the common goals for the people of the whole country. I think it is a great opportunity at this time when you have a new development to try to work it out and to look at the future of the Arctic, for instance, and see how the best use can be made of that area both for industry and recreation, and for the total needs of the people of Alaska.

Senator STEVENS. I had no chance to discuss this with our chairman but I was told that the Russians have a pipeline that is longer than ours and they just laid it on top of the ground.

The CHAIRMAN. Was that in the Arctic?

Senator STEVENS. Yes.

I wonder in terms of your Council's activities whether you see any international role, to see how other people have handled similar problems.

Mr. TRAIN. Very definitely. We have considered this as an important role. There are technologies being developed abroad which are important for us to know about and we can profit from those, not only technology but ways of handling problems and institutional developments. We have here things to offer the other countries abroad in this respect and I think it is very important that these changes take place.

Senator STEVENS. Just one last question.

The CHAIRMAN. May I just interrupt there to point out that the statute under which the Council will be operating, subsection (e) of section 101, provides that, and I quote: "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, anticipating and preventing a decline in quality of mankind's world environment."

So the Council, consistent with, and in coordination with the foreign policy of the United States can play a very important role. The committee, may I say, expects the Council to deal with this problem in the context of planning and not just confined to our own shores.

Mr. TRAIN. Thank you, Mr. Chairman.

Senator STEVENS. I have just one last question.

Mr. TRAIN. I would like to comment about that Russian pipeline, Senator STEVENS. I believe the only one that I know of is elevated above the ground, it is not right on the ground itself. That is my understanding.

Senator STEVENS. It is?

Mr. TRAIN. That is my understanding.

Senator STEVENS. I would like to arrange to go over and see it, Mr. Chairman.

Dr. MacDonald, I understand you are a member of the 1968 Panel on the Safety of Underground Testing. It was my understanding that the panel's report expressed concern over the testing in our State, particularly with regard to earthquakes and the effect of contamination there. I have been, as a matter of fact, requested to inquire of you as a result of the three tests that have taken place since your report, whether you have changed your viewpoint, and whether you think the Council on Environmental Quality is going to have anything to do with the future of underground testing in this country.

Mr. MacDonald. First with respect to the new information that has been secured as a result of the Atomic Energy Commission's program gradually increasing the yield to determine environmental effects, I would say that in the areas of radioactive release and contamination, possible contamination of ground waters, there is every indication that the planned testing program could continue without any danger or, you know, extremely low probability of any release.

With respect to the earthquake—that is, whether an underground test can trigger an earthquake—the evidence is not clear. In a few cases the small earthquakes, very much smaller than the actual yield of the explosion, have been triggered as a result of the initial explosion.

What happens as you go to larger tests of the kind that the AEC intends to conduct is not certain. I would say that the AEC program is currently very much aware of this problem, they are working hard to obtain all the data that is necessary to make the decision as to whether or not to go ahead with the higher yield explosions at Amchitka.

My own view and the view as it was expressed in that panel's report was that it must be viewed in terms of the larger content. What is needed for national security and what are the dangers of an earthquake? My own personal feeling is that the danger there is very, very small. The probability of something happening is very slight, that is triggering a larger earthquake.

Mr. STEVEN. What is the relationship of your group now to that?

Mr. MACDONALD. I would think that in the long term one of the issues that the council needs to consider is what are some of these indirect effects of manmade activities? There are numerous examples, where man releases greater energies than the energy that he put in. I think this is a problem that we will have to be concerned with. Whether this specific question or not comes up, I could not say at this time.

Mr. STEVENS. Thank you.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Senator Bellmon.

Senator BELLMON. Thank you very much, Mr. Chairman.

I have two questions I would like to ask Mr. Cahn. We have had some heavy going this morning. Let me ask a facetious question, Mr. Cahn, if I may. I notice, Mr. Cahn, for a time you were associated with Colliers magazine and then you left Colliers and became the Midwest editor of the staff of the Saturday Evening Post. I just wonder if the Christian Science Monitor is insolvent.

Mr. CAHN. Maybe the question is, that it might be the U.S. Government.

Senator BELLMON. The question is this. You have written and studied a great deal about our park problems. It appear that certainly there is a great need for more room for more open spaces, more room for urban people to use in meeting their recreational needs. It seems that many recommendations are made for more open spaces. We always think of the Federal Government, State government, or the city buying land and converting it into a hunting area or a park, using it for the single purpose of recreation.

In your work and your study of this problem, have you come up with any ideas as to how we can get multiple use of privately owned lands?

Mr. CAHN. I think that one of the major needs today is to find ways of protecting private lands having unusual recreation or open space potential from being developed. The private land trusts which purchase land, or receive it as gifts, and preserve it in its original state for all the people, are doing a great deal of good. Communities must also make plans to preserve more of their open space for future needs. The Federal Government by itself cannot purchase all the lands that will be needed.

Some of these areas can, of course, be open for multiple uses. But we also have to consider protecting wilderness areas, and we are far behind schedule in setting these aside. And certainly on lands not set aside for single purpose uses such as wilderness, or national parks, ways should be found to provide multiple uses in consonance with sound management that will protect the basic values.

Senator BELLMON. To get specific about the reason for my question, we will be writing a new farm program hopefully early this year and that problem will not be different from the present one that is in effect. At the present time there are between 50 and 80 million acres of agricultural land which are set aside and not used for commercial crop production; in other words, no harvest taken from them. This much of our agricultural resource is not needed for the production of food or fiber, yet at the present time there is practically no concerted effort by the public to use or reuse these facilities.

Do you feel that if the Congress could arrive at some reasonable system of opening up this land for public use that it might relieve some of the problems we have now in our parks?

Mr. CAHN. In some programs where farm areas have been turned into golf courses or camp grounds, they were not developed with proper standards, and also sometimes did not serve the uses of the greatest number of people.

Senator BELLMON. I am thinking not so much of taking land that will be used for the single purpose of recreation, but devising a system whereby land could perhaps be productive agriculturally and also be available to the urban resident who may live within a few minutes or a few miles away and would like to come out with his family and perhaps camp, hike, or hunt and yet the land is posted and not available.

Mr. CAHN. That is a very good point and something that should be studied and ways found to make more of that available. I think the Bureau of Outdoor Recreation has a nationwide plan; I have not had access to it, but I understand that it is going to address itself to this problem and to ways of making more of this type of land available to the public.

Senator BELLMON. Secretary Train, I was interested in your comment, that you believe more attention needs to be given to the environmental results of our real estate development. I am curious. Just take our own area here in the District of Columbia, for instance. Is there ever any thought given to the result, shall we say, of building a new office building here in the downtown Washington area and how many more cars this will put on the highways and what it will really do to the environment of the Nation's capital?

Mr. TRAIN. I suspect that people do think about it once in a while but I don't think anybody worries about it or does much about it.

Senator BELLMON. I am sure those who drive in every morning do. Will it be within the purview of this Commission to concern itself with the environment here in the Nation's capital?

Mr. TRAIN. I think it is very much within our purview to be concerned about the urban environment generally. Of course that does include the Nation's capital.

Senator BELLMON. Specifically who decides where to put another Federal office building at the present time?

Mr. TRAIN. I am not sure I know but the General Services Administration, and the Bureau of the Budget, and the appropriate committees of Congress I think sort of share in this decisionmaking process.

Senator BELLMON. Do you have at the present time veto power or do you anticipate perhaps having a veto power over future Federal construction programs if they would appear to have an effect on environment?

Mr. TRAIN. I don't believe it is anticipated, what you describe as veto power. We certainly expect to play an influential role in the development of plans and in the making of decisions by the President on his program.

The CHAIRMAN. You have something more formidable than a departmental veto, you have the opportunity to counsel and advise the President of the United States and if you convince him he can do certain things.

Senator BELLMON. I was using that as an example, but it occurs to me that over the years we have not really looked ahead to see what conditions we are creating in this city, as well as in many other cities, particularly in these times when most of us spend our day sitting at a desk and talking on a telephone, being located much closer to where we live and relieve the Government of fantastic costs as far as building networks of highways and other problems. I would hope that this would be a major concern of the Council.

Mr. TRAIN. Senator, as a lifelong resident of the District of Columbia, I have been a little hesitant to respond to you by indicating that I would give priority attention to the problems of the District because it might seem that I was serving my own geographic area. At the same time I do share your concerns. I think the city of Washington, both the Federal Government and the District government, has not done a good job of planning and location of facilities.

I have a natural stream bed within two blocks of my home and I understand that the city is about to turn it into a sewer and cover it over. I am very concerned about things of this sort, and at the risk of utilizing our Council's influence for personal advantage, I would expect that we will be looking into some of these questions, too.

Senator BELLMON. I would certainly urge that you do so. If you find you do not have the authority to exercise some influence in the planning of the District, I am personally in favor of your getting it.

The CHAIRMAN. I think they have the authority to advise the President in that regard. I don't think there is any question, I think they will agree.

You gentlemen all agree it is a very broad charter that you have received. You will have a lot of opportunities. By and large it seems to me that, with all of the environmental difficulties that we face, the problem will be where to start and where to stop on some of these things.

Just one other thing. A lot of the things that you are going to be concerned with are going to require much more than, say, the President saying, "Yes, I agree with you and this should be done." I think you will find that many subjects with which you will become involved will require specific legislation. For instance, the Commerce Committee is now working on a bill for low emission vehicles, which would authorize the Federal Government, the biggest customer of the auto manufacturers, to acquire low emission vehicles in lieu of standard vehicles.

There are other important matters which will require specific legislation. One example appears on page 56 of the document entitled "Insituations for Effective Management of the Environment," which Dr. MacDonald and others authored.

This pertains to a recommendation for the formation of a joint environmental committee of the Congress, comprised of the chairmen and ranking minority members of the relevant committees of both Houses, which would provide a much-needed focal point for the informed discussion of environmental affairs. Then it goes on to suggest that where the legislative proposals are suggested, then they would go to the committees that had that jurisdiction; for instance, the Commerce Committee on how all transportation is involved.

Dr. MacDonald, do you still believe this is a good suggestion?

Mr. MACDONALD. The establishing of a joint committee? Yes.

Senator MAGNUSON. It provides also for annual congressional hearings.

Mr. MACDONALD. Yes.

Senator MAGNUSON. Which I think is wise.

I would like, Mr. Chairman, to put page 56 of this report in the record at this time.

The CHAIRMAN. Without objection that portion of the record on page 56 starting with "Annual Congressional Hearings" through page 57 will be made a part of the record.

(The material referred to follows:)

[From Institutions for Effective Management of the Environment, report by, National Academy of Science, National Academy of Engineering, Washington, D.C., January, 1970]

#### ANNUAL CONGRESSIONAL HEARINGS

The activities of the Executive Branch in establishing environmental policies, evaluating and overseeing their implementation, and in general managing environmental affairs should, we believe, relate to a Congressional organization appropriate to the task. At present several committees of both Houses of the Congress have jurisdictions that relate to environmental matters. And, while we would not presume, of course, to suggest a reorganization of Congressional committees, we do *recommend* formation of a joint committee of the Congress, comprised of the chairmen and ranking minority members of the relevant committees of both Houses, which would provide a much-needed focal point for the informed discussion of environmental affairs.

Such a joint committee would provide an open forum for annual hearings relating to the President's report, in which the important issues would be discussed and debated in public. This would, of course, in no way impinge on existing jurisdictions relating to appropriations or other Congressional activities.

An annual report on the environment requires in turn that there be annual committee hearings in which the views and recommendations in the report become the subject of analysis and debate. These annual hearings would serve as a national forum on environmental policy and would be a significant element of a strategy aimed at meaningful environmental improvement over the long term.

Hearings will not adequately serve this purpose if they continue to be held piecemeal, as they are at present, by the several committees having jurisdiction over special-purpose programs relating to the environment. There will, however, be an on-going need within the standing legislative committees to continue to deal with specific legislative proposals within their jurisdictions. It seems to us highly desirable that there will be, in addition, regular annual public forums in Congress directed to broad consideration of the President's report.

Mr. TRAIN. At the risk of making suggestions to the Congress as to how it should conduct its affairs, I think I can say for all three of us we think this is an excellent idea.

Senator MAGNUSON. Thank you, Mr. Chairman.

The CHAIRMAN. I am sure you understand we are working on such a joint nonlegislative committee, because if it became a joint legislative committee all other committees could retire. [Laughter.]

Any other questions?

The Chair will announce at this time we will go into executive session to vote on the nominations and to pass on the financial statements.

Mr. Train who has been nominated to be chairman of the Council of Advisers previously submitted a financial statement to the committee when he was being considered for confirmation as Under Secretary.

Mr. Secretary, it is my understanding that you have sold those investments which the committee discussed with you and which you and the committee agreed should be sold. Is that correct?

Mr. TRAIN. All of them have been, yes.

The CHAIRMAN. And there have been no new additions to your investments?

Mr. TRAIN. My recollection is that I have acquired no new securities since that date; I have not had time.

The CHAIRMAN. By that I don't mean no new investments, you may have bought a few things for your family and other matters, but I am talking about securities investments.

Mr. TRAIN. Yes.

The CHAIRMAN. Then you will be excused and we will review the financial statements of the other two gentlemen.

We will act on the nominations in the library.

Mr. Cahn and Mr. MacDonald.

(Whereupon, at 12:25 p.m., the committee went into executive session.)



